

Chapter 90

ZONING

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## ARTICLE I: IN GENERAL

**Section 90.001:** Purpose and objectives

In accordance with Illinois State Statute (65 ILCS 5/11-13-1 et seq.), this chapter regulates structures and land uses in order to preserve, protect and promote the public health, safety and welfare through implementation of the City's Comprehensive Plan. More specifically, this chapter is intended to assist in achieving the following objectives:

1. Encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;
2. Protect and enhance the character and stability of sound existing residential, commercial and industrial areas, and eliminate nonconforming uses and structures which are abandoned for one year;
3. Ensure the provision of adequate light, air and privacy for the occupants of all buildings;
4. Protect property from damage caused by fire, flooding, poorly controlled stormwater runoff, and adverse soil and topographical conditions;
5. Provide adequate and well-designed parking and loading space for all buildings and uses, and reduce vehicular congestion on the public streets and highways;
6. Guide the provision of water mains, sanitary sewers, electric lines, stormwater sewers and other utilities and services, and reduce the initial costs and future maintenance expenses thereof;
7. Provide for the efficient administration and fair enforcement of all the requirements set forth in this chapter; and
8. Clearly and concisely explain the procedures for obtaining variances, special use permits, amendments, and the like.

**Section 90.002:** Rules of construction

In the construction of these regulations, the provisions and rules of this Section shall be preserved and applied, except when the context clearly requires otherwise:

- a. Words used in the present tense shall include the future.
- b. Words in the singular number include the plural number, and words in the plural number include the singular number.
- c. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- d. The word "shall" is mandatory.
- e. The word "may" is permissive.
- f. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
- g. Unless otherwise specified, all distances shall be measured horizontally.

- h. The word "City" means City of Highland, Illinois.
- i. All distances shall be measured to the nearest integral foot; six inches or more shall be deemed one foot.
- j. Reference to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- k. A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.
- l. Any word or phrase which is defined in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

**Section 90.003:** Overlapping or contradictory regulations

Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by other provision of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.

**Section 90.004:** Unlawful uses

No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

**Section 90.005:** Conformity required

No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with this chapter. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with this chapter.

**Section 90.006:** Unlisted uses

Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Council, following consultation with the administrative official and the Zoning Board of Appeals, finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use by amending this chapter in accordance with zoning amendment procedures found in Sections 90-82 through 90-89 and the conditions stated in Section 90.201 Subsection 6. The Council's decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

**Section 90.007:** Future lots

Lots created after the effective date of the ordinance from which this chapter derives shall meet at least the minimum requirement established by this chapter.

**Section 90.008:** Access requirements.

No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street that conforms to the standards set forth in the City's Land Development Code.

**Section 90.009:** Front setbacks--For corner or through lots.

Every lot with multiple frontages, such as corner or through lots, shall meet the front setback requirements of the zoning district in which it is located on every side having frontage.

**Section 90.010:** Same--In certain built-up areas.

Except as specifically provided otherwise, in all residential zoning districts, and in the C-1 neighborhood business and C-2 central business districts, where lots having 50 percent or more of the frontage on one side of a street between intersections, that is, in one block, are developed with buildings, and the front setbacks of those lots do not differ by more than ten feet, the minimum required front setbacks on that block shall be the average of the existing front setbacks; provided, however, that in any built-up area, no front setbacks less than ten feet shall be permitted.

**Section 90.011:** Intrusions into yards.

The following may intrude into required yards without violating setback requirements:

1. Sills, beltcourses, window air conditioning units, window awnings, chimneys, cornices and ornamental features may project into a required yard a distance not to exceed two (2) feet.
2. Filling station pumps and pump islands may occupy required yards; provided, however, that they are not less than 15 feet from all lot lines.
3. Signs erected in accordance with the sign ordinance of the City.
4. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than 4 1/2 feet when so placed as not to obstruct light and ventilation.
5. Open, unenclosed porches, not glassed in, may extend ten feet into a front and rear yard.
6. Terraces which do not extend above the level of ground floors may project into a required yard, provided these projections be at least two (2) feet from the adjacent side lot line or easement.
7. No side yards are required where dwellings are erected above C-2 commercial structures.

**Section 90.012:** Prohibitions concerning easements.

Notwithstanding any other Section of this chapter, no building, accessory building, mobile home, garage, carport, kennel, sign, fence, or any other structure shall be built, constructed, erected, installed, kept, or used on, over, or under any express or implied utility easement or right-of-way that exists for public or utility purposes, including but not limited to electric easements, sewer easements, water easements, telephone easements, gas easements, drainage easements, streets, and rights-of-way, except:

1. That property owners may, at their own risk, plant shrubbery or hedges not reaching over four (4) feet in height at maturity or install fences on utility easement areas the right

being specifically reserved to the City to destroy such shrubbery, hedges or fences in the event that the City needs access to the said utility easement for the purpose of which it was granted unless the property owner provides an alternate method of access through the owner's property and if the alternate route of access is damaged or destroyed the obligation of restoration of such alternate access route shall be the property owner's responsibility, except that the City shall restore the same by grading, sodding, seeding or mulching said alternate access route at the City's expense.

2. In those instances where a surface driveway may be constructed across such utility easement in accord with any City ordinances governing construction of driveways, the lot owner assumes all responsibility to pay for repair and maintenance thereof, including but not limited to repair or replacement if the City undertakes any use of the utility easement allowed under the terms of the utility easement, and acknowledges the City's right to make any use of the utility easement allowed under the terms of the utility easement without any responsibility to or the consent from such lot owner other than as is required by the terms of the utility easement.

**Section 90.013:** Height limit exceptions.

The limits set forth in this division as to height of a building or structure shall not apply to a semiprivate or public service building, hospital, institution, agricultural building or a school all of which may be erected to a height not exceeding 110 feet, and churches may be erected to a height not exceeding 75 feet if the church is set back from each yard line at least one foot for each foot of additional building height not otherwise permitted in the district in which the building is built.

**Section 90.014:** Minimum requirements.

The Sections of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rule, regulation or ordinance, the most restrictive or that imposing the higher standards shall govern, except that if a Planned Unit Development is approved by the Council pursuant to Article III Division 10, the requirements and provisions of the approved planned unit development shall control.

**Section 90.015:** Definitions

The following words and terms, whenever they occur in this chapter, shall be construed as defined in this Section;

1. *Abandonment:* To discontinue one's use, rights, or interest in property. When the permitted or special use of a property has ceased and the property has been vacant for more than 12 months abandonment of use will be presumed.
2. *Accent.* An area covering no more than 10% of a building's surface area visible to the public.
3. *Accessory use:* Any structure or use that is:
  - a. Subordinate in size or purpose of the principal structure or use which it serves;
  - b. Necessary or contributing to the comfort and convenience of the occupants or the principal structure or use served; and
  - c. Located on the same lot as the principal structure or use served.

4. *Administrative official (Zoning Administrator):* The individual designated to administer this chapter, and who is responsible for enforcement of the requirements imposed by the ordinance codified in this chapter.
5. *Agricultural Operation:* Use of land where such land is devoted to the production of plants, animals or horticultural products, including forests and forest products; harvest and management; dairy farming; grazing and pasturage; truck gardening; bee keeping; the raising of crops, fruit and nursery stock; fish farms; fur bearing animal farms; and the harvesting, processing, packaging, packing, shipping, marketing and selling of products produced on the premises; incidental farm occupations; and such uses as machinery, farm equipment, and domestic repair and construction, excluding stockyards, agricultural processing plants, commercial feed lots and slaughter houses. Agricultural activity shall not include the removal of trees for the purpose of development or redevelopment or the removal of trees without replanting.
6. *Amortization:* The elimination of nonconforming street graphics over time in accordance with the procedures set forth in Article VIII.
7. *Appeal:* A procedure whereby any person aggrieved by any decision or order of the administrator in any matter related to the interpretation or enforcement of this Article may seek relief from the City Council.
8. *Assisted Living Facility:* Multifamily dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including community residences, group community residences, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.
9. *Automotive Service:* an establishment or place of business primarily engaged in automotive related sales or services. The following automotive use types shall be defined as follows:
  - a. *Automotive sales and lease:* An establishment or place of business primarily engaged in the sale and leasing of automobiles, vans and/or trucks less than two (2) tons, including incidental parking and servicing of vehicles available for sale or lease.
  - b. *Automotive rental agency:* An establishment or place of business primarily engaged in the rental of automobiles, vans and/or trucks less than two (2) tons, including incidental parking and servicing of vehicles available for rent.
  - c. *Automotive customizing shop:* An establishment or place of business that primarily provides after-sales services for automobiles, including the attendant retail sales of accessories for such automobiles, such as installation, conversion and modifications to the interior or exterior of automobiles.
  - d. *Automotive parts and supply store:* An establishment or place of business primarily engaged in the sale of merchandise that is associated with the use, repair or upkeep of automobiles, including service and installation, but excluding automotive repair shops.
  - e. *Automotive service station:* An establishment or place of business primarily engaged in gasoline or diesel fuel sales at retail for automobiles, recreation vehicles and motorcycles, and where in addition at least one of the following services is rendered: sale, replacement, or servicing of spark plugs, oil, water hoses, brake fluids,

- batteries, distributors, tires, carburetors, brakes, fuel pumps, or other automotive parts or accessories. Such use shall include establishments that provide express oil changes, and sell at retail and install new automobile audio and/or video equipment.
- f. *Automotive repair shop*: An establishment or place of business primarily engaged in the repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, transmissions, glass, and engines or engine parts, but excluding dismantling or salvage.
- g. *Automotive Paint or Body Shop*: The use of a building or premises for the repair of automotive bodies and/or major mechanical works, straightening of body parts, painting, welding, or storage of automobiles not in operable condition.
- h. *Automotive tire store*: An establishment or place of business primarily engaged in the sale of tires and services relating to the repair or purchase of tires for automobiles.
10. *Awning*. A sloped projection made of canvas or other non-rigid material, stretched over a frame and extended over a doorway or window. The awning is supported entirely from the exterior wall of the building and provides protection from the weather.
11. *Bar or Tavern*: An establishment or place of business primarily engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises with a city and state approved liquor license, including taverns, bars, cocktail lounges, and similar uses in which over 50% of the total revenue is generated from alcoholic beverages.
12. *Bed and Breakfast*: An establishment or place of business that is a private, owner-occupied residence with one (1) to three (3) guest rooms in which lodging and meals are provided for time-limited durations to not more than three (3) groups of patrons in a 24-hour period.
13. *Billboard*: Any single or double faced street graphic that is permanently fixed or placed on particular premises and that is used for the display of messages or advertising not associated with the establishment located on said premises. A billboard typically has provision for changing the message/advertising thereon.
14. *Board*: The Zoning Board of Appeals established in Article II, Division 2.
15. *Buildable area*: The portion of a lot remaining after required yards have been provided.
16. *Buildable width*: The width of a lot left to be built on after the side yards are provided, and width of easements are deducted.
17. *Building*: Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, and not including advertising signs, Boards, fences or mobile homes.
18. *Building height*: The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges of gable, hip or gambrel roofs. Chimneys, towers, cooling towers and similar projections, other than signs, shall not be included in calculating building height.

19. *Bulk sales*: The sale of items that are unpackaged or loose not intended to be sold individually, such as rock, mulch and fertilizer.
20. *Business or Vocational School*: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zoning district. Incidental instructional services in conjunction with other primary use shall not be considered a business or vocational school.
21. *Changeable copy sign*: A sign which has provision for changing the message thereon either manually or electronically.
22. *Co-Branding (co-branded establishment)*: The pairing of two nationally branded businesses in a single establishment. The most common co-branded developments consist of a fast-food restaurant franchise and a major branded fuel station. Co-branded facilities may also contain as a planned use a convenience store, car wash, ATM machine or drive through service. Parking, signage, landscaping and design continuity shall be in accordance with the City's minimum requirements.
23. *Community Center*: A public building to be used as a place of meeting, recreation , or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed.
24. *Community Residence*: A single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of no more than six (6) unrelated persons with disabilities, illnesses or injuries plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities, illnesses or injuries are present at the dwelling; and complies with the zoning regulations for the district in which the site is located. (See also Group Community Residence)
25. *Construction Sales and Service*: An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, and the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction contractors' storage yards and construction equipment rental establishments.
26. *Convalescent Care*: An establishment providing bed care and inpatient services for persons needing regular medical attention, but excluding facilities for the care and treatment of mental illness, alcoholism, narcotics addiction, emergency medical services or communicable disease. Typical uses include nursing homes.
27. *Convenience Store*: An establishment or place of business primarily engaged in the retail sale of gasoline or diesel fuel at fuel pumps and a limited number of products related to automobile maintenance, along with, packaged food, cold drinks, tobacco products and household convenience goods. This use shall not include liquor stores, automobile repair facilities or those uses allowed at an Automotive Repair Shop.
28. *Cornice*. An ornamental topping that crowns the structure it is on.
29. *Corrective action order*: A legally binding order to effect compliance with this Article, issued by the administrator in accordance with the procedures set forth herein.

30. *Dance Hall*: A business or establishment that offers, for its patrons, dancing accommodations exceeding 20% of the total floor area of the establishment. Uses shall include nightclubs, private clubs or other uses offering dancing accommodations for patrons of any age.
31. *Day Care, Home*: A family home occupied by the day care provider in which family-like care is given to no more than eight (8) persons not related to the day care provider, for any part of the twenty-four (24) hour day, without overnight stays.
32. *Day Care, Commercial*: A building occupied by a day care provider that receives more than (8) eight persons for care for any part of a twenty-four (24) hour day, without overnight stays.
33. *Drive-in and Drive-through*: An establishment where the product or service is delivered to customers in motor vehicles either parked nearby or directly through a window.
34. *Dry Cleaning and Laundry Pick-up*: An establishment or business maintained for the pick-up and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.
35. *Dry Cleaning Plant*: An establishment that is primarily engaged in the large-scale washing or cleaning of laundry, rugs and similar materials. This definition does not include laundromats or dry cleaning pick-up stations.
36. *Dwelling*: A building or portion thereof designed exclusively for year-round residential occupancy, including one-family and two-family, but not including manufactured homes, mobile homes, automobile house trailers, hotels, motels, boarding houses, resort cabins, clubs, hospitals or similar uses.
  - a. *Multifamily (Apartment)*: A building or portion of a building designed for or occupied by more than two (2) families living independently of each other and being located on a single lot under common ownership.
  - b. *Condominium*: A single dwelling unit under individual ownership within a multifamily structure and located on a lot having common ownership. A structure containing two condominiums shall be considered a two-family dwelling and a structure with more than two condominiums shall be considered a multifamily dwelling.
  - c. *Loft*: A dwelling unit placed between the roof and the uppermost story of a nonresidential or mixed-use building.
  - d. *Two-Family (Duplex)*: A building designed for or occupied exclusively by two (2) families living independently of each other and being located on a single lot under single ownership. Each unit shall have direct access to the outside with no shared hallways or lobbies.
  - e. *Single-Family*: A building designed for or occupied exclusively by one family.
  - f. *Single-Family Attached Dwelling (Villa)*: Single family dwellings sharing a common wall but situated on separate lots that are owned and occupied exclusively by separate parties.
37. *Dwelling unit*: One or more rooms constituting all or part of a dwelling which are used exclusively as living quarters for one family and contain a bathroom and kitchen facilities.
38. *Easement*: A right or privilege to use a portion of another's property for a particular purpose.

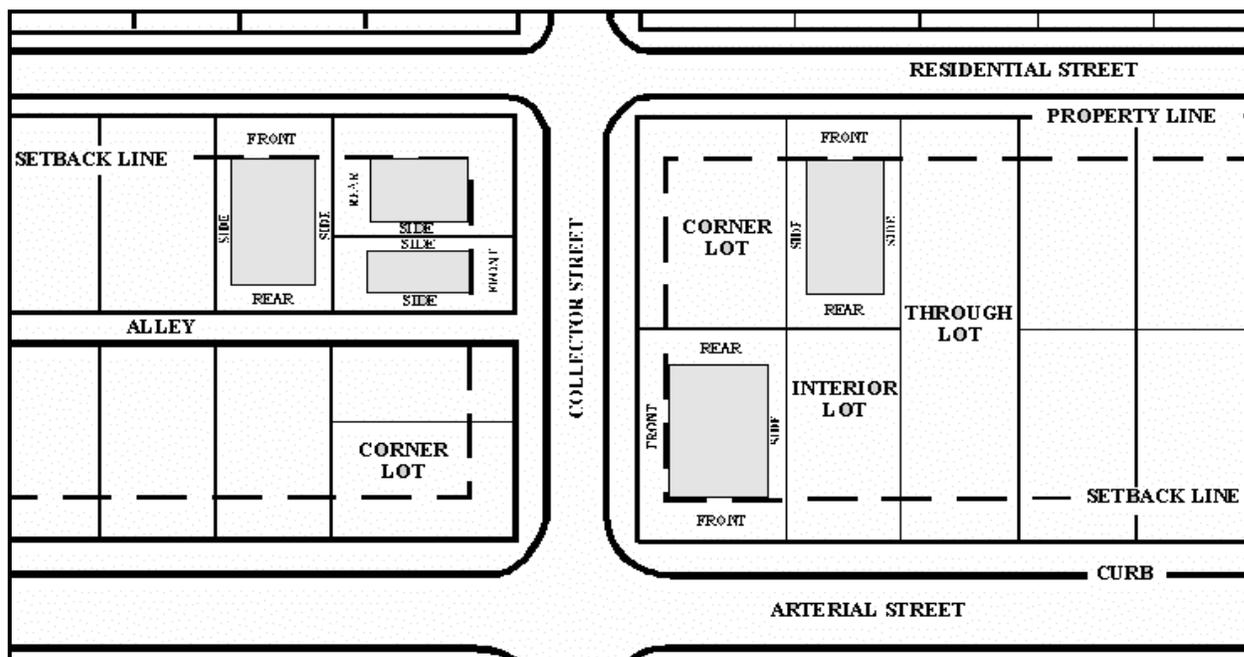
39. *Engineer*. A professional engineer registered in the State of Illinois.
40. *Fascia*. The exposed vertical edge of a roof.
41. *Family*: One person, two or more persons related by blood, marriage or legal adoption, or not more than three unrelated persons maintaining a common household in a dwelling which does not involve paid professional staff for the purposes of rehabilitation or convalescence.
42. *Fence, Sight proof*. A fence with an opaque value of seventy percent (70%) or greater.
43. *Financial Services*: An establishment that primarily performs central banking functions (such as issuing currency, managing national money supply and international reserves, and acting as fiscal agent for the central government) and accepts deposits (or share deposits) and lends funds from these deposits, and may include these services to patrons and customers through an accessory drive-through when permitted as a special or planned use. Financial Services do not include pawn shops, businesses primarily engaged in check cashing or issuing money orders or title loan establishments or other businesses offering short-term consumer loans secured by personal property, certificates of title to such property estimated tax refunds or other such collateral. These uses are prohibited money changing/money brokering uses. See also "payday loan establishments".)
44. *Floor area, commercial, industrial*: The total of all square feet of floor space per floor within the outside walls of a commercial or industrial building.
45. *Floor area ratio*: The square-foot floor area of the building divided by the square-foot area of the lot.
46. *Floor area, residential*: The total of all square feet of floor space per floor within the outside walls of a building. Residential floor area does not include porches, garages or basements, cellars or attics when such basements, cellars, or attics are used for storage or incidental uses.
47. *Flush-mounted sign*: Any sign attached to or erected against any wall, awning, canopy, or marquee with the exposed face of said sign in a place approximately parallel to the plane of the wall, etc. and not projecting more than 18 inches. Such signs shall not be painted directly on any exterior wall or roof.
48. *Food Store (Grocery Store)*: An establishment where food and prepackaged beverages are sold on-site for consumption off-site. A limited amount of food preparation on-site may also be allowed, such as a delicatessen or bakery.
49. *Freestanding sign*: Any sign supported by one or more uprights, poles, or braces in or upon the ground in a permanent manner.
50. *Frieze*. The plain or decorative band or board located just below the storefront cornice.
51. *Frontage*: All the property on the side of the street or highway which consists generally of the narrow dimensions of abutting lots and to which buildings are faced for principal entrance.
52. *Garage or carport*: A detached accessory building or portions of a main building housing the automobile owned by the occupant of the premises, but not commercial vehicles over the equivalent of a C class state license plate registration.

53. *Garage sale:* A sale or offering for sale to the public of new or used merchandise conducted on a lot containing a residential dwelling or within a residential zoned district.
54. *Garden Center:* A retail establishment that sells gardening supplies, landscaping tools, plants, shrubs, trees and associated products. Uses shall include green houses, garden centers and plant nurseries.
55. *Government/Public Buildings:* Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies, police, fire and utility billing offices.
56. *Group community residence:* A single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of seven (7) to fifteen (15) unrelated persons with disabilities, illnesses or injuries, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities, illnesses or injuries are present at the dwelling and complies with the zoning regulations for the district in which the site is located.
57. *Handicap parking space:* A parking space reserved for a natural person who is unable to walk 200 feet or more unassisted by another person or without the aid of a walker, crutches, braces, prosthetic device, or a wheelchair or without great difficulty or discomfort due to the following impairments: neurologic, orthopedic, respiratory, cardiac, arthritic disorder, blindness or the loss of function or absence of a limb or limbs. All handicap parking spaces must meet the design and required number of space specifications as dictated by the state accessible handicap parking regulations.
58. *Home occupation:* An accessory use conducted in a single-family dwelling which is (a) clearly incidental and secondary to the use of the dwelling, and does not change the character of the dwelling; and (b) of which there is no indication from the exterior that the dwelling is being utilized in whole or in part for any purpose other than a dwelling. Home Occupations shall require a Special Use Permit.
59. *Hotel or motel:* A structure which contains rooms furnished for the purposes of providing lodging to the public as a place where sleeping accommodations are sought for pay or compensation by transient guests for periods of not more than 28 consecutive days; and having more than two bedrooms furnished for the accommodation of such guests.
60. *Immobilize:* To remove permanently the wheels, tongue, and hitch from a mobile home or to place any mobile home on a permanent foundation.
61. *Industrial:* The manufacture, fabrication, processing, reduction or destruction of any Article, substance or commodity, or any other treatment, in such a manner as to change the form, character or appearance or add value to the final product. This category shall include but is not limited to those businesses which produce noise, odors, or create a visual image that would be disruptive to the community if located in another district. These businesses shall not be detrimental to the public health, safety or general welfare and shall provide adequate safeguards to protect the general public.
62. *Institution:* A building occupied by a non-profit corporation or a non-profit establishment but not including Places of Public Assembly.
63. *Junkyard:* a tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling or handling waste or

- scrap materials. Such scrap materials include vehicles, machinery and equipment not in operable condition or parts thereof, and metals, glass, paper, plastics, rags and rubber tires. A lot on which three or more inoperable vehicles are stored shall be deemed a junkyard. A junkyard includes an automobile wrecking yard.
64. *Kennel, Commercial:* An establishment where four (4) or more small animals at least four months old are boarded for compensation, or where animals are bred or raised as a business.
65. *Light* means having relatively little weight, small in capacity, 10,000 pounds or less; not more than ten full-time employees (exclusive of managers, clerks, and drivers) engaged in the manufacture, processing or treatment of products.
66. *Liquor store:* An establishment or place of business primarily engaged in retail sale for consumption off the premises of alcoholic beverages. Uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
67. *Loading space:* As an off-street space or berth, located within a building or on the same lot as a building, for pickup and delivery vehicles.
68. *Lot:* A parcel of land lawfully platted in accordance with the City of Highland Land Development Code. Provided, however, that where there exists real property within the City which has not been subdivided, then Lot (sometimes Zoning Lot) shall be defined as a parcel of land under common ownership occupied or intended for occupancy by a use permitted in this ordinance, including one main building, together with its accessory buildings, the yards, parking and loading spaces required herein and having its principal frontage upon a street.
69. *Lot Area:* The total horizontal area within the boundary lines of a lot.
70. *Lot, Corner:* A lot abutting upon two or more streets at their intersection.
71. *Lot Depth:* The mean horizontal distance between the front and rear lot lines.
72. *Lot, Double Frontage:* A lot having frontage on two (2) non-intersecting roads; as distinguished from a corner lot. This definition shall include through lots.
73. *Lot Frontage:* The front of a lot that is the portion near the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of the lot adjacent to a street shall be considered frontage, and yards shall be provided as indicated under "Yard" in this chapter.
74. *Lot, Interior:* A lot other than a corner lot whose sides do not abut upon any street.
75. *Lot types:* Corner lots, interior lots, through lots, and reversed frontage lots:
- a. *Corner lot* means a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the farthest point of the side lot lines to the farthest point of the lot meet an interior angle of less than 135 degrees.
  - b. *Interior lot* means a lot other than a corner lot with frontage on only one street.
  - c. *Through lot* means a lot other than a corner lot with a frontage of more than one street.

- d. *Reversed frontage* lot means a lot on which the frontage is at right angles or approximate right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

Figure 1.1 - Lot Types and Setbacks



- 76. *Lot Coverage*: The percentage of a lot or parcel which is, or will be, covered by the principal structure(s) and accessory structure(s). Lot coverage shall include all uses governed by a building permit, including but not limited to, above ground pools, in-ground pools, decks, covered patios, garages (detached and attached), sheds, car ports, porches and other similar items.
- 77. *Lot of Record*: A lot which is part of a subdivision and having a plat that has been recorded in the office of the Recorder of Deeds or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds prior to the adoption of this ordinance.
- 78. *Luminaire*. A complete lighting system, including a lamp or lamps and a fixture.
- 79. *Manufacturing*: An economic activity involving the mechanical or chemical transformation of materials or substances into new products including the assembly of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resins, or liquors, at a scale and intensity that is compatible with the surrounding uses and the intent of the City's I District.
- 80. *Manufactured Home*: A structure which bears a seal indicating compliance with the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. § 5403, and constructed on or after June 15, 1976.
- 81. *Marquee* means any canopy made of durable materials that is a permanent fixture of the building to which it is attached.

- 82. *Massage establishment (Therapeutic):* An establishment licensed by the State of Illinois that offers therapeutic massage. The definition does not include establishments that offer illicit sexual services under the guise of therapeutic massage.
- 83. *Manufactured home park:* A parcel not less than five acres in area in single ownership/control, developed with facilities for accommodating occupied manufactured homes in accordance with the requirements of the mobile home park ordinance codified in Article III Division 9 of this Code.
- 84. *Mini-warehouse (self-storage):* A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.
- 85. *Mobile home:* A transportable structure larger than 320 square feet in floor area, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction on June 15, 1976.
- 86. *Mobile/portable marquee:* A term commonly used to mean any street graphic not designed to be permanently attached to a building or part hereof or to be anchored to the ground. Such street graphics primarily include but are not limited to signs attached to wood or metal frames designed to be self-supporting poles; etc.
- 87. *Modular Home:* A manufactured residential structure built to a nationally recognized and accepted construction standards published by the International Code Council (ICC) and is inspected and certified at the factory so that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures, as required of a manufactured home-residential design, and shall be permanently situated on a concrete foundation

Figure 1.2 - Modular Home



Residential Character:	Architectural Details:	Modular Features:	Permanent Features:
Pitched Roof	Eave Projection	Modular Units Delivered to Site	Walkway and Stairs
Covered Entry	Varying Depths	Limited Dimensional Design	Formal Landscaping
Enclosed Garage	Ornamental Windows	Slab Foundation	Use of Masonry

- 88. *Modular structure:* A factory-fabricated, transportable building unit designed to be incorporated at a building site on a permanent foundation into a structure to be used for non-residential purposes.

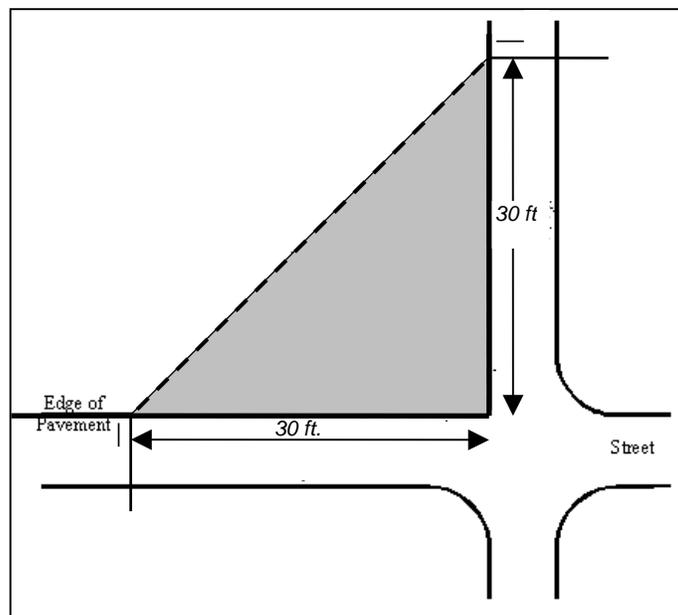
89. *Molding*. A decorative wood or stone contour or band, used in exterior and interior architectural elements.
90. *Nonconforming*, as applied to a lot, structure, or use, means:
- Lawfully existing on the effective date of the ordinance from which this chapter derives; but
  - Not in compliance with the applicable sections thereof.
91. *Nonconforming street graphic*: Any street graphic which existed on the effective date of this Article (or amendment thereto), but which code does not comply with the regulations set forth herein.
92. *Office, General*: An establishment providing executive, management, administrative or professional services, but not medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.
93. *Open space*: Any parcel of land or water essentially unimproved or otherwise devoid of structures and paved areas set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.
94. *Outdoor display area*: A portion of a property outside of any building where merchandise, goods or other items are placed in public view for the purpose of direct sale or lease to customers.
95. *Outdoor storage*: The keeping in an unroofed, open area of any goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.
96. *Parking lot, commercial*: Area used or intended to be used for off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.
97. *Parcel*: A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.
98. *Parking space*: An area ten (10) feet wide and twenty (20) feet in length constructed of concrete or asphalt concrete used for the short-term storage of automobiles.
99. *Pawnbroker or Pawnshop*: Any business that lends money on deposit of personal property or deals in the purchase of possessions of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.
100. *Payday / Title Loan Establishment*: An establishment that engages in transactions in which a short-term cash advance is made to a consumer in exchange for a customer's post-dated check in the amount of the advance plus a fee, or in exchange for a consumer's authorization to debit a transaction account in the amount of the advance plus a fee at a designated future date. Uses include check-cashing stores. The classification does not include a state or federally chartered bank, savings association, credit union, or industrial land company. Further, this classification does not include

- establishments selling consumer goods where the cashing of checks or money orders is incidental to the main purpose of the business.
101. *Pennant*: A long tapering flag, usually triangular in shape.
  102. *Personal Services*: An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barbershops, shoe repair shops, and tailor shops.
  103. *Pier*. An upright structure of masonry to serve as a principal support, whether isolated or part of a wall.
  104. *Places of Public Assembly*: A facility maintained by a not-for-profit community or neighborhood association, religious institution, or by a public agency or political subdivision primarily as a community gathering place for members or other people for the social, educational, spiritual or religious needs of the community or neighborhood. Such use may include community buildings, auditoriums and gymnasiums (including those accessory to schools or other primary uses), churches, temples, synagogues and other places of worship. However, a place of public assembly shall not include an undertaker's chapel, funeral building, a religious educational institution, parochial or other school, day care center, shelter for the homeless, or other similar social service use. Such uses shall be considered permitted accessory uses to the place of public assembly, and shall only be permitted within those districts where they are reflected in Table 3.1, as well as subject to those supplemental regulations set forth in this Chapter applicable to such uses.
  105. *Planned unit development*. A tract of land which is planned as a whole for development under single ownership for control in accordance with the planned unit development procedures herein, and which, by virtue of such unified planning and development, provides greater amenities, convenience, or other benefits, especially open space, than would normally be had through the development of diverse smaller tracts under multiple ownership. A planned unit development may contain one type of use or a variety of uses.
  106. *Premises*: Any lot plus all the structures and uses thereon.
  107. *Private clubs and lodges*: An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are conducted for profit.
  108. *Projecting sign* means any sign, which is supported by any exterior wall of a building or suspended beneath any awning, canopy, or marquee with the exposed face of said sign in a plane approximately perpendicular to the plane of the wall, etc., and projecting more than 18 inches.
  109. *Pole Barn*: A typically metal clad structure most often utilizing wooden poles and trusses for support with unfinished, insulated interiors. Such structures are normally used for agricultural operations, for construction trade storage, or for general storage and not intended for human habitation.
  110. *Portico*. A roofed entrance porch, often supported by columns or pillars.

111. *Public Parks and Recreation*: A park, playground or community facility, owned by or under the control of a public agency or homeowners' association that provides opportunities for active or passive recreational activities.
112. *Recreation Vehicle*: Any of the following vehicles which are licensed for travel on the highway:
- Travel trailer*: a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation, or one permanently identified as a travel trailer by the manufacturer of the trailer;
  - Pick-up coach*: a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation;
  - Motor-home*: a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle; and
  - Camping trailer*: a canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use.
113. *Repair Service*: An establishment primarily engaged in the provision of repair services to individuals and households, but excluding "Vehicle Repair" services. Typical uses include appliance repair shops.
114. *Restaurant, Fast Food*: A use primarily engaged in the sale of food and non-alcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.
115. *Restaurant, General* means a building wherein food is prepared and served in ready to eat form to the public for human consumption. The term restaurant shall include cafe, cafeteria, grill, pizza or chili parlor, diner, snack shop, hamburger shop and steak house.
116. *Retail Sales and Service Retail* refers to the sale of commodities and services directly to customers, when such commodities and services are used or consumed by the customer and not purchased primarily for the purpose of resale.
117. *Retail Sales & Service*: an establishment engaged in the sale or rental of goods and services, including, but not limited to, antique shops, apparel and accessory stores, art and supply stores, bicycle shops, book and stationery stores, candy and ice cream stores, cigar and tobacco stores, dressmakers and tailors, flower and gift shops, hobby shops, interior decorators, jewelry stores, key shops, leather goods and luggage stores, music instrument sales and repair, photocopying services, shoe repair and shoe shine stores, sporting and athletic goods, toy stores and department stores; excluding uses more specifically defined.
118. *Roof line*: The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette, on the side of the building where the street graphic is located.
119. *Setback, principal building*: The distance that is required by this zoning ordinance to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. (See Figure 1.1 Lot Types & Setbacks)

120. *Shopping center identification sign*: Any sign identifying a building or group of buildings that provides common off-street parking facilities, and that is occupied by two or more retail sales establishments.
121. *Signs* means any object, device, display, structure, or surface or part thereof that is used to advertise, identify, display, or attract attention to any object, person, institution, organization, business, project, service, or event related to the premises on which the sign is situated by any means including words, letters, figures, designs, symbols, fixtures, colors, or illumination.
122. *Sign area* means the area of the one imaginary square or rectangle that would completely enclose all parts of a sign including the background.
123. *Sign area allowance* means the total of the areas of all signs that a particular establishment is permitted to display under the terms of this Article.
124. *Sight distance triangle*: The area bounded by the street right-of-way lines of corner lots and a line joining points along said street lines thirty (30) feet from their points of intersection. Nothing shall be erected, placed, planted, or allowed to grow within this triangular area in a manner as to materially impede vision between a height of 2-1/2 feet and 8 feet above the grades of the outside edge of the street surface of the intersecting surfaces. These requirements shall also apply to driveways serving development off collector and arterial roadways The Director of Public Works may establish different sight triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO).

Figure 1.3 - Sight Distance Triangle



125. *Special street graphic permit*: A permit by the City Council in accordance with the provisions of this Article to regulate the design and placement of street graphics in areas of special controls.

126. *Special use*: A use that has unusual operational, physical or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by a special use permit.
127. *Special use permit*: a permit issued in accordance with this chapter to regulate development of a special use.
128. *Stable, Commercial*: Any building where horses, mules or ponies are sheltered, fed, and/or kept for hire.
129. *Stable, Private*: A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire, or sale.
130. *Storefront*. Street-facing façade area below the floor plane of the second floor.
131. *Street Hardware*. Objects other than buildings, structures, and plantings, located in streets and public ways and outside of buildings. Examples are lampposts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letterboxes, and fire hydrants.
132. *Streetscape*. The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.
133. *Street graphic*: Any on-premises identification or advertising sign, or any billboard or off-premises advertising sign, visible from the public right-of-way or from any parking area used by the general public.
134. *Street graphic permit*: A permit issued by the administrator to regulate the erection, expansion, alteration, relocation, or reconstruction of street graphics in all parts of this municipality except in areas of special controls.
135. *Street Line* : the right-of-way line of a street.
136. *Street Network*:
  - a. *Arterial Street*: A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits and curb uses.
  - b. *Collector Street*: A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
  - c. *Local Street*: A minor street, which provides direct access to abutting land and local traffic movement whether in business, industrial, or residential areas.
137. *Strobe light* means a device that utilizes a flash tube for high-speed illumination.
138. *Structure* means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences, poles, lines, cables, or other transmission or distribution facilities of public facilities, or walls used as fences less than six feet high.

139. *Temporary Uses* are uses which are only allowed for a specified period of time. Typical temporary uses include, but are not limited to, Christmas tree sales, garage sales, road stands, etc.
140. *Transom*. A window above an opening such as a door or window built on a horizontal crossbar; often hinged on the top to swing open for ventilation.
141. *Use*: The purpose or activity for which land or a structure thereon is designated, arranged, intended, occupied or maintained.
142. *Utility substation*: A secondary utility facility, such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.
143. *Variance*: A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.
144. *Wall Sign*. A sign that is in any manner affixed to or painted onto any exterior wall of a building or structure or etched into exterior glass of a building or structure and that projects not more than 18 inches from the building or structure, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.
145. *Warehousing and Wholesale*: An establishment primarily engaged in the storage or sale of materials, equipment, or products or sale to wholesalers or retailers. Typical uses include cold storage, warehousing and dead storage facilities, but exclude "Residential Storage Warehouses" and sale of goods to the general public.
146. *Window sign*: Any sign visible from the exterior of the building which is painted on, affixed to, or suspended immediately behind a window. A permanent window sign is one that is intended to remain on display for thirty days or more; a temporary window sign is one that is intended to remain on display for a shorter time period.
147. *Yard*: An open space not occupied or obstructed by any structure or portion of a structure, except fences.
148. *Zoning District*: A section of the Zoning Area for which uniform regulations governing the use, height, area, size, and intensity of use of structures, land, and open space are herein established.
149. *Zoning Regulations*: The requirements stipulated in the regulations herewith attached, and shall mean the lawfully adopted zoning ordinances of the City of Highland.

**Section 90.016—Section 90.035:** Reserved

## ARTICLE II: ADMINISTRATION AND ENFORCEMENT

## DIVISION 1: GENERALLY

**Section 90.036:** Zoning administrator-- powers and duties

An administrative official designated by the City Council shall administer and enforce this Chapter. Such official may be provided with the assistance of such other persons as the City Council may direct. All questions of interpretation and enforcement of this chapter shall first be presented to the administrative official. If the administrative official finds that any of the Sections of this Chapter are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of alleged use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions or alterations; and shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its Sections.

**Section 90.037:** Complaint of violation

Any neighboring resident or other interested citizen reporting an alleged violation of this chapter shall file a complaint in writing. Such complaint shall state fully the cause and basis of the complaint, citing the specific sections of this chapter where possible.

**Section 90.038:** Violation notification & procedures

When the administrative official observes a violation of this chapter, he shall post a zoning violation notice on the structure in question, and inform the owners and occupants of the alleged violation. If the violation is not corrected within 20 days after the first notification, the administrative official shall send a second notification. If corrective action is not taken within 10 days after this notification, the proper officers of the City may institute any appropriate action or proceedings to:

1. Prevent the unlawful erection or construction;
2. Restrain, correct or abate the violation;
3. Prevent the occupancy of the structure; or
4. Prevent any illegal act, conduct, business or use in or about the premises.

**Section 90.039:** Violations; general penalty.

1. Any person violating any of the city ordinances or failing to comply with any of the mandatory requirements of the city ordinances shall be guilty of an ordinance violation. Except when a different punishment is prescribed by any city ordinance, any person convicted of an ordinance violation under the city ordinances shall be punished by a fine of not less than \$50.00 and not more than \$750.00.
2. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of a city ordinance is committed, continued or permitted by any such person and shall be punished accordingly.

3. Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

**Section 90.040:** Development rights

1. Development rights for residential land shall vest upon recording of the final plat for such land. Therefore, a final plat shall be recorded prior to any development activity or improvements to any property within the City's residential districts. If construction has not begun within one (1) year of recording the plat, the development rights shall expire unless an extension is granted.
2. For all non-single-family development, development rights for land shall vest upon the recording of a final plat or approval of the site plan or specific construction documents for such land. If all permits required for such development have not been issued and the start of construction and the completion of substantial amounts of work under the validly issued permits has not begun within one year of approval of the site plan, the development rights shall expire unless an extension is granted.
3. The Planning Commission may for good cause as presented by the applicant grant a single extension of development rights. Development rights for single-family development shall not be extended for more than one year. For all non-single-family development, an extension of not more than 6 months may be granted. Applicants seeking an extension shall submit a statement in writing, justifying the extension. In considering an extension, the Planning Commission shall consider the following factors, as well as other relevant considerations:
  - a. Undue or unnecessary hardship placed upon the property owner;
  - b. The extent to which the current regulations would hinder to complete development;
  - c. Extent to which the property can be made to conform with current regulations; and
  - d. Conformance with the general spirit and intent of this Chapter and the City's Land Development Code.
4. Nothing in this Section shall be construed to exempt development from the provisions of this Chapter or the City's Land Development Code except to the extent that the construction or development is expressly shown on the approved final plat or site plan. For example, the right to complete a building in accordance with previously-approved site plans shall not include the right to make other site improvements in accordance with such plan unless such improvements were expressly shown on the plans and cannot, as shown, be revised to conform to the provisions of the Zoning Regulations as amended.

**Section 90.041:** Severability

It is the City's intention that the sections, subsections, paragraphs, sentences, clauses and phrases of this Chapter are severable, and if any section, subsection, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, the unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Chapter.

**Section 90.042—Section 90.049:** Reserved

## DIVISION 2: ZONING BOARD OF APPEALS

**Section 90.050:** Established; statutory authority

The Zoning Board of Appeals of the City of Highland has been previously established in accordance with Illinois State Statute (65 ILCS 5/11-13-3).

**Section 90.051:** Membership, appointment, organization and compensation

The Zoning Board of Appeals shall consist of seven (7) members, all of whom shall maintain residency and reside within the City. Each Board member shall be appointed by the Mayor with the advice and consent of the City Council. One of the members so appointed shall be named as chairman at the time of his appointment. Each Board member shall receive for his service such compensation, if any, as is determined from time to time by the Council.

**Section 90.052:** Term of office and vacancy-filling procedure

Each member of the Zoning Board of Appeals shall hold office for five (5) years from the date of his appointment, and until his successor has been selected and qualified. With the advice and consent of the Council, the mayor may remove any member of the Zoning Board of Appeals for cause, after a public hearing. Vacancies on the Board shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

**Section 90.053:** Meetings; rules of procedure; chairman's powers; quorum

All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with this chapter and the applicable state statutes. The Board may select such officers as they deem necessary. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. Four members of the Board shall constitute a quorum, and the affirmative vote of at least four members shall be necessary to authorize any Board action.

**Section 90.054:** Record of proceedings

The Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or decision of the Board shall be filed immediately in the Board's office, and shall be a public record.

**Section 90.055:** Reserved

## DIVISION 3: APPLICATIONS, PERMITS AND FEES

**Section 90.056:** Application of regulations

No structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations.

**Section 90.057:** Pre-application conference

A pre-application conference with the Administrative Official or his designee shall be required prior to submission of any application for a rezoning, special use permit, site plan, variance or preliminary plat. The purpose of this conference is to:

1. Acquaint the applicant with the procedural requirements of this Chapter;
2. Provide for an exchange of information regarding applicant's proposed development and the regulations, restrictions and requirements of this Chapter, the Comprehensive Plan and other development requirements;
3. Advise the applicant of any technical studies or public sources of information that may aid the application;
4. Identify policies and regulations that create opportunities or pose significant restraints for the proposed development;
5. Review any proposed concept plans and consider opportunities to increase development benefits and mitigate undesirable project consequences;
6. Review whether the application is compatible with adjacent proposed or existing development.

**Section 90.058:** General application requirements.

Unless otherwise indicated in this Chapter or by the Administrative Official, all applications shall contain or be accompanied by the following items and materials:

1. Date prepared;
2. Name, address and telephone number of the applicant and the name, address and telephone number of the landowner if different than the applicant;
3. Affidavit or other proof of ownership;
4. Name, address and telephone number of all persons preparing any technical studies, maps, drawings and documents submitted with the application;
5. Accurate legal description of the property for which the application is submitted;
6. Any technical studies that may be required by the Administrative Official pursuant to this Section;
7. Statement regarding adequate public facilities and services for the proposed development; and
8. Small key map with north arrow indicating the location of the property within the City.

**Section 90.059:** Submission of technical studies

The Administrative official, Planning Commission or City Council may require applicants to submit any technical studies deemed necessary to enable the appropriate person or entity to fully evaluate the application. Examples of technical studies that may be required shall include, but not be limited to, traffic studies, engineering studies, geologic or hydrologic studies, flood studies, environmental impact assessments, noise studies, or surface water management. The persons or firms preparing the studies shall be approved by the Administrative official. The costs of all studies shall be the responsibility of the applicant.

**Section 90.060:** When applications deemed complete

No application shall be deemed complete until all items required to be submitted by this Chapter have been submitted. Upon receipt of a complete application, the Department shall note the filing date on the application and shall make a permanent record thereof. If the applicant fails to submit required elements, the application will not be considered complete, the application shall not be processed, and the filing, notification and advertising process established by this Chapter will not begin until all required elements have been submitted in the form required by this Chapter.

**Section 90.061:** Site plan review-intent

The City of Highland recognizes that the very nature of land development creates potential for traffic congestion, overcrowding, adverse visual environmental impacts, and health problems. The City seeks to ensure that any location that must accommodate intense urban use shall be subject to Site Plan Review by the Planning Commission. Site plan reviews shall help ensure that the meaning and intent of the Comprehensive Plan and Zoning Regulations, and all portions thereof, are fully complied with. The Site Plan Review regulates the development of structures and sites in a manner that considers the following concerns:

1. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
2. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
3. The protection of historic and natural environmental features on the site under review, and in adjacent areas; and
4. The stability of the built environment—particularly neighborhoods—by promoting urban development that is compatible with clearly identified natural resources.

**Section 90.062:** Site plan- when required

The Planning Commission may waive the site plan review requirements and procedures. All Single Family dwellings and non-residential structures or additions less than 2,500 square feet are excluded from the site plan review requirements. The following developments shall be subject to the site plan review requirements contained herein:

1. All new uses or changes in use in the City's "C-1" Neighborhood Commercial District shall require site plan review.
2. All non-residential structures or additions over 2,500 square feet.

3. All redevelopments in which 50% or more of the structure is altered shall also be subject to the Site Plan Review procedures.

Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which Site Plan Review is applicable, unless Site Plan Review approval has been granted by the administrative official.

**Section 90.063:** Site Plan- review procedures

1. Pre-Application Conference: Prior to application, a pre-application conference shall be held pursuant to Section 90.057.
2. Staff Review: Following application submittal, site plan reviews shall be performed by the administrative official, or his designated appointee(s), and all other department heads and agencies having jurisdiction over the development site. Following site plan review, a staff report including a recommendation shall be submitted to the Planning Commission for their review and approval. The staff report and recommendations shall be based on the following standards:
  - a. The extent to which the proposal conforms to this Chapter and the City's Comprehensive Plan;
  - b. The extent to which the development would be compatible with the surrounding area;
  - c. The extent to which the proposal conforms to the provisions of the City's Land Development Code;
  - d. The extent to which the proposal conforms to customary engineering standards used in the City; and
  - e. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.
3. Planning Commission Review/Approval: The Planning Commission shall perform their review at the next regularly scheduled meeting of the Planning Commission for which the item may be scheduled and shall adjourn and reconvene as is determined necessary.
4. Appeals: The applicant may appeal a site plan determination to the City Council for approval in the event that an applicant alleges that there is an error in any order, requirement, decision or determination made by the Planning Commission in the enforcement of the City's regulations or interpretation of the City's Comprehensive Plan. The request for review by the City Council shall be accompanied by a complete description of the error(s) alleged. Appeals must be filed within ten (10) days following the Commission's decision, be in writing and filed with the administrative official accompanied by a filing fee as established in Section 90.067. The protest shall specifically state how the application, as initially filed, or subsequently modified, fails to meet the criteria set forth in the regulations. The City Council may affirm, reverse, modify, in whole or in part, any determination of the Commission. Such action shall be taken within thirty (30) days from receipt of said appeal. An affirmative vote of two-thirds (2/3) of the City Council shall be required to reverse or modify any recommendation by the Commission.

**Section 90.064:** Site plan- submission requirements

The Site Plan shall include the items listed in Section 90.058 and the following data, details, and supporting plans which are found relevant to the proposal. The applicant shall make notations explaining the reasons for any omissions.

1. Site Plans shall be prepared by a registered professional engineer, architect, land surveyor or landscape architect, scaled and on standard 24" x 36" sheets. An electronic version, compatible with the City's latest version of CADD, shall also be provided. Items required for submission include:
  2. Name of the project, address, boundaries, date, north arrow and scale of the plan.
  3. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
  4. Name and address of all owners of record of abutting parcels.
  5. A survey of the site sealed by certified surveyor registered in the State of Illinois showing the existing lot lines, easements, and rights-of-way and including the area in acres or square feet of the project site and all abutting lots.
  6. The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations.
  7. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
  8. Location, height, intensity (measured in foot-candles), and bulb type (e.g., fluorescent, sodium, incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
  9. The location, height, size, materials, and design of all proposed signage.
10. A table containing the following information must be included:
  - a. Area of structure to be used for a particular use, such as retail operation, office, storage, etc.;
  - b. Maximum number of employees;
  - c. Maximum seating capacity, where applicable; and
  - d. Number of parking spaces existing and required for the intended use.
11. Architectural elevations of all building faces drawn to scale depicting the design, scale, color and description and location of the proposed exterior building materials.
12. A landscape plan, pursuant to Article IX, showing the location of the existing and proposed vegetation and a table listing the quantity, type and caliper/dimension of all plantings.
13. The location of all present and proposed utility systems including:
  - a. sewerage system;
  - b. water supply system;

- c. gas supply system;
  - d. telephone, cable and electrical systems; and
  - e. storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, and drainage swells.
14. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
15. Existing and proposed topography shown at not more than five-foot contour intervals. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year flood plain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements.
16. Zoning district boundaries and classifications adjacent to the site's perimeter shall be drawn and identified on the plan.
17. Traffic flow patterns shown within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site. The Public Works Director may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas which shall include, but not limited to:
- a. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
  - b. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
  - c. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.
18. Covenants, trust indentures and/or deed restrictions clearly defining the installation and maintenance of any shared open spaces, common areas, detention/retention areas and other requirements beyond those provided herein.

**Section 90.065:** Site plan- development standards

All development requiring site plan review shall comply with the following minimum standards:

1. All electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or a residentially zoned area shall be screened from view (100% opacity). Such screens and enclosures shall be treated as integral elements of the building's appearance. Gas and electric meters located near vehicular use areas shall be protected by ballads or other means as approved by the City.
2. All telephone and cable television lines, electrical services and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines, electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction.

3. Pedestrian access shall be an integral part of the overall design of each multi-family, commercial, office/institutional and industrial development. The pedestrian access should provide not only safe and convenient access to and from off-street parking areas but should also connect with abutting properties and developments so as to create an alternative means of transportation for residents of the city.
  - a. Sidewalks at least five (5) feet in width shall be provided along all sides of a lot that abut a dedicated public or private street.
  - b. Sidewalks shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting a public parking area. Such sidewalks shall be located at least five (5) feet away from the building façade. This area between the building and sidewalk shall contain landscaping and other site amenities complementary to the building and site design.
  - c. The form and proportion of buildings shall be consistent or compatible with the scale, form and proportion of existing development in the immediate area.
4. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely blank, is discouraged.
5. Building facades that are 100 feet or greater in length shall incorporate recesses and projections along at least 20 percent of the length of the building façade.
6. Shared access, parking and/or cross access agreements are encouraged and shall be in place with neighboring uses or properties prior to authorization of any occupancy permits.
7. Loading docks, trash enclosures, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are reduced to as great an extent as possible and are out of view from adjacent properties and public street.
8. All buildings which lie in whole or in part, within 150 feet of a major road or highway, including but not limited to US Route 40, Highway 143, Highway 160 and Broadway, shall comply with the "Standards for Buildings on Major Roads" found in Article IV, Section 90.205.
9. All new construction and building renovations within the City's Central Business District shall comply with the requirements of Article VII "Central Business District Design Standards".

**Section 90.066:** Building permit requirements.

1. No building permit shall be issued by the administrative official except in conformity with the sections of this Chapter or upon written order from the Zoning Board of Appeals for variance.
2. Building permits issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approved plans and applications, and any other use, arrangement or construction of buildings and structures shall be deemed a violation of this Chapter.
3. The initial building permit shall be valid for one year, or until revoked for failure to abide by a corrective action order. The administrator may renew initial building permits for successive one-year periods upon written request, provided the applicant is making a good-faith effort to complete the authorized work.

Section 90.067: Fee schedule

For this chapter, the following nonrefundable fee schedule is adopted, such fees to be paid by the applicant at the time application is submitted or filed. Except no fee shall be required for an application by the Administrative Official, the Zoning Board of Appeals, City Council, or the Planning Commission.

- 1. Zoning Verification Letter..... \* \$50.00 – refundable deposit
- 2. Appeals to Zoning Board of Appeals.... \$50.00
- 3. Appeals to the City Council..... \$500.00
- 4. Variances..... \$150.00
- 5. Zoning District Amendment..... \$150.00
- 6. Zoning Text Amendments..... \$100.00
- 7. Special Use Permits..... \$125.00
- 8. Site Plan Reviews..... \$125.00
- 9. Sign Permit..... \$25.00 plus \$0.15 for each square foot over 50 square feet.
- 10. Home Occupation Permit..... \*\* \$125.00 & annual renewal fees
- 11. Preliminary Plans- (Planned Unit Developments)
  - a. Less than 2 acres..... \$200.00
  - b. Two acres to 15 acres..... \$300.00
  - c. Sixteen acres to 25 acres..... \$400.00
  - d. Twenty-five acres or more..... \$500.00
- 12. Building Permits..... See Section 18-28 of the Municipal Code

\* \$50.00 refundable deposit, additional fees will be charged as needed on a time and material basis.

\*\* The first annual renewal fee is \$200.00, and each annual renewal fee thereafter is \$300.00.

Sections 90.068- 90.070: Reserved

## DIVISION 4: ACCESSORY USES

**Section 90.071:** Accessory buildings & uses.

This Section sets forth regulations regarding certain activities as being accessory to the main use of the premises. An activity will be considered an accessory use or accessory structure when it is commonly associated with, integrally related to and a customarily incidental part of the main use of the property. Accessory uses shall be permitted only in the districts as set forth in Table 3.1.

**Section 90.072:** Accessory uses- when permitted

Accessory uses not enumerated in Table 3.1 or in the Zoning District Regulations may be permitted as an accessory use only if the use clearly satisfies the criteria contained in the definition of accessory use and the criteria contained in this Section. All accessory uses that do not clearly satisfy these requirements shall be permitted only by special use permit.

**Section 90.073:** Accessory uses- development criteria

No accessory building shall be constructed upon a lot until the construction of the principal building has been commenced, and no accessory building shall be used unless the principal building is also used, provided nothing in this Section shall be construed to prevent the use of a temporary structure for the purpose of storing tools, materials, and equipment during construction of the principal building.

1. No accessory building shall be erected in any required yard except as provided in this Chapter.
2. No accessory building shall be erected closer than ten (10) feet from the principal building, nor closer than five (5) feet of any other building on the lot.
3. No accessory building shall occupy a required front yard setback.
4. No accessory building shall be built closer than ten (10) feet to the rear property line. If an easement exists greater than the ten (10) feet, then the accessory building shall be located adjacent to the easement. Accessory buildings must meet the required setback for the side lot line as is applicable, as set forth in the appropriate zoning classification.
5. No accessory use including, but not limited to patios and parking areas, shall be located within three (3) feet from any interior, side, or rear property line. This shall include the storage of boats, personal watercrafts, motorcycles, RVs and trailers.
6. No accessory building or use shall be closer than twenty-five (25) feet to any public right of way, excluding driveways or alleys.
7. Accessory buildings shall not be used as dwellings.
8. Residential accessory structures shall not be rented or occupied for financial consideration.
9. Accessory structures shall be used only by the owner or tenant of the premises.
10. An accessory building or structure shall be subordinate in area, extent of use and fair market value to its principal building or structure.

**Section 90.074:** Accessory uses- maximum area and height

1. No single detached building, structure or use accessory to any residential use shall occupy more than ten percent (10%) of the total area of the zoning lot. This includes, but is not limited to driveways, patios, decks, pools and detached garages.
2. A detached garage shall have a gross floor area of no more than the floor area of the principal structure.
3. No structure used for storage, other than automobile storage, that is accessory to a residential building, shall exceed 400 square feet in gross floor area, unless permitted by a special use permit. The use shall be in keeping with the design of the principal structure, and no part of such structure shall be located in the front yard setback.
4. No more than one storage building, excluded a detached garaged used for automobile storage, shall be permitted per dwelling in the City's single family and two-family zoning districts.
5. No detached accessory structure shall exceed 25 feet in height.

## DIVISION 5: SPECIAL USE PERMITS

**Section 90.075:** Review required for special uses

This Chapter divides this City into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such special uses require careful case-by-case review, and may be allowed only by permission of the Council. Any proposal to construct a non-residential structure greater than 2,500 square feet shall comply with the Site Plan Review Procedures contained in Article II Division 3.

**Section 90.076:** Special use permit- when required

A landowner shall obtain a special use permit prior to the issuance of a building permit:

1. For any use listed as a "special use" in Table 3.1, and
2. For any use otherwise requiring a special use permit by this Chapter.

**Section 90.077:** Special use permit--application requirements & procedures

1. Every applicant for a special use permit under this chapter shall submit to the administrative official a Special Use Permit Application provided by the City along with the following items of information:
  - a. Name and address of the applicant.
  - b. Name and address of the owner or operator of the proposed structure or use, if different from Subsection (1)(a) of this Section.
  - c. Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters.
  - d. Location of the proposed use or structure, and its relationship to existing adjacent uses or structures.
  - e. Area and dimensions of the site for the proposed structure or uses.
  - f. Existing and proposed screening, landscaping and erosion-control features on the site, including the parking area.
  - g. Height and setbacks of the proposed structure.
  - h. Number and size of proposed dwelling units, if any.
  - i. Location and number of proposed parking/loading spaces and accessways.
  - j. Any other pertinent information that the administrator may require.
  - k. Check payable to the City for any application or review fees pursuant to Section 90-067.

**Section 90.078:** Special use permit- Planning Commission Review

1. The administrator shall prepare an advisory report on every request for a special use permit and present said report to the Planning Commission at the next regular Planning Commission meeting. The Planning Commission shall review the application for the following factors:
  - a. Whether the proposed amendment or special use is consistent with the City's comprehensive plan; and
  - b. The effect the proposed amendment or special use would have on public utilities and on traffic circulation.
2. The Plan Commission, after its review, will immediately submit an advisory report to the Zoning Board of Appeals for its review together with any comments or recommendations from the Zoning Administrator, to the Zoning Board of Appeals for a public hearing.

**Section 90.079:** Special use permit- public hearing & notice requirements

The Zoning Board of Appeals shall hold a public hearing on every special use permit proposal within a reasonable time after the proposal has been submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and the place of the hearing, and the nature of the proposed amendment, shall be given not more than 30 days nor less than 15 days before the hearing by:

1. First class mail to all parties whose property would be directly affected by the proposed amendment; and
2. Publication in a newspaper of general circulation within this City.

**Section 90.080:** Special use permit- Zoning Board of Appeals review

Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit its advisory report on the special use permit required under this division to the Council. In deciding what their advice should be, the Zoning Board of Appeals shall consider the following factors:

1. Whether the proposed design, location and manner of operation of the proposed special use will adequately protect the public health, safety and welfare, and the physical environment;
2. Whether the proposed special use is consistent with this City's Comprehensive Plan;
3. The effect the proposed special use would have on the value of neighboring property and on this City's overall tax base;
4. The effect the proposed special use would have on public utilities and on traffic circulation on nearby streets; and
5. Whether there are any facilities near the proposed special use, such as schools or hospitals that require special protection.

**Section 90.081:** Special use permit- Council action

The City Council shall act on every request for a special use permit at their next regularly scheduled meeting following submission of the Zoning Board of Appeals' advisory report. Without further public hearing, the Council may grant a special use permit by an ordinance passed by simple majority vote of all members. In a separate statement accompanying any such ordinance, the Council shall state their findings of fact, and indicate their reasons for approving, with or without conditions, or denying the request for a special use permit.

## DIVISION 6: ZONING AMENDMENTS

**Section 90.082:** Zoning amendments

The Council may amend this Chapter in accordance with Illinois State Statute (65 ILCS 5/11-13-14) and this Sections and Sections 90.082-90.089. Proposed alterations of district boundaries, or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. The Council, the administrator, the Zoning Board of Appeals, the Planning Commission or any interested party, may propose amendments.

**Section 90.083:** Zoning amendments- applications and fees

Every proposal to amend this chapter shall be filed with the administrator on forms provided by the City along with the appropriate fees pursuant to Section 90-067, "Fee Schedule". Every amendment proposal shall also be filed with the soil and water conservation district, as per Illinois State Statutes (70 ILCS 405/22.02a).

**Section 90.084:** Zoning district amendments - matters to be considered

When the administrative official receives an application for a zoning amendment, the administrator shall forward a copy to the Planning Commission. At the next regular Planning Commission meeting, the Commission will review the application for the following factors:

1. Whether the proposed amendment is consistent with the City's Comprehensive Plan and this Chapter;
2. Whether the proposed amendment promotes the health safety, quality of life, comfort and general welfare of the City;
3. Adequacy of public utilities, traffic circulation and other needed public services;
4. Compatibility of the proposed amendment to the existing character of the neighborhood.
5. The extent to which the zoning amendment may detrimentally affect nearby property; and
6. Suitability of the uses to which the property has been restricted under its existing zoning.

**Section 90.085:** Zoning text amendments -matters to be considered

When the administrative official receives an application for a zoning text amendment, the administrator shall forward a copy to the Planning Commission. At the next regular Planning Commission meeting, the Commission will review the application for the following factors:

1. Whether the proposed amendment is consistent with the City's Comprehensive Plan and this chapter; and
2. Whether the proposed amendment is made necessary because of changed or changing conditions in the physical areas and zoning districts affected or in the political jurisdiction(s) of such changed and changing conditions.

**Section 90.086:** Zoning amendments- Zoning Board of Appeals review

The Plan Commission, after its review, shall immediately submit an advisory report together with any comments or recommendations from the Administrative Official to the Zoning Board of Appeals for its review and public hearing.

**Section 90.087:** Zoning amendments- public hearing & notice requirements

The Zoning Board of Appeals shall hold a public hearing on every zoning amendment proposal within a reasonable time after the proposal has been submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and the place of the hearing, and the nature of the proposed amendment, shall be given not more than 30 nor less than 15 days before the hearing by:

1. First class mail to all parties whose property would be directly affected by the proposed amendment, provided by the applicant; and
2. Publication in a newspaper of general circulation within this City.

**Section 90.088:** Zoning amendments- Zoning Board factors for consideration

Within a reasonable time after the public hearing on a zoning amendment the Zoning Board of Appeals shall submit their advisory report to the Council. The report shall state the Zoning Board of Appeals' recommendations regarding adoption of the proposed amendment, and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Zoning Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

1. Existing use and zoning of the property in question;
2. Existing use and zoning of other lots in the vicinity of the property in question;
3. Suitability of the property in question for uses already permitted under existing requirements;
4. Suitability of the property in question for the proposed uses;
5. The type, density and character of development in the vicinity of the property in question, including changes, if any, which may have occurred since the property was initially zoned or last rezoned;
6. The effect the proposed rezoning would have on implementation of this City's comprehensive plan; and
7. The effect the proposed use would have on public utilities and on traffic circulation on nearby streets.

**Section 90.089:** Zoning amendments- Council action

1. The Council shall act on every proposed zoning amendment at their next regularly scheduled meeting following submission of the Zoning Board of Appeals' advisory report. Without further public hearing, the Council may pass any proposed amendment or may refer it back to the Zoning Board of Appeals for further consideration, by simple majority vote of all the members then holding office.
2. The favorable vote of at least two-thirds of all the members of the Council is required to pass an amendment to this chapter when the proposed amendment is opposed, in writing, by the owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered. (See 65 ILCS 5/11-13-14.)

**Sections 90.087—90.090** Reserved

## DIVISION 7: VARIANCES

**Section 90.091:** Variances- definition & purpose

A variance is a relaxation of the requirements of this chapter that are applicable to a particular lot, structure or use. A "use variance," which would allow a use that is neither permitted nor special in the district in question, is not a variance, it is an amendment, and may be granted only as provided for in Sections 90-082 through 90-089. Any proposal to construct a non-residential structure greater than 2,500 square feet shall comply with the Site Plan Review Procedures contained in Article II Division 3.

**Section 90.092:** Variances- application requirements

Every application for a variance to this Chapter shall be filed with the administrative official on forms provided by the City along with the appropriate fees pursuant to Section 90-067, "Fee Schedule". Every variance application shall also be filed with the soil and water conservation district, as per Illinois State Statute (70 ILCS 405/22.02a). The administrator shall promptly transmit the application, together with any advice he might wish to offer, to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following:

1. Name and address of the applicant and a listing of the name and address of the owners of all property located within 250 feet of the boundaries of the property included in the application;
2. Location of the structure/use for which the variance is sought;
3. Relationship of the structure/use to existing structures/uses on adjacent lots;
4. Specific section of this chapter containing the requirements which, if strictly applied, would cause a serious problem;
5. Any other pertinent information that the administrator may require; and

**Section 90.093:** Variances- public hearing & notice requirements

The Zoning Board of Appeals shall hold a public hearing on each zoning variance request within a reasonable time after the variance application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed variance, shall be given not more than 30 nor less than 15 days before the hearing by:

1. First class mail to the applicant, and to all parties whose property would be directly affected by the proposed variance; and
2. Publication in a newspaper of general circulation within this City.

**Section 90.094:** Variances- standards for consideration

The Zoning Board of Appeals shall not grant any zoning variance unless, based upon the evidence presented to them, they determine that:

1. The applicant acquired his property in good faith and where by reason of exceptional narrowness, shallowness or shape of his specific piece of property at the time of the effective date of this code, or where by reasons of exceptional topographical conditions or other extraordinary circumstances, that the strict application of the terms of the Zoning Regulations actually prohibit the use of this property in the manner similar to that of other property in the zoning district where it is located.
2. The proposed variance is consistent with the general purpose of this Chapter, Section 90.001.
3. Strict application of this Chapter of which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application;
4. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;
5. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or applicant.
6. The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
7. The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this City's comprehensive plan.

In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

**Section 90.095:** Variances- terms of relief and findings of fact.

The Zoning Board of Appeals shall render a decision on every zoning variance request within a reasonable time after the public hearing. In accordance with Illinois State Statute (65 ILCS 5/11-13-11), the Zoning Board of Appeals shall specify the terms of relief granted, if any, in one statement, and their findings of fact in another statement. The findings of fact shall clearly indicate the Board's reasons for granting or denying any requested variance.

**Section 90.096—Section 90.100:** Reserved

## DIVISION 8: APPEALS

**Section 90.101:** Appeals- procedure

Any person aggrieved by any decision or order of the administrative official, planning commission or city council in any matter related to the interpretation or enforcement of any section of this Chapter may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois State Statute (65 ILCS 5/11-13-12) and this Division.

**Section 90.102:** Appeals- time limit for filing; transmittal of records to Board.

Every appeal under this chapter shall be made within 15 days of the matter complained of by filing with the administrator and the Zoning Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the soil and water conservation district as per Illinois State Statute (70 ILCS 405/22.02a). Not more than five (5) working days after the notice of appeal has been filed, the administrator shall transmit to the Zoning Board of Appeals all records pertinent to the case.

**Section 90.103:** Appeals- filing stays further proceedings, exception.

An appeal under this chapter stays all further action on the matter being appealed unless the administrator certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board or the circuit court grants a restraining order for due cause, and so notifies the administrator.

**Section 90.104:** Appeals- public hearing; notice requirements.

The Zoning Board of Appeals shall hold a public hearing on every zoning appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing and briefly describing the issue to be decided shall be given not more than 30 nor less than 15 days before the hearing by:

1. First class mail to all parties directly affected by the appeal; and
2. Publication in a newspaper of general circulation within this City.

**Section 90.105:** Appeals- decision by Zoning Board of Appeals

The Zoning Board of Appeals shall render a decision on the appeal under this chapter within a reasonable time after the hearing. The Board may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing, the Zoning Board of Appeals has all the powers of the administrator.

**Sections 90.106—90.110:** Reserved

ARTICLE III: DISTRICTS AND ZONING MAP

DIVISION 1: GENERALLY

**Section 90.111:** Districts established and designated

The following Zoning Districts are hereby established in order to achieve the purposes enumerated in Section 90.001 "Purpose & Objectives". The regulations herein shall apply to these districts. All principal structures hereafter erected, enlarged, or reconstructed shall adhere to the following applicable District Regulations.

District	Designation
Single-family residence	R-1-A
Single-family residence	R-1-B
Single-family residence	R-1-C
Single-family residence	R-1-D
Two-family residence	R-2-A
Two-family residence	R-2-B
Multiple-family residence	R-3
Neighborhood business	C-1
Central business	C-2
Highway business	C-3
Limited business	C-4
Industrial	I
Manufactured home	M
Planned Use	P-

**Section 90.112:** District boundaries; zoning map adopted

An official zoning map defining the zone or district boundaries is hereby adopted by reference, and declared to be part of this chapter.

1. The official zoning map shall be identified by the signature of the mayor and attested by the City clerk, and bearing the seal of the City under the following words, "This is to certify that this is the Official Zoning Map referred to in Section 3-2 of Ordinance No. 1139 of the City of Highland, State of Illinois," together with the date of the adoption of the ordinance from which this chapter derives.

2. If, in accordance with this chapter and state statutes, changes are made in zone or district boundaries or other matters on the official zoning map, such changes shall be attached to the amended zoning map as follows. After the amendment is approved, the ordinance authorizing said amendment shall be attached to the official zoning map and shall state the date of the change and a brief description of the change. Such amendment shall remain attached to the existing official zoning map until such time as the map can be updated, at which time all such amendments shall be incorporated into the official zoning map.
3. If the official zoning map is damaged, destroyed, lost or becomes difficult to interpret, the City Council may, by resolution, adopt a new official zoning map, which shall supersede the prior map but shall not have the effect of amending the official zoning map. The resolution approving said official zoning map shall be attached to the official zoning map indicating the date of adoption of map being replaced.
4. Unless the official zoning map has been lost, or has been totally destroyed, any significant part thereof shall be preserved together with all available records pertaining to its adoption or amendment.

**Section 90.113:** Zoning map annual publication

The City authorities shall cause to be published no later than March 31 of each year the official zoning map, clearly showing existing zoning uses, divisions, restrictions, regulations and classifications of the City for the preceding calendar year. If in any calendar year after the first official zoning map is published there are no changes in zoning uses, divisions, restrictions, regulations and classifications in the City, no map shall be published for such calendar year.

**Section 90.114:** Rules for interpreting district boundaries

1. Where uncertainty exists as to the boundaries of zoning districts or zones shown on the official zoning map, the following rules shall apply:
  - a. Boundaries indicated as approximately following the centerlines of streets, highway or alleys shall be construed to follow such centerlines.
  - b. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
  - c. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
  - d. Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.
  - e. Boundaries indicated as parallel to or extensions of features indicated in subsections (1)(a) through (d) of this Section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
  - f. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsection (1)(a) through (e) of this Section, the Zoning Board of Appeals shall interpret the zone or district boundaries.

- g. Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance from which this Section derives, the Zoning Board of Appeals may permit, as a special exception, the extension of the requirements for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
  - h. Where any land or territory within the City is not shown to be located in a district, the zoning regulations of the most restrictive adjoining district shall govern.
2. Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then be subject to all requirements of the extended district.
  3. In the event the exact location of a boundary cannot be determined by the foregoing methods, the Zoning Board of Appeals shall, upon application, determine the location of the boundary.

**Section 90.115:** Annexed territory

All property that is annexed to the City following the effective date of the ordinance from which this chapter derives, shall be annexed as R-1-C residential district. Nothing in this Section should be construed to prevent the use of annexation agreements as set out in the state statutes.

**Section 90.116:** Minimum setback for property adjacent to municipal parks

1. No structure shall be constructed within 50 feet of a municipal park boundary on any lot within the City corporate limits. Such building restriction applies to all zoning districts.
2. Existing structures not in accord with the foregoing restriction in subparagraph (1) shall not be enlarged or replaced and no additional structures may be built unless it can be enlarged, replaced or constructed no closer than the existing structure is to the park.

**Sections 90.117—90.120:** Reserved

DIVISION 2: SINGLE-FAMILY DISTRICTS

**Section 90.121:** Intent

In the R-1-A, R-1-B, R-1-C and R-1-D single-family districts, land is principally used for, or is best suited for, detached single-family dwellings, and related educational, religious and recreational facilities. New development should be located in areas served by publicly-provided sanitary sewer and water. The requirements applicable to each single-family residence district are intended to stabilize and preserve sound existing neighborhoods developed at varying densities. The R-1-D district is designed to preserve the original City and is not intended for future subdivisions.

**Section 90.122:** Principal buildings

In the R-1-A, R-1-B, R-1-C and R-1-D districts, only one principal building shall be erected on any lot.

**Section 90.123:** Permitted uses

All permitted, planned, special and accessory uses are listed in Table 3.1

**Section 90.124:** Supplemental use regulations

Some uses permitted in this district are subject to supplemental regulations. Please refer to the Supplemental Use Regulations referenced in Table 3.1 and provided in Article IV.

**Section 90.125:** Lot and building requirements

Every principal building erected in any R-1-A, R-1-B, R-1-C and R-1-D district shall conform to the applicable requirements of this Chapter and the requirements indicated in tabular form as follows:

Requirements	R-1A	R-1B	R-1C	R-1D
Minimum District Size	5 acres	2 acres	2 acres	2 acres
Lot Area (square feet)	20,000	10,000	7,000	5,000
Lot width (Feet)	150	100	70	50
Front Setback (feet)	25	25	25	10
Side Setback (feet)	15	10	7	5
Rear Setback (feet)	20	20	20	20
Building Height (feet)	35	35	35	35
Min. Floor Area- main structures	1,200	1,000	1,000	800
Max. Lot Coverage	30%	30%	30%	30%

DIVISION 3: TWO-FAMILY & MULTIPLE-FAMILY DISTRICTS

**Section 90.126:** Intent

The R-2-A and R-2-B two-family attached residence districts are established to stabilize and conserve existing neighborhoods that predominately consist of two-family dwellings. These districts are also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment. New development should be located in areas served by publicly-provided sanitary sewer and water.

The “R-3” District is intended only for preexisting “R-3” zoning and shall permit as a lawful use only the specific zoning of property in effect on the effective date of this Code. After the effective date of this Code, no new zoning ordinances shall authorize the “R-3” District without approval of a Planned Unit Development. The “R-3” District regulations are provided herein to encourage well planned high-density residential development and planned mixed-use developments consisting of a variety of housing types, densities and styles pursuant to the Planned District procedures provided in this Chapter and the City’s Comprehensive Plan.

**Section 90.127:** Permitted uses

The City’s R-2-A and R-2-B Residential Districts permit a wide range of residential densities and uses. The R-2-A Residential District is restricted to 1-3 unit dwellings. The R-2-B Residential District is restricted to 1-4 unit dwellings. Uses in the R-3 district are limited to the uses which were approved prior to the date of this code provided they are located on lots of record that were established prior to the adoption of this code. All new uses or change in use in the R-3 District shall require rezoning. A list of permitted, planned, special and accessory uses are listed in Table 3.1

**Section 90.128:** Supplemental use regulations

Some uses permitted in this district are subject to supplemental regulations. Please refer to the Supplemental Use Regulations referenced in Table 3.1 and provided in Article IV.

**Section 90.129:** Lot and building requirements

Except as permitted as a planned use, only one principal building shall be erected on any lot in the R-2-A, R-2-B and R-3 districts. All detached single-family dwellings shall comply with the lot requirements of the R-1-C zone. All other principal buildings shall conform to the requirements of the Chapter and the requirements indicated in tabular form as follows:

Requirements	R-2A	R-2B	R-3
Minimum district size (acres)	2 acre	2 acre	2 Acres
Lot Area-per unit (square feet)	4,000 (3500)	3,500 (3000)	3,000 (1800)
Lot width (feet)	70	70	*50 (60)
Front Setback (feet)	25	25	25
Side Setback (feet)	7	7	7
Rear Setback (feet)	20	20	20
Building Height (feet)	35	35	45 (35)
Floor Area- principal structures	800	800	800
Lot Coverage	30%	30%	75%
* 50' plus 25' for each additional story over 2.			

**Section 90.130:** Multi-family design guidelines

All multifamily development including group community residences, nursing homes, assisted living facilities and duplexes are subject to Site Plan Review Procedures found in Article II, Division 3 and shall comply with the City's Comprehensive Plan Design and Development Guidelines and the following design guidelines:

1. **Architectural Design:** The architectural design of multifamily housing is a key element in determining the character of a neighborhood. The architectural design of each unit or building should impart a feeling of residential scale. Units should be designed with vertical and horizontal offsets to break up rooflines, define private outdoor areas, allow greater views, and admit light and air to unit interiors. Large, blank wall surfaces should be avoided. Windows and projecting wall surfaces should be used to break up larger wall surfaces and establish visual interest. The same level of architectural design and quality of materials should be applied to all sides of the building. The side and rear elevations, garages, carports, and all accessory structures should maintain the same level of design, aesthetic quality, and architectural compatibility.
2. **Unified Control:** All multifamily developments shall be under single ownership and contain trust indentures or covenants establishing unified control of the installation and maintenance of any common facilities or areas.
3. **Building Separation:** a minimum distance of 20 feet shall separate all buildings.
4. **Access:** All multifamily residential developments must have direct vehicular access to collector or arterial streets. Multifamily residential development shall not take access to local streets.
5. **Pedestrian Circulation Systems:** Sidewalks, walkways, and paths shall provide physical separation from vehicles along all public and private streets and within any parking area. Pedestrian systems should incorporate landscaping details to increase the visual interest and character of the neighborhood.

**Sections 90-131—90.149:** Reserved

## DIVISION 4: "C-1" NEIGHBORHOOD BUSINESS DISTRICT

**Section 90.150:** Intent

The C-1 neighborhood business district encompasses small commercial enclaves located within predominately residential areas. Only selected small-scale sales and service facilities that constitute a convenience to residents of the immediate neighborhood and limited residential uses may locate in this district. All new uses or changes in use in the "C-1" District shall comply with the Site Plan Review procedures in Article II Division 3.

**Section 90.151:** Lot and building requirements

Every principal building erected in the C-1 district shall conform to the following requirements:

1. Minimum district area 1 acre
2. Minimum lot area, 7,000 square feet.
3. Minimum lot width, 50 feet.
4. Minimum setbacks:
  - a. From front lot line, 10 feet or conform to the setback of existing structures, whichever being greater.
  - b. From any side lot line, 5 feet.
  - c. From rear lot line, 20 feet.
5. Maximum building height, 35 feet.
6. Maximum building size: 2,000 square feet

**Section 90.152:** Permitted uses

Generally, commercial, retail, service, and related commercial uses under 2,500 square feet, and existing residential dwellings are permitted. Buildings larger than 2,500 square feet may be permitted pursuant to the Planned Unit Development (PUD) requirements in Article III Division 10 and all other applicable requirements of this Chapter. Residential dwelling units, located above street level, community residences, family care residences and group community centers are permitted as a special use. The permitted, planned, special and accessory uses are listed in Table 3.1.

**Section 90.153:** Limitations

1. Outdoor storage is not permitted, unless authorized pursuant to an approved site plan or special use permit.
2. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street
3. The conversion of existing residential dwellings into commercial uses shall be permitted by special use permit. All residential conversions shall meet the requirements of Article IV Section 90.210.

4. Architectural elevations, landscape plans and parking layouts shall comply with all the applicable standards and requirements of this Chapter and promote the following planning principals;
  - a. Preserve neighborhood character, protect property values of surrounding residential property and enhance community appearance;
  - b. Result in an attractive, safe, pedestrian-friendly living, shopping, and working environment;
  - c. Commercial establishments must be compatible in design and operation with an essentially residential environment.
  - d. Public improvements, open space, or other amenities shall be required as approved by the City Council to mitigate authorization of non-residential uses when located near residential uses.

**Sections 90.154—90.160:** Reserved

## DIVISION 5: "C-2" CENTRAL BUSINESS DISTRICT

**Section 90.161:** Intent

The intent of the C-2 district is to provide a zone which will accommodate high density, compact, pedestrian oriented, shopping, office, service, entertainment and limited residential uses within architecturally or historically significant areas of the city. The C-2 Central Business District shall be designed to be utilized by both pedestrians and motorists. Stores and other facilities providing a wide range of retail goods and services to the general public may be located within this district.

**Section 90.162:** Lot and building requirements

Every commercial, principal building erected in the C-2 Central Business District shall conform to the following requirements:

1. Minimum district area, 1 acre
2. Minimum lot area, none
3. Minimum lot width, none
4. Minimum lot depth, none
5. Minimum setbacks:
  - a. From front lot line, none.
  - b. From rear lot line, 6 feet, except for lots abutting any residential dwelling or lot zoned for residential purposes shall conform to the rear setback requirements for the residential building.
  - c. From any side lot line, generally none required, except for any lot abutting a lot with a residential dwelling on it shall conform to the side setback requirements for the residential building.
6. Maximum building height, 45 feet.

**Section 90.163:** Permitted uses

Generally, the same uses permitted in the "C-1" Business District are permitted in the C-2 Central Business except there is no maximum building floor area restriction in the C-2 District. The permitted, planned, special and accessory uses are listed in Table 3.1

**Section 90.164:** Use Limitations

1. All development located within the Central Business District shall comply with Article VII "Central Business District Standards".
2. The permitted display of merchandise for sale to the public shall be restricted to a maximum of twenty-five (25) percent of the lot. In no case shall merchandise for sale be displayed in any required set back, or interfere with pedestrian or vehicular access or parking.
3. Merchandise that is not for sale to the public, including bulk sales and merchandise that requires assembly beyond that required of the consumer, shall not be stored outside.

4. All items stored on the premises shall be that which is associated with or derived from the principal use approved for the zoning lot.
5. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street
6. Mixed use developments containing residential uses shall be subject to the following additional use limitations:
  - a. Residential uses shall be complementary and secondary to the primary retail commercial and office uses.
  - b. Residential uses shall be restricted from street-level building floors except as permitted through a special use permit. In no case shall a residential use occupy a street-level storefront.
  - c. Residential uses shall not restrict or limit hours of operation, parking, loading, unloading, trash disposal or other activities associated with a permitted commercial or office uses.
  - d. Parking for residential uses shall not be permitted on front- or side-streets, or in other established parking areas intended to service commercial or office uses during established business hours.
  - e. New construction, renovation or other improvements required to accommodate residential uses shall be complementary to the established character of existing uses.

Sections 90.165—90.170: Reserved

## DIVISION 6: "C-3" HIGHWAY BUSINESS DISTRICT

**Section 90.171:** Intent

The C-3 highway business district is intended to establish and preserve general commercial areas consisting of shopping centers and commercial strips where customers reach individual business establishments primarily by automobile.

**Section 90.172:** Lot and building requirements

Every principal building erected in the C-3 district shall conform to the following requirements:

1. Minimum district area, 3 acres
2. Minimum lot area, none
3. Minimum lot width, none
4. Minimum lot depth, none
5. Minimum setbacks:
  - a. Front: None.
  - b. Side: None, except for any lot abutting a lot with a residential dwelling on it shall conform to the side setback requirements for the residential building.
  - c. Rear: 6 feet, except for lots abutting any residential dwelling or lot zoned for residential purposes shall conform with the rear setback requirements for the residential district.
6. Maximum building height: 35 feet

**Section 90.173:** Permitted uses

The "C-3" Planned Shopping district is intended for highway commercial and complementary general commercial or service oriented uses. Property and buildings in the "C-3" Highway Commercial District are subject to all the applicable requirements of this Chapter and shall be used only for the uses enumerated in Table 3.1.

**Section 90.174:** Limitations

1. The permitted display of merchandise for sale to the public shall be restricted to a maximum of twenty-five (25) percent of the lot. In no case shall merchandise for sale be displayed in any required set back, or interfere with pedestrian or vehicular access or parking.
2. All items stored on the premises shall be that which is associated with or derived from the principal use approved for the zoning lot.
3. Any merchandise stored outside which is determined by the Zoning Administrator as material which is not for sale to the public shall be screened or enclosed to the extent that it cannot be seen from off the property.
4. All trailers and other mobile or temporary outdoor storage units shall be located in an approved loading stall and screened from view of any offsite non-commercial use or right-of-way.
5. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street

Sections 90.175—90.180: Reserved

## DIVISION 7: "C-4" LIMITED BUSINESS DISTRICT

**Section 90.181:** Intent

The C-4 limited business district is the commercial area which is utilized by pedestrians and motorists. Stores and other facilities providing a wide range of retail goods and services to the general public may be located within this district.

**Section 90.182:** Lot and building requirements

All principal buildings erected in the C-4 district shall conform to the following requirements:

1. Minimum district area, 3 acres
2. Minimum lot area, none
3. Minimum lot width, none
4. Minimum lot depth, none
5. Minimum setbacks:
  - a. From front lot line, none.
  - b. From rear lot line, six feet.
  - c. From any side lot line, generally none required, except for any lot abutting a lot with a residential dwelling on it shall conform to the side setback requirements for the residential building.
6. Maximum building height: 45 feet

**Section 90.183:** Permitted uses

For a listing of permitted, planned and special uses see Table 3.1. All uses shall be subject to the applicable requirements of this Chapter.

**Section 90.184:** Use Limitations

1. All development located within the "C-4" Limited Business District shall comply with Article VII "Central Business District Standards".
2. The permitted display of merchandise for sale to the public shall be restricted to a maximum of twenty-five (25) percent of the lot. In no case shall merchandise for sale be displayed in any required set back, or interfere with pedestrian or vehicular access or parking.
3. Merchandise that is not for sale to the public, including merchandise that requires assembly beyond that required of the consumer, shall not be stored outside.
4. All items stored on the premises shall be that which is associated with or derived from the principal use approved for the zoning lot.
5. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

**Section 90.185:** Reserved

## DIVISION 8: "I" INDUSTRIAL DISTRICT

**Section 90.186:** Intent

The "I" Industrial District is intended to establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses, and to make provisions for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas.

**Section 90.187:** Lot and building requirements

Buildings in the "I" district shall conform to the following requirements:

1. Minimum district size, 5 acres
2. Minimum lot area, none
3. Minimum lot width, none
4. Minimum lot depth, none
5. Minimum setbacks:
  - a. Front: 20 feet
  - b. Side: None, except for lots abutting any residential dwelling or lot zoned for residential purposes shall conform with the side setback requirements for the residential building.
  - c. Rear: 10 feet, except for lots abutting any residential dwelling or lot zoned for residential purposes shall conform with the rear setback requirements for the residential building.
6. Maximum building height: 45 feet.

**Section 90.188:** Permitted uses

Generally, light manufacturing, wholesaling, trucking and warehousing uses are permitted and heavy industrial uses and other more intense uses are permitted as a special or planned use. The list of permitted uses is provided in Table 3.1. The permitted uses will be determined based on compliance with the requirements of this Chapter and the compatibility with existing adjacent uses and other uses permitted in the district.

**Section 90.189:** Limitations

1. Storage is permitted outside structures provided the view of said storage area is properly screened from adjacent residential areas and the public right-of-way.
2. All items stored on the premises shall be that which is associated with or derived from the principal use approved for the zoning lot.
3. No structure shall be used as a dwelling unit, as defined in Section 90.015.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

**Section 90.190** Reserved

## DIVISION 9: "M" MANUFACTURED HOME DISTRICT

**Section 90.191:** Intent

In the "M" District, land is principally used for, or is best suited for, detached single-family manufactured dwellings. The requirements applicable to the manufactured home district is intended to stabilize and preserve existing neighborhoods developed at varying densities. The "M" district is designed to regulate the placement of manufactured homes in the City.

**Section 90.192:** One principal building on one lot

In the "M" district, only one principal building shall be erected on any lot.

**Section 90.193:** Lot and building requirements

Every manufactured home replaced on a lot that has an existing manufactured home on it shall conform to the applicable requirements of the district in which it is located.

**Section 90.194:** Permitted uses

The permitted, planned, special and accessory uses are listed in Table 3.1, except existing mobile homes, not in a manufactured home park, can only be replaced if it meets the zoning requirements of the City, the current edition of the ICC Building Code as adopted by the City and the requirements of the state concerning mobile homes. All mobile homes replaced in the City of Highland cannot be replaced with any mobile home older than five (5) years old and may be replaced only within six months of removal of the previous one.

**Section 90.195:** Limitations

1. Minimum Design Standards: Each manufactured home park shall be designed in accordance with all city codes and to the following minimum design standards:
  - a. All roadways and sidewalks within the manufactured home park shall be hard surfaced and shall be adequately lighted at night.
  - b. The perimeter of all manufactured homes shall be fully skirted.
  - c. Sidewalks shall be required on one side of all streets.
  - d. All manufactured home lots shall front upon a private hard-surfaced/dust-free roadway of not less than 25 feet in width. If parallel parking is permitted on one side of the street, the width shall be increased to 30 feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to 36 feet. All roadways shall have unobstructed access to a public street.
  - e. A community structure may be provided which may include recreation facilities, laundry facilities, and other similar uses.
  - f. A storm shelter shall be provided in accordance with state and federal law for any new manufactured home development or any manufactured home development which is expanded to include additional acreage.
  - g. Final approval for the development shall be obtained before any grading, clearing, installation of streets or moving a manufactured home into any "M" district.
2. Manufactured Home Required Setbacks, Buffer Strips & Screening.

- a. All manufactured homes shall be located at least fifty (50) feet from any exterior property line of a manufactured home subdivision or a public roadway right-of-way.
  - b. There shall be a minimum distance of fifteen (15) feet between manufactured homes, common parking area or other common areas located within a manufactured home subdivision.
3. Off-Street Parking
- a. Off-street parking areas shall be provided at the rate of at least two (2) car spaces for each home lot.
  - b. Required car parking spaces shall be so located as to provide convenient access to the dwelling it serves and shall not exceed a distance of two hundred (200) feet.
4. Water Supply:
- a. Water shall be supplied to the manufactured subdivision by a public water system.
  - b. The size, location and installation of water lines shall be in accordance with the requirements of the codes of the City.
  - c. Individual water service connections shall be provided at each manufactured home space.
5. Required Recreation Areas:
- a. In all manufactured home subdivisions accommodating or designed to accommodate 25 or more manufactured homes, there shall be one or more recreation areas which shall be easily accessible to all residents within the development.
  - b. The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot within the subdivision. No outdoor recreation area shall contain less than 2,500 square feet.
  - c. Recreation areas shall be so located as to be free of traffic hazards and should be centrally located.
  - d. The required recreational area(s) within the manufactured home subdivision shall contain playground equipment or other recreational facilities as approved by the Planning Commission. The cost of purchasing and installing said recreational equipment shall be paid for by the developer of the manufactured home subdivision.
  - e. The maintenance of recreation area(s) and equipment within each subdivision shall be paid for by the owner of the manufactured home subdivision and/or trustees.
6. Sewage Disposal: Each manufactured home subdivision shall be connected to the city's sewer system and each manufactured home space within a manufactured home subdivision shall be connected to and served by the City's sewer system.
7. Tie-Downs and Ground Anchors: All manufactured homes shall be secured to the ground by tie-downs and ground anchors in accordance with the Manufactured Home and Recreational Vehicle Code.
8. Electrical: Each manufactured home space shall be provided with an individual electrical supply which shall be installed in accordance with the building codes of the City and requirements of the electric supplier.

9. Gas: Natural gas hookups, when provided, shall be installed in accordance with the Building Codes of the City and the regulations of the gas supplier.
10. Refuse and Garbage Handling: Storage, collection and disposal of refuse in a park shall be in accordance with City code.
11. Pad Requirements: Pad surfaces shall consist of a flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surfacing materials; or shall be of a hard surface of a minimum of two 18-inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the manufactured home.

## DIVISION 10: Planned Unit Development

**Section 90.196:** Purpose; intent.

The purpose of this Section is to provide for permissive and/or alternative zoning procedures for the development of tracts of land under the continuing and uninterrupted ownership of an individual or of a legally existing entity, with such individual or entity having total control and dominion of all development and uses made of such tract. A planned unit development (PUD) allows mixed use development provided the total development density is not greater than the maximum density permitted under the existing zoning requirements. In addition, a planned unit development is encouraged to permit:

1. A maximum choice in the types of uses available to the public by allowing a development that would not be possible under the strict application of the other sections of this ordinance.
2. Permanent preservation of common open space and recreation areas and facilities.
3. A pattern of development to preserve natural vegetation, topographic and geologic features.
4. A creative approach to the use of land and related physical facilities that results in better development and design and the construction of aesthetic amenities.
5. An efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds and buildings, and other facilities.
6. A land use which promotes the public health, safety, comfort, morals, and welfare.
7. Innovations in residential, commercial, and industrial development so that growing demands of the population may be met by greater variety in type, design, and layout of the buildings and by the conservation and more efficient use of open space ancillary to said buildings.

**Section 90.197:** Districts where allowed

Planned unit developments may be built in any zoning district, but only upon the issuance of a special use permit which will require for the life of the special use the continuing and uninterrupted ownership and control of development and uses of the tract of land by one individual or single legally existing entity.

**Section 90.198:** Permissible deviations from ordinance requirements.

The planned unit development concept is intended to afford both the developer and the City considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Subsection, PUD's may deviate from generally applicable ordinance requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

1. Mixed uses. PUD's may include all types of residential and commercial structures and other uses approved by the City Council; provided, that in approving such mixed uses, the City Council may attach any conditions necessary to protect the public welfare.
2. Lot and structure requirements. In PUD's the City Council may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PUD are appropriately interrelated and property abutting the PUD is adequately protected from any potential adverse impacts of the development.

3. Accessory uses. In PUD's the City Council may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.
4. Location of parking/loading spaces. By permission of the City Council, off-street parking and loading spaces in PUD's need not be located in accordance with generally applicable requirements, except state handicap accessible parking requirements.

**Section 90.199:** PUD procedures

Every applicant for PUD approval shall comply with the procedural requirements of this Subsection. The required procedures are as follows:

1. Filing a site development plan pursuant to the Site Plan Submittal Requirements in Article II Division 3 with the Building and Zoning Division.
2. Provision by the developer of adequate assurance for the completion of required improvements as per the approved site plan.
3. Public hearing by the Planning Commission and the Zoning Board of Appeals.
4. Action by City Council on the development plan.
  - a. Advisory report; criteria considered. The Planning Commission and Zoning Board of Appeals shall submit to the City Council a written advisory report concerning acceptance/rejection of the development plan. In deciding what their advice should be, the Planning Commission and Board shall consider the following criteria:
    - i. The extent to which the proposed development is consistent with the City's comprehensive plan and with the purposes of this Article and of all other applicable codes and ordinances.
    - ii. The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations.
    - iii. Whether the proposed design of the PUD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth.
    - iv. The compatibility of the proposed PUD with adjacent properties and surrounding area.
    - v. Any other reasonable criteria that the Planning Commission or Board may devise.
  - b. Decision by City Council. After the Plan Commission and Zoning Board of Appeals have submitted their advisory report, the City Council, by resolution, shall either approve or disapprove the PUD development plan. The City Council shall not approve any PUD development plan unless:
    - i. The developer has posted a performance bond or escrow deposit in the amount equal to 50 percent of the cost of constructing the required improvements as certified by a registered professional engineer of Illinois.

- ii. The proposed PUD, as evidenced by the development plan, complies with all applicable codes.
- iii. The proposed PUD public improvements meet the design requirements of the City's Land Development Code.

**Section 90.200:** Changes in approved plans.

No changes shall be made to any approved PUD development plan except as follows:

1. Minor changes, which do not substantially affect the design or intent of the final development plan and are required by engineering or other circumstances not foreseen at the time the final development plan was approved, shall be submitted to the City upon written application to the administrative official.
2. All proposed changes will be reviewed by City staff and engineers and written recommendations forwarded to the administrative official.
3. Approval or denial of all minor changes shall be returned in writing to the applicant by the administrative official.
4. All other changes shall require a public hearing before the Planning Commission and a resolution by the City Council.
5. No approved change shall have any effect until it is recorded with the Madison County Recorder of Deeds as an amendment to the recorded copy of the development plan.

## DIVISION 11: PERMITTED USES

**Section 90.201:** Permitted and Accessory Use Table

The use table of this Section provides a tabular summary of the land use types allowed in each zoning district. The table is intended for reference and does not necessarily reflect all of the regulations that may apply to particular uses or districts. In the event of a conflict between the use regulations of this Section and those found in the text of the zoning district regulations, the text of the zoning district regulations shall prevail.

1. **Principal and Accessory Uses:** Principal and accessory uses that are permitted as special uses, planned uses or uses permitted by right are shown in the Land Use Table.
2. **Permitted (By-Right) Uses:** Uses identified in a zoning district column of the Use Table with a “•” are “permitted-by-right” and shall be permitted in such zoning district, subject to any additional regulations as may be indicated in the “Supplemental Regulations” column and all other requirements of this Chapter.
3. **Special Uses:** Uses identified in a zoning district column of the Use Table with a “S” as “Special uses” and shall be permitted in such zoning district, subject to any additional regulations as may be indicated in the “Supplemental Regulations” column and all other requirements of this Chapter. All special uses shall require the receipt of a special use permit prior to the issuance of a building permit. A special use permit may be obtained by following the procedures and complying with the performance standards set forth in Article II Division 5 of this Chapter.
4. **Planned Uses (PUDs):** Uses identified in a zoning district column of the Use Table with a “P” are “planned uses” and shall be permitted in such zoning district, subject to any additional regulations that may be indicated in the “Supplemental Regulations” column and all other requirements of this Chapter. All planned uses require the approval of a site plan prior to the issuance of a building permit. The submission requirements, procedures and approval standards shall comply with Article III Division 10.
5. **Accessory Uses:** All accessory uses are subject to the performance standards set forth in Article II Division 4.
6. **Unlisted Uses:** Uses not listed have been determined either not to be appropriate in any district, incompatible with certain existing uses, or sufficiently rare or unexpected as to be incapable of being listed at the time of adoption of this Code except pursuant to Section 90.006. Any other uses not shown as a use permitted by right, a special use or a planned use in any zoning district, but constituting a use that is required to be permitted by law, shall be authorized only in the industrial district subject to the following conditions:
  - a. The use shall be permitted only to the extent required by law to be permitted;
  - b. The use shall be approved only as a planned use, except if by law it is required to be permitted by right;
  - c. The use shall be located no closer than 1,000 feet from any residence, residential property, park, school, or church, except as may be modified by the City Council through a Planned Use procedure;
  - d. The use shall maintain a distance of at least 1,000 feet from any other such use;

- e. No use shall occupy a structure in excess of 5,000 square feet without an approved parking plan designed for that use and supported by a traffic study submitted to and approved by the City Council.
- 7. Supplemental Regulations: The last column of the Use Table entitled "Supplemental Regulations" references additional supplemental requirements categorized by land use. The numbers in this column refer to specific sections found in Article IV. Additional requirements, beyond those listed in the Supplemental Regulations column, may be required at the discretion of the City.

Table 3.1 Principal & Accessory Uses														
Use is permitted by right:														•
Use permitted as a special use:														S
Use Permitted as Planned Use (PUD)														P
Use not permitted:														
PRINCIPAL RESIDENTIAL USES														
Use	R1A	R1B	R1 C	R1 D	R2 A	R2 B	R3	C1	C2	C3	C4	I	M	Supp. Regs
1. Assisted Living Facilities							P	S	S					90.130
2. Community Residence					S	S	P	S	S					
3. Community (Group) Residence							P	S	S					90.130
4. Convalescent Care							P	S	S					90.130
5. Dwelling-Condominium (up to 2 units)				S	•	•	P	S	S					
6. Dwelling- Multifamily, including condos							P	S	S					
7. Dwelling- Single-Family Attached ("Villa")				S	•	•	P	S	S					
8. Dwelling-Single Family Detached	•	•	•	•	•	•	P						•	
9. Dwelling- Two Family (duplex)				S	•	•	P	S	S					
10. Existing Residential Dwellings	•	•	•	•	•	•	•	•	•					
11. Loft								S	•					
12. Manufactured Homes- residential design													•	
13. Modular Homes (ICC compliant)	•	•	•	•	•	•	P						•	
14. Public Parks and Play Grounds	•	•	•	•	•	•	P	•	•	•	•	•	•	

PRINCIPAL NON-RESIDENTIAL USES														
Use	R1A	R1B	R1 C	R1 D	R2 A	R2 B	R3	C1	C2	C3	C4	I	M	Supp. Regs
1. Automotive Service								S		•		•		
2. Bakery								•	•	•	•	•		
3. Bar or Tavern								P	S	S	S			
4. Bed and Breakfast (1 – 3 rooms)	S							S	S					
5. Business or Vocational School								•	•	•	•			
6. Cemeteries				S	S	S	P							
7. Co-Branding or Co-Branded Facility								P	P	S	S	•		
8. Community Center	•	•	•	•	•	•	P	•	•	•	•			90.212
9. Construction Sales & Service										•	•	•		
10. Convenience Store								P	P	S	S	•		
11. Dance Hall, Night Club or Private Club								P	S	S	S			90.212
12. Dance Studios or Schools								•	•	•	•			
13. Day Care Facility, Commercial	S	S	S	S	S	S	P	•	•	•	•			
14. Drive-Through Establishment								P	P	S	S			90.206
15. Drug Store (Pharmacy)								•	•	•	•			
16. Dry Cleaning / Laundry Pick-up								•	•	•	•			
17. Dry Cleaning Plants										S	S	•		
18. Financial Services (without Drive-Through)								•	•	•	•			
19. Food Store								•	•	•	•			
20. Funeral Home Services								S	S	S	S			
21. Furniture, Appliance or Equipment Sales/Lease								•	•	S	S	•		

PRINCIPAL NON-RESIDENTIAL USES														
Use	R1A	R1B	R1 C	R1 D	R2 A	R2 B	R3	C1	C2	C3	C4	I	M	Supp. Regs
22. Garden Center, Greenhouse, or Plant Nursery								•	•	S	S	•		
23. Government/Public Buildings	S	S	S	S	S	S	P	•	•	•	•	•		90.212
24. Health Club or Fitness Center								•	•	•	•			
25. Hospital								P	P	S	•	•		90.212
26. Hotel or Motel									P	S	S			
27. Institutions (charitable or philanthropic)	S	S	S	S	S	S	P	•	•	•	•			90.212
28. Junkyards												•		90.211
29. Kennel, Commercial (indoors)								S	•	•				
30. Liquor Store								P	S	S	S			
31. Lumber or Building Materials Sales									•	•	•	•		
32. Manufacturing											•	•		
33. Manufactured Home Sales									•	•	•	•		
34. Massage Facility, therapeutic (licensed)								•	•	•	•			
35. Medical or Dental Offices								•	•	•	•	•		
36. Office, General								•	•	S	•	•		90.212
37. Parking Garage or Lot (private or public)							P	S	P	•	•	•		
38. Personal Services (Beauty/Barber Shops, etc)								•	•	•	•			
39. Places of Public Assembly	S	S	S	S	S	S	P	S	S	S	S	S		90.212
40. Print Shop (Copying Services)								•	•	•	•	•		
41. Printing and Publishing									•	•	•	•		
42. Private Clubs & Lodges							P	S	S	S				90.212

PRINCIPAL NON-RESIDENTIAL USES														
Use	R1A	R1B	R1 C	R1 D	R2 A	R2 B	R3	C1	C2	C3	C4	I	M	Supp. Regs
43. Pole barn												.		
44. Public Service (other than Highland)	S	S	S	S	S	S	P	S	S	S	S	S	S	
45. Recreational Vehicle Sales, Lease or Rental									.	.	.	.		
46. Repair Service								.	S	.	.	.		
47. Restaurant- Fast Food (non-drive through)								P	.	.	.			
48. Restaurant- General								.	.	.	.			
49. Retail Sales & Service								.	.	.	.			
50. Schools, Private	S	S	S	S	S	S	P	S	.					90.212
51. Schools, Public	S	S	S	S	S	S	P	S	.					90.212
52. Stable, Commercial	S											.		
53. Studio (Radio, Television, Film or Music)								.	.	.	.			
54. Theater, Motion Picture								.	.	.	.			90.212
55. Theater, Performing Arts								.	.	.	.			90.212
56. Truck & Equipment Sales, Lease and Rentals										S	S	.		
57. Used Car Lot								P	P	S	S	.		
58. Used Merchandise Store								.	.	.				
59. Utilities (public)	.	.	.	.	.	.	P	.	.	.	.	.		
60. Veterinarian								.	S	.	.			
61. Warehouse, Mini (Self-Storage)										S	S	.		
62. Reserved														

ACCESSORY USES														
Use	R1A	R1B	R1 C	R1 D	R2 A	R2 B	R3	C1	C2	C3	C4	I	M	Supp. Regs
1. Agricultural Operation	S											•		
2. Automotive Parking Garage or Lot (public)							P	•	•	•	•	•		
3. Automotive Teller Machine (ATM)								S	S	S	S			90.205
4. Co-locating an antenna on an existing structure	•	•	•	•	•	•	P	•	•	•	•	•	•	
5. Construction Office (Temporary)	•	•	•	•	•	•	P	•	•	•	•	•	•	
6. Day Care, Home (8 persons or less)	S	S	S	S	S	S								90.209
7. Deck, Patio, Platforms and Gazebo	•	•	•	•	•	•	P	•	•	•	•	•	•	
8. Disguised Support Structures (for antennas)							P	•	•	•	•	•	•	
9. Dual Polar Panel Antenna in residential districts	•	•	•	•										
10. Fence or Wall	•	•	•	•	•	•	P	•	•	•	•	•	•	90.208
11. Garage, Carport or Storage Building	•	•	•	•	•	•	P	•	•	•	•	•	•	
12. Garden Center, Greenhouse, or Plant Nursery								•	•	•	•	•		
13. Guest House	S													90.207
14. Home Occupation	S	S	S	S	S	S								90.209
15. Kennels, Fish Hatcheries, Apiaries and Aviaries	S											•		
16. Stable, Private	S													
17. Swim Pool (commercial)	•	•	•	•	•	•	P	S						
18. Swim Pool, Hot Tub, Jacuzzi, or Similar Facility	•	•	•	•	•	•	P						•	

ACCESSORY USES														
Use	R1A	R1B	R1 C	R1 D	R2 A	R2 B	R3	C1	C2	C3	C4	I	M	Supp. Regs
19. Telecommunication Tower (new)							P	S	S	S	S	•	S	
20. Telecommunication Tower (located on property owned by the City of Highland)	•	•	•	•	•	•	P	•	•	•	•	•	•	
21. Utilities (Public)	•	•	•	•	•	•	P	•	•	•	•	•	•	
22. Warehousing and Wholesale												•		
23. Reserved														

## ARTICLE IV: SUPPLEMENTAL REGULATIONS

**Section 90.202:** Applicability

This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures and uses. These requirements apply in every zoning district where the specific structure or use is permitted or allowed by special use permit; but if more stringent requirements are applicable in any particular district, such requirements shall prevail.

**Section 90.203:** Temporary structures

Temporary structures, as set forth below, are to be used in connection with the development and sale of a tract of land and be erected or located on said tract prior to and may remain thereon during the construction or development period.

1. Temporary buildings or trailers may be used as construction offices, field offices or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within thirty (30) days after voluntary suspension of work on the project or development after revocation of building permits, or on order by the administrative official upon a finding by him that said temporary structure is deemed hazardous to the public health and welfare.
2. Temporary real estate offices or sales offices may be established in a display dwelling unit or temporary building. Said offices must be closed and the operation discontinued and all temporary structures and facilities must be removed from the tract within thirty (30) days after all lots or dwelling units have been sold, rented, or leased.
3. No temporary buildings or trailers shall at any time be located closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located.
4. Any other provisions of the law notwithstanding, a building permit or an occupancy permit shall be required for buildings or trailers permitted in paragraph (1) of this Section.

**Section 90.204:** Temporary uses

1. Christmas tree sales: Christmas tree sales in any business or industrial district is hereby pursuant to all applicable City ordinances, for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no trees shall be displayed within 30 feet of the intersection of the curb line of any two streets.
2. Contractor's office: Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.
3. Real estate office: Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
4. Seasonal sales: Seasonal sale of farm produce grown on the premises. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed

or moved back of the required front yard setback line at the end of the season during which they are used.

5. Carnivals and circuses: A carnival or circus, but only in the "C-1", "C-2", "C-3", "C-4", "I" or equivalent Planned Districts, and then only for a period that does not exceed three (3) weeks. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements of the sight triangle as defined by these regulations.
6. Garage sales: It shall be unlawful to conduct a garage sale unless such sale is in compliance with the following requirements.
  - a. Sales shall last no longer than three (3) consecutive days.
  - b. Sales are held no more than twice yearly at any one location.
  - c. Sales are conducted on a person's then owned or rented dwelling property provided that multiple-family sales are permitted if they are held on property then owned or rented for dwelling purposes by one of the participants.
  - d. No goods purchased for resale may be offered for sale.
  - e. No consignment goods may be offered for sale.
  - f. Directional signs may not be placed on the right-of-way or in a location that obstructs the view of vehicle drivers or pedestrians or other vehicles or users of the streets and sidewalks.
  - g. All directional advertising signs shall be freestanding and shall be removed after completion of the sale.
  - h. No directional or advertising signs shall be larger than four square feet.

**Section 90.205:** Standards for buildings on major roadways

1. Intent and purpose. The provisions of this Section are intended to protect property values and enhance community appearance in keeping with the goals of the Comprehensive Plan of the City of Highland.
2. Application of regulations.
  - a. These regulations shall apply in addition to the other regulations of the underlying zoning districts.
  - b. These regulations shall not apply to single or two-family residences or agricultural operations.
  - c. The building and construction standards of this Section apply to all buildings which lie, in whole or in part, within 150 feet of a major road or highway, including but not limited to, US Route 40, Highway 143, Highway 160 and Broadway.
3. Minimum exterior building material standards. A minimum of seventy-five percent (75%) of each exterior wall, excluding windows and doors, shall consist of the following materials:
  - a. Masonry, provided that no wall facing a public street be constructed with a plain faced concrete block facade.
  - b. Concrete panels, provided they have an exposed aggregate, sandblasted or painted surface.
  - c. Stucco
  - d. Glass walls.

e. Wood, aluminum or vinyl siding

Buildings covered by this Section on properties zoned "I" shall have a minimum of twenty-five (25) percent (excluding windows and doors) of each exterior wall facing a public street with said exterior walls constructed of an approved material as set forth in Subsections (a) through (e) above

4. Prohibited materials on all exterior walls. The following materials are prohibited for use in construction of exterior walls:
  - a. Concrete finish or precast concrete panel (tilt wall) that is not exposed aggregate, sandblasted or covered with a cement-based acrylic coating.
  - b. Metal panels with a depth of less than one inch or a thickness less than U.S. Standard 26 gauge.
  - c. Composition board or plywood paneling.
  - d. Any other material not listed in Subsection 3 above.

**Section 90.206:** Drive-in & drive-through regulations

Any development containing drive through services shall be subject to the following conditions and restrictions:

1. The type, number, and location of all entrances, exits, and circulation patterns on any development site containing a drive through shall be governed by the City's Special Use Permit rules and regulations and as approved on the final site plan.
2. No order box or window shall be located within 75 feet of any residentially zoned property; provided however, that the 75 foot distance may be decreased by 25% if the residentially zoned property is classified as any non-residential category on the City of Highland's current Future Land Use Map.
3. A solid fence or wall will be required, along with appropriate landscaping, to be placed between any property used for a drive-through facility and any adjoining residentially zoned property in order to screen passenger car headlight glare from adjacent residential property. The extent and height of such fence or wall is to be determined at the time of the final site plan approval.
4. The number of queue spaces shall be provided in accordance with Article V. No required queue space shall block any right-of-way or common driveway aisles. An escape lane shall be provided for each drive-through service aisle.
5. Each applicant requesting a drive through facility shall be required to furnish the City with an assessment of traffic impacts, unless the study is waived by the administrative official. The agency to perform the study shall be obligated to the City with the cost for the assessment to be paid by the developer.

**Section 90.207:** Guest house

A guest house as an accessory use in a residential district shall require a Special Use Permit pursuant to Article II, Division 5 of this Chapter and shall comply with the following supplemental conditions:

1. The guesthouse must be subordinate and incidental to a single-family detached dwelling.
2. The guesthouse must meet the electrical, plumbing and building codes for single-family housing.
3. A guesthouse shall be permitted only on a lot having at least twenty thousand (20,000) square feet of area.

4. The guest house must be placed to the rear of the main house and at least 20 feet away from the main house
5. No more than one guesthouse may be located on any lot.
6. The building floor area of the guesthouse may not exceed fifty percent (50%) of the floor area of the main building or 1,000 square feet, whichever is less.
7. The same guest shall not occupy a guesthouse for more then 30 consecutive days nor shall a guesthouse be used as a primary residency.

**Section 90.208:** Fences and walls.

1. A fence, up to six (6) feet in height, may be built on the property line of adjoining property owners provided that all support structures for said fence face the builder's property, and the fence shall be attractive, sturdy, safe, uniform and of even dimension.
2. A fence or wall may be constructed to a maximum height of six (6) feet above the average grade without a permit being required. If a fence or wall exceeds six (6) feet in height, a building permit for a fence shall be obtained from the administrative official. A building permit for a fence shall also be required for the replacement or reconstruction of fifty percent (50%) or more of the linear length of the entire existing fence that exceeds six (6) feet in height.
3. Fencing, when permitted in the front yard, must not exceed (30") thirty inches in height measured from the grade of the street level and shall be open in at least thirty percent (30%) along the total vertical surface plane as measured in linear feet along its entire perimeter.
4. No fence shall be located within the sight distance triangle as defined in Section 90.015.
5. A retaining wall may be permitted where it is reasonably necessary due to the changes in slope on the site, where the wall is located at least two (2) feet from any street right-of-way, and where the wall does not extend more than six (6) inches above the ground level of the land being retained.
6. When retaining walls are tiered, the minimum horizontal distance between retaining walls (closest edge to closest edge) shall be four (4) feet.
7. No fence, wall or other obstruction shall be erected within any public right-of-way, except by written permission of the City Council.
8. No fence, wall or other obstruction shall be erected in violation of the Illinois Drainage Code (70 ILCS 605/1-1 et seq.).
9. In all commercial and industrial districts, a fence or wall may be constructed on any side or rear property line but shall not be located in any required front yard setback or be closer to any public or private street than the required setback for a building.
10. The City takes no responsibility for any damages to fences, structures or buildings constructed over an easement caused during maintenance, repair, replacement or any other activity that is derived from or associated with the intent and purpose of said easement.

**Section 90.209:** Home occupations

1. Intent. The intent of this Section is to establish criteria for operating home occupations in dwelling units within residential districts while maintaining the peace, quiet, and residential character of all residential neighborhoods within the City, and alleviating or limiting excessive noise, excessive traffic, nuisance, fire hazard, and other anticipated adverse effects of commercial uses being conducted in residential areas.

2. Applications & procedures.
  - a. The initial annual fee for the home occupation special use permit shall be \$125.00 and shall be paid with the application for such permit which shall be filed with the Building and Zoning Division. The first annual renewal fee for a home occupation special use permit shall be \$200.00, and the second and each annual renewal fee thereafter for a home occupation special use permit shall be \$300.00, and all such renewal fees shall be paid by January 31 of the year for which the permit is renewed.
  - b. No reduction in annual permit fees shall be allowed for permits issued after January 1 of any year, nor will any refunds be made if permittee ceases the home occupation or when a permit is revoked, or denied.
  - c. All permits shall expire on December 31 of each year and may be renewed without additional hearings, subject to the requirements of this Section. Applicants for renewal shall complete the renewal form prescribed by the Building and Zoning Division and pay the annual permit fee with application for renewal. Failure to apply for renewal prior to expiration of a permit and failure to pay annual permit fee shall be grounds for revocation of all permits.
  - d. The application for a home occupation shall comply with the procedures set forth in Article II Division 5 Special Use Permits.
3. Restrictions and limitations: Home occupations shall conform to all of the applicable requirements of this Section, and shall be limited to one of the following occupations:
  - a. Dressmaking, sewing, and tailoring.
  - b. Artistic painting, sculpturing, art restoration, art studio or writing.
  - c. Telephone answering or telephone soliciting if no part of the business equipment is installed outside of the residence other than telephone cables or wires.
  - d. Home crafts, such as model making, rug weaving, lapidary work.
  - e. Tutoring, limited to one student at a time.
  - f. Home cooking or preserving if conducted solely within the residence.
  - g. Computer programming if no part of the business equipment is installed outside of the residence other than telephone cables or wires.
  - h. Secretarial service, accounting service, typing service, word processing services if no part of the business equipment is installed outside of the residence other than telephone cables or wires.
  - i. Babysitting and child day care- not exceeding 8 persons.
  - j. Direct sale product distribution, such as Amway, Avon, and Tupperware.
  - k. Laundry, ironing service, housecleaning.
  - l. Mail orders, not including retail sales from the site.
  - m. Stock and bond broker, financial planner, and estate planner.
4. Home occupations prohibited: Permitted home occupations shall not in any event include the following:
  - a. Antiques-retail
  - b. Funeral services

- c. Groceries – retail
  - d. Second-hand merchandise – retail
  - e. Equipment rental
  - f. Automobile and other motor vehicle repair services
  - g. Physicians
  - h. Dentists
  - i. Chiropractors
  - j. Restaurants
  - k. Stables or Kennels
  - l. Tourist Home
  - m. Renting of trailers or equipment
5. Standards. All home occupations shall conform to the following standards:
- a. The home occupation shall be incidental and subordinate to the principal residential use of the premises.
  - b. A home occupation shall be entirely contained within the interior of an approved structure on the site and no more than 25 percent of the floor area of any one floor of a dwelling unit shall be utilized for a home occupation.
  - c. No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.
  - d. No sign shall exceed two (2) square feet, shall not be illuminated and shall be placed flat against the main wall of the principal residential structure.
  - e. Home occupations shall not utilize more than a total of two persons either as an employee, an independent contractor, a volunteer, or in any other capacity to render service in the performance of such occupation, and both of such persons shall reside in the residence wherein the home occupation is conducted.
  - f. No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.
  - g. No parking in the public rights-of-way shall result from the home occupation.
  - h. No traffic shall be generated by the activity of the home occupation that is abnormal to a residential neighborhood. A home occupation shall not generate more than five (5) business-related visitations per day, consisting of five (5) arrivals and five (5) departures by vehicles.
  - i. No manufacturing or retail or wholesale sales shall take place on the premises. No stock in trade shall be displayed or sold on the premises. Any production on the premises shall be confined to that normally associated with a residence.
  - j. Any occupation which requires licensing, registration or permits, by state or federal statute or requirements, or by City ordinance must be provided at time of application, and at all times thereafter be appropriately licensed, registered, or have a permit and comply with requirements of all such license or permits.

6. Inspections: Any home occupation permittee, upon request, shall allow an annual inspection of the premises by the Building and Zoning Division. In addition, the Building and Zoning Division shall have the right at any time, upon reasonable request, to enter and inspect the premises covered by the permit for safety and compliance purposes.
7. Nontransferability of permits: Home occupation and home occupation special use permits are not transferable from person to person or from one building to any other building, except as set forth in the following Section 8 (b) in the case of death of the permittee.
8. General provisions.
  - a. All previously issued special use permits for home occupations may be subject to periodic inspections and review pursuant to the procedures and requirements herein.
  - b. Death of permit holder. Should a home occupation permit holder or home occupation special use permit holder die, the existing permit shall be automatically terminated, except that should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice to that effect shall be given to the Building and Zoning Division, within 30 days of the permittee's death, and the surviving spouse or child shall become the permittee and shall be subject to the requirements of this Section.
  - c. Revocation of special use permits. A special use permit granted for any home occupation, may be revoked by the City Council for cause after a hearing before the Planning Commission and Zoning Board of Appeals. Complaints seeking the revocation of such permit shall be filed with the Building and Zoning Division and may be initiated by either the administrative official, Planning Commission, Zoning Board of Appeals or any three (3) persons who reside at three (3) different locations within one City block of where such occupation is conducted. All such revocation hearings shall be conducted in accordance with applicable Public Hearing and Notice Requirements of Article II Division 5 of this chapter.
  - d. Appeal to Zoning Board of Appeals. The decision of the City Council concerning approval or revocation of a home occupation special use permit shall be final unless a written appeal is filed with the Zoning Board of Appeals as provided in Article II, Division 8 of this chapter.
  - e. Modification of requirements. Modifications of the above regulations may be approved by the City Council in individual cases of applications for home occupation special use permits if the modification is found by the City Council to be in accordance with the purposes set forth in Section 1 of Ordinance No. 1660.
  - f. Time limits in applying for permit. All home occupations being conducted in violation of this Section shall, within 30 days after the adoption of the ordinance from which this Section derives, apply for the necessary permit or special use permit as the case may be, and enforcement of this Section shall be stayed for such 30 days and, if application is made, until granting or denial of such applications.
  - g. Penalty. Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Section shall, upon conviction, be subject to penalty provisions in Section 90.039.

**Section 90.210:** Residential conversions

1. In order to protect the integrity of existing housing stock and to protect the public from hazards inherent in overcrowding in residential property, it shall be unlawful for any person to alter, or cause

to be altered, any existing structure or portion thereof to increase the number of dwelling units on any parcel of land.

2. Residential structures located in the "C-1" and "C-2" zoning districts may be converted to commercial use, subject to the special use permit procedures and requirements, and subject to the following additional regulations:
  - a. No alterations shall be made to the building exterior except for those required to bring the building into compliance with the Accessibility Standards;
  - b. Off-street parking shall be restricted to the rear of the building;
  - c. Only one (1) accessory structure shall be permitted on the property and shall be used for storage purposes only;
  - d. No exterior storage, placement of materials or display of goods shall be permitted; and
  - e. Signage shall comply with the sign requirements in Article VIII of this Chapter.

**Section 90.211:** Junkyards.

1. No part of any junkyard, which includes any lot on which three (3) or more inoperable vehicles are stored, shall be located closer than 500 feet to the boundary of any residential district.
2. All vehicles, parts and equipment shall be stored within a completely enclosed structure, or within an area screened by a wall or a solid fence at least ten (10) feet high, designed and maintained of sufficient density to block the view from adjacent property.

**Section 90.212:** Major traffic generators

In addition to the requirements contained herein, the following requirements shall apply to all uses permitted within the City that generate significant amounts of traffic;

1. Any use requiring more than 100 parking stalls shall provide more than one means of ingress and egress and provide a traffic study, performed by a registered transportation engineer, pursuant to the requirements of Subsection 4 herein;
2. Any use requiring 200 or more stalls shall meet requirements of paragraph 1 and provide direct access to an arterial road.
3. The developer of any use that requires improvements to the City's transportation system shall be responsible for the cost to design and construct all applicable public improvements such as traffic signals, sidewalks, turn lanes, street lights, medians, etc.
4. Any use requiring a traffic study pursuant to this Section or as required by the City shall submit the study prior to any approvals. The traffic study should address the following:
  - a. Level of service for site ingress and egress
  - b. Demand for auxiliary turn lanes
  - c. Vehicle queue lengths
  - d. Access spacing and sight distance
  - e. Impact to adjacent major intersections
  - f. Onsite traffic circulation, including emergency vehicles, buses, delivery trucks, etc
  - g. Pedestrian circulation

5. The methodology used to evaluate each of these pertinent factors should follow the practices recommended by the Institute of Transportation Engineers (ITE). The results of this analysis shall provide documentation for the City's consideration that the proposed development adequately addresses traffic impacts and does not present a clear and present, grave and immediate danger to public health, peace and welfare.

Sections 90.212—90.220      Reserved

## ARTICLE V: OFF-STREET PARKING AND LOADING

**Section 90.221:** Off-street parking spaces required for certain uses.

1. There shall be provided in all zoning districts, at the time of erection or enlargement of any principal building or structure, automobile off-street parking spaces with adequate access to all spaces in accordance with Table 5.1 and subject to the requirements herein.
2. No off-street parking need be provided for buildings and uses located within the boundaries of an area enclosed by 12th Street, Walnut Street, 9th Street, and Pine Street provided they are located within five hundred (500) feet of a public parking lot or an alternative parking plan is approved.
3. Parking may be provided both in an off street parking lot and as parallel or other approved parking along streets that are internal to a development in accordance with an approved parking plan.
4. An area devoted to off-street parking shall be located (at its nearest point) within 100 feet of the principal building in any R district; and within 300 feet of the principal building in any C and I district.
5. No residential driveway, parking surface or detached garage shall cover more than 10% of the parcel upon which it serves.
6. Any lights used to illuminate a parking area shall be arranged, located or screened to direct light away from any adjoining residential use.
7. Except as may be established by an approved alternate parking plan, the number of vehicle parking spaces to be provided for each type of land use shall be determined by the following, rounded to the nearest whole space. Developments containing two or more uses listed below shall provide the number of spaces required for each use. Any use not listed below shall provide four (4) parking stalls per 1,000 square feet of gross floor area, unless otherwise provided by the City.

**Section 90.222:** Alternate parking plan

The parking requirements established in this Chapter may be modified by the Board of Zoning Appeals pursuant to an approved Alternate Parking Plan. An Alternate Parking Plan may be approved only upon evidence that the circumstances justify modification, satisfy the objectives of this Article, and are in the public interest. An Alternate Parking Plan shall be subject to any appropriate conditions determined by the Board to be necessary to fully mitigate the impact of any modification.

**Section 90.223:** Shared parking:

The parking spaces provided for separate uses may be combined in one lot but the required spaces assigned to each use may not be assigned to another use, except as follows:

1. Parking spaces that are proposed to be shared among two or more uses must be clearly available to the allowed users and not appear in any way to be serving a particular use. Directional signage shall be installed to clearly identify the location and means of access to the designated shared parking areas.
2. Shared parking arrangements must be evidenced by a written agreement acceptable to the Board, and approved by the owners of each of the affected properties or uses. The approved agreement shall be recorded and a copy supplied to the administrative official

<b>Table 5.1 Parking Requirements</b>	
<b>Dwellings, lodgings</b>	
Hotels, motels, lodges	1 space for each lodging unit
Manufactured homes	2 spaces per manufactured home
Multiple-family, two-family	2 spaces per dwelling unit
Single-family	2 spaces per dwelling unit
Bed & Breakfast	1 space per rental room
Home occupations	1 space per 150 square feet of floor area devoted to the home occupation in addition to the parking requirements for the dwelling
<b>Institutional</b>	
Assisted living facilities, community group residences and convalescent nursing or retirement homes	1 space per 5 beds plus 1 space for each 2 employees
Auditoriums, churches, theatres, stadiums, and other places of assembly	1 space for every 3 seats, (one seat equals 2 feet of bench length) plus 1 space for every vehicle customarily used or stored on the premises.
Hospitals	1 space per 2 beds plus 1 space for each 2 employees
Civic, clubs, museums, etc	1 space per 200 square feet of floor area
Schools, public and private, all grades and vocational.	1 space for every classroom and office, and 1 space for every 3 students over 16 years of age.
<b>Commercial, office service</b>	
All commercial, professional, governmental, and service uses, unless specifically indicated otherwise below	4 spaces per 1,000 square feet of floor area plus 1 space for each company or business vehicle
Amusement Parlor, Recreational Attraction, Roller Skating or Ice Skating Rink	6 spaces per 1,000 square feet of floor area
Automobile, Truck, Recreation Vehicle, Manufactured Home or Utility Structure Sales	2 spaces per 1,000 square feet of indoor sales area plus 1 space per 2,500 square feet of outdoor sales area plus 1 stall per service bay.
Car Wash	1 space for each employee on the maximum shift and 3 queue spaces per bay-including bay capacity for a total of 4 queue spaces per

	bay capacity- for a total of 4 queue spaces per wash bay.
Dance hall or meeting hall	One space per 40 square foot of gross floor area, plus one space for each staff member employed during the busiest shift, plus one space for each 40 square foot of all area devoted to customer service for any included restaurant or banquet hall.
Daycare Center	2 spaces per 1,000 square feet of floor area
Drive in or Drive Through Lanes	5 queue spaces for the first service lane and 4 queue spaces for each additional drive lane.
Furniture or Carpet Store	3 spaces per 1,000 square feet of floor area
Funeral Home	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or stateroom
Restaurants	1 space per 2 seats or 8 per 1,000 square feet of floor area, whichever is greater
Taverns	1 space per 2 seats or 8 space per 1,000 square feet of floor area, whichever is greater
Service Station, Gas Station, Auto Repair Shop or Garage and Convenience Store	3 stalls per service bay plus 4 spaces per 1,000 square feet of floor area.
<b>Industrial</b>	
Wholesale, manufacturing, warehousing or other industrial use	1 space for each 2 employees or 1 space for each 1000 square feet of ground floor area, whichever is greater.

**Section 90.224:** Design Requirements

The provisions of this Section apply to all vehicle parking spaces and parking areas, whether the parking meets or exceeds the number of spaces established in this Article to serve a particular use.

1. Minimum Stall Dimensions: Every 90° parking space shall provide a usable rectangular area at least ten (10) feet wide by twenty (20) feet in length. Access drives shall not encroach into this minimum rectangular area. Every parking space shall be clearly delineated by lines painted on or otherwise applied to the parking lot surface. The requirements for off-street parking shall be implemented according to the minimal dimensions depicted in Table 5.2 below.

Table 5.2 Minimum Parking Dimensions and Aisle Widths						
	A	B	C	D	E	F
Parking Angle	Stall Width	Stall Length	Curb Length per Car	Stall Depth	Aisle Width	End of stall to end of stall
0°	8.5	--	23'	--	13'	--
45°	10.0'	19.7'	12.7'	17.0'	14.0'	51.9'
60°	10.0'	21.0'	10.5'	18.0'	17.5'	59.5'
90°	10.0'	20.0'	10.0'	20.0'	22.0'	60.0'

♦ The diagrams below illustrate the measurements (A), (B), (C), (D), (E) and (F)  
 ♦ Additional width may be required where the aisle serves as the principal means of access to on-site buildings.

**OFF-STREET PARKING STANDARDS**

**90° PERIMETER & ISLAND PARKING**

**45° PERIMETER & ISLAND PARKING**

- Internal Access & Circulation: Access aisles in parking lots must be at least twenty-two (22) feet wide for two-way traffic (24' radii), and fourteen (14) feet wide for one-way traffic. One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle. No parking space shall be accessible from an access driveway within the first (20) feet of the driveway measured from the street right-of-way line.
- Improvement of Parking Areas: All vehicle parking areas and all access drives shall be improved with a permanent dust free surface consisting of a minimum pavement cross section of a compacted subgrade with a 6-inch compacted aggregate base (IDOT CA-Gradation) overlaid with a 3-inch asphaltic surface, or a 6-inch asphalt base overlaid with a 1 1/2-inch asphalt surface.

4. Curbs: All vehicle parking areas and all access drives in office, commercial and industrial zoning districts shall have a boundary constructed of straight-back concrete curbing (IDOT Type "B" PCC Curb) or an integral concrete sidewalk and curb with a vertical face.

**Section 90.225:** Accessible Parking Requirements:

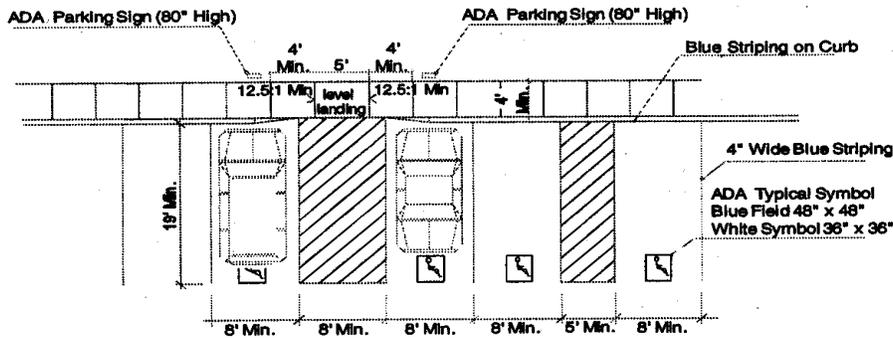
1. Method of Computation: Handicap accessible parking spaces shall be provided and counted as part of the total number of parking spaced required below.
2. Required Spaces: Handicap accessible spaces shall be provided in each parking lot according to Table 5.2.

Table 5.3 Handicap Accessible Spaces Required	
Parking Stalls Required for Use	Number of Required Stalls that Shall be ADA Accessible
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total

3. All sidewalks, crosswalks, parking lots, or other areas of pedestrian circulation shall comply with the Federal ADA Accessibility Standards shown in Figure 5.1 and the following guidelines:
  - a. Handicap accessible parking spaces shall be located on a surface with a slope not exceeding one (1) vertical foot raise for every fifty (50) feet of linear horizontal run.
  - b. A parking sign, pursuant to ADA guidelines shall be provided. Generally said sign shall be 80" in height.
  - c. Handicap accessible parking spaces shall have an adjacent aisle five (5) feet wide, and one in every eight (8) handicapped spaces (but no less than one) shall be adjacent to an aisle eight (8) feet wide and the space shall be clearly marked with a sign indicating that the space is "van accessible." Handicapped parking space aisles shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.

Figure 5.1- Accessible Parking Requirements

**OFFSTREET PARKING REQUIREMENTS**  
*Americans with Disabilities Act*



**Section 90.226:** Off-street loading space and access ways required

1. Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Each access way shall be at least 12 feet in width.
2. All loading spaces shall be located on the same lot as the use served; such loading spaces shall not be located within 50 feet of the intersection of any two streets, and shall not be located within required front or side yards.
3. Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
4. Unless otherwise specified, a loading space shall be at least ten (10) feet in width, by at least 25 feet in length, and shall have a vertical clearance of at least 14 feet.
5. For the uses listed in the following table, off-street loading space shall be provided on the basis of gross floor area of buildings or portions thereof devoted to such uses in the amounts shown.

Table 5.4 Loading Requirements	
Gross Floor Area (SF)	Loading Spaces Required
<b>Commercial office and industrial uses</b>	
0 to 2,999	0
3,000 to 19,999	1
20,000 to 49,999	2
50,000 to 100,000	3
Above 100,000	1 additional per 50,000 SF
<b>Hospitals, institutions, and similar uses</b>	
0 to 4,999	0

5,000 to 49,999	1
50,000 to 100,000	2
Above 100,000	1 additional per 50,000 SF

**Section 90.227:** Access management

Ingress and egress to any parking area or use shall be by means of paved driveways from the adjoining street. The minimum width of driveways for ingress and egress shall be the same as those specified in Table 5.5 for aisles. Driveway width, for the purpose of this Section, shall include only the pavement and not the curbs and gutters.

The distance of a parking area entrance drive from the intersection of two streets, and the distance between curb cuts, shall be based on the street design standards set forth below in Table 5.5 and measured from the edge of pavement. Whenever applicable, shared driveways are encouraged.

Table 5.5 Drive Entrance Separations			
Street Classification:	Arterial	Collector	Local
Intersection r.o.w. to edge of driveway	125'	100'	30'
Commercial developments	125'	75'	20'
Residential developments	125'	75'	6'

**Section 90.228:** Parking and storage of vehicles.

1. No motor vehicle designed or regularly used for carrying freight, merchandise, or other property or more than eight (8) passengers and that is licensed in excess of 18,000 pounds gross vehicle weight, excluding any vehicle which is licensed as a Recreational Vehicle, shall be parked in a residential district, except for deliveries.
2. Outside storage of recreational vehicles, equipment, materials, boats or personal watercraft shall meet the following performance standards:
  - a. The outdoor storage is to be located on land owned by, leased by, or under the control of the users.
  - b. Outdoor storage shall be located behind the front building line and restricted to side or rear yards and shall be at least 3' from any lot line.
  - c. All storage areas and access drives shall be paved.
  - d. Outside storage of inoperative vehicles or equipment exceeding thirty (30) days is prohibited unless otherwise specifically permitted by the City Code.
3. With the exception of the Industrial Zoning Districts, inoperative or unregistered vehicles may not be stored or repaired (other than in enclosed garages) on the premises.
4. In zoning districts other than the Industrial Zoning Districts, construction equipment and construction vehicles may not be stored or repaired on the premises (other than in enclosed garages), except when being utilized for construction activities on the premises pursuant to a valid permit issued by the City for construction work necessitating use of such equipment, or when used for permitted work on the public right-of-way, or when associated with a special use permit as part of an allowable primary use, such as an equipment rental business.

## ARTICLE VI: NONCONFORMING USES

**Section 90.229:** Intent

The requirements imposed by this chapter are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the emission of noxious fumes or excessive noise, and the lowering of property values. The requirements of this Article are intended to alleviate such existing potential problems by encouraging the gradual elimination of nonconformities.

**Section 90.230:** Nonconforming lots

1. Vacant lots. Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the zoning district in which it is located may be used in the manner indicated in Subsections (2) and (3) of this Section if such vacant lot:
  - a. Is a lot of record on the date of the adoption of the ordinance from which this chapter derives; and
  - b. Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by any applicable zoning or other ordinance.
2. Residential districts. In any residential district, one single-family dwelling and related accessory structures, but no other use, may be erected on any vacant nonconforming lot of the type described in Subsection (1) of this Section, provided all the setback and off-street parking regulations of the particular district are met.
3. Commercial and industrial districts. In the industrial district and in any commercial district, any structure permitted in the particular district may be erected on any vacant nonconforming lot of the type described in Subsection (1) of this Section if the setback and off-street parking requirements of that district are met.
4. Two or more lots in common ownership. If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of the ordinance from which this chapter derives, and if one or more of those lots does not meet the minimum lot width, depth and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this chapter, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this chapter.

**Section 90.231:** Nonconforming structures

Any lawful structure which exists on the effective date of the ordinance from which this chapter derives but which could not be erected under the terms of this chapter because of restrictions on lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following:

1. Enlargement, alterations. No such structure shall be enlarged or altered in any way which increases its nonconformity.

2. Relocation. No such structure shall be relocated unless, after relocation, it will conform to all the requirements of the district in which it is located.
3. Reconstruction. Any nonconforming structure which is destroyed or damaged by any means may be reconstructed provided it does not increase its nonconformity, and provided such work starts within 12 months from the date the damage occurred and is diligently prosecuted to completion. If more than 50% of a nonconforming structure is damaged, the nonconformity shall be reconstructed to conform with the requirements of this chapter.

**Section 90.232:** Nonconforming uses occupying a structure.

If any lawful use occupying a structure exists on the effective date of the ordinance from which this chapter derives but would not be allowed under the terms of this chapter, such use may lawfully continue, subject to the following:

1. Minor Repair & Maintenance. Minor repairs to routine maintenance or structures and property, where nonconformities exist are permitted. Work estimated to cost more than ten (10) percent of the structural value of the structure to be repaired, shall be prohibited unless authorized by the administrative official
2. Enlargement, alteration, reconstruction, relocation. No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.
3. Extension of use. No nonconforming use may be extended to any part of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.
4. Change of use. A nonconforming use occupying a structure shall not be changed except to a use permitted under the applicable district regulations.
5. Discontinuance of use-Abandonment. When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued for 12 consecutive months, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

**Section 90.233:** Nonconformities under permit authority.

The requirements of this Article shall not apply to any change in an existing structure or to any change in the use of a structure for which a permit was issued prior to the effective date of the ordinance from which this chapter derives or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

Sections 90.234-238: Reserved

## ARTICLE VII: CENTRAL BUSINESS DISTRICT DESIGN STANDARDS

**Section 90.239:** Intent and Purpose.

The provisions of this Section are intended to protect property values and enhance community appearance in keeping with the goals of the Comprehensive Plan of the City of Highland. It is recognized that the appearance of property has a direct bearing on the economic value of such property and also the economic value of adjacent and surrounding property. The appearance of a single property affects not only surrounding property, but the cumulative affect is to enhance or diminish the beauty of the entire City and consequently the values of property within the City. It is further recognized that the appearance of property not only has economic effects, but also affects the general welfare, health and safety of City citizens. An aesthetically pleasing environment is a clean, healthy and safe environment.

The Community recognizes the significance of the Central Business District as an important cultural and commercial resource. The Central Business District contains common building elements such as load-bearing brick walls, second story bay windows, decorative brickwork, and cast iron thresholds. This Division provides a procedure by which development of property within the Central Business District may be reviewed and modified in order to enhance the aesthetic beauty of the Central Business District and maintain the desirable qualities of the District through clear architectural and appearance standards and consequently the economic value of property and the general welfare of the citizens.

**Section 90.240:** Specific Purposes.

In addition to the general purposes and intent expressed above, this Article is further intended to give effect to the following specific purposes:

1. To establish standards for the orderly development or redevelopment within the Central Business Zoning District.
2. To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the Community.
3. To conserve and protect the taxable value of land and buildings in the Central Business District.
4. To preserve and protect the visual diversity of buildings in the Central Business District and its pedestrian scale.
5. To preserve, protect and encourage the development of buildings, groups of buildings and development sites of distinguished architectural character and appearance.

**Section 90.241:** Application

These standards shall apply to all exterior building renovation, new construction or other exterior alterations to property in the C-2 Central Business District that requires a permit. No permit shall be issued except upon approval of a site plan in conformance with the Site Plan Review Procedures and Fees established in Article II Division 3 and the additional standards set forth in this Article.

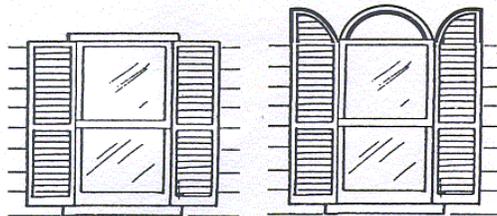
**Section 90.242:** Standards for Design.

The purpose of these standards is to establish a checklist of those items that affect the physical aspect of the Central Business District. These standards are not intended to restrict imagination, innovation or

variety, but rather to assist in focusing on design principles that allow creativity with a satisfactory visual appearance while promoting the purpose and intent of this Section.

1. New Construction- Building Components and Design

- a. Architectural style. There are no restrictions on architectural style.
- b. Entryways. Entryways must be recessed to a depth that does not allow a door to swing onto the sidewalk and have a strong design consistent with the architecture of the rest of the building. Elements of strong entryway design include canopies, awnings, porticos, arcades, raised cornice parapets over the door, peaked roof forms, arches, large windows, or architectural details such as tile work and moldings that are integrated into the building structure and design.
- c. Windows.
  - i. Coverage and operability. Windows must cover no less than 50% nor more than 75% of the storefront area; windows must cover no less than 30% nor more than 50% on the upper façade. At least 50% of all windows on the second and higher floors must be operable.
  - ii. Orientation and Placement. Windows must be vertical, with no less than a 2:1 ratio of height to width. Storefront windows must start between two and three feet above the sidewalk.
  - iii. Window signs. No more than 30% of the storefront windows may be covered by signs. This restriction does not apply to signs permanently painted on or etched into the window to serve as the business' primary sign.
  - iv. Framing. All windows must include an architectural element that frames the window.
  - v. Shutters. All window shutters must have the dimensions of operable shutters and hardware that makes the shutters appear to be operable even if the shutters are permanently fixed in an open position- see figure below.



d. Cornice and Fascia

- i. At roofline. All buildings must have a well-defined cornice or fascia that creates a strong roofline and visually caps the building, giving the building a finished appearance and unifying the building with existing structures within and adjacent to the Central Business District.
- ii. At storefront. All buildings must have a storefront cornice occurring between 9 and 12 feet above the sidewalk in order to complement the average height of storefront cornices on existing buildings.

- e. Roof styles. The shape of the roof is not limited, however, all buildings must have a parapet that conceals the roof plane.
- f. Mechanical equipment or other utility hardware. On buildings not located on a corner, all mechanical equipment or other utility hardware must be located on the roof or in the rear yard and must be screened from view with materials harmonious with the building. Such equipment or hardware on a corner building must be located on the roof and screened from view with materials harmonious with the buildings. Such equipment or hardware shall not be located closer than 6 feet from any residential windows. No mechanical equipment or hardware or screening materials may be visible from the street level.
- g. Side and rear building faces. All exterior surfaces visible from the street must include architectural components found on the primary building façade in order to tie the building together. Rear entrances are encouraged.
- h. Anti-Monotony. New construction must avoid excessive monotony in design by having no more than 15 feet of blank wall length without an interruption by at least two of the following: change in plane, change in texture or masonry pattern, windows, trellises with vines, or an equivalent.
- i. Scale of Design. All new construction fronting the Square must be at least two stories in height, with the first floor between 12 and 15 feet in height and upper stories between 9 and 12 feet in height, unless otherwise waived by the Planning Commission. Buildings may be no more than two stories taller than adjacent buildings. No building in the Central Business District may be more than three stories in height or 45'.
- j. Corner Buildings. Both street-facing sides of corner buildings will be treated like the storefront façade, therefore, all storefront façade requirements apply to both street-facing sides.
- k. Color. Exterior colors in the Central Business District are limited to natural non-primary or muted colors. Primary or highly saturated colors shall be limited to accent or trim only. All exterior building materials, finishes and colors shall be coordinated to achieve a continuity of design. All exterior doors, grills and building trim shall be painted consistent with the color scheme of the building.
- l. Permitted Building Materials. The following materials are permitted on the building exteriors visible from the street or alley: stone, marble, face brick, decorative wood trim and copper. The Planning Commission may permit other non-listed materials of similar quality and appearance.
- m. Prohibited Building Materials. The following materials are generally prohibited on the building exterior visible from the street or alley: corrugated metal, corrugated fiberglass, aluminum siding, imitation rock work, mirror or metalized reflective glass, plywood, masonite, structure and chip board siding, exterior insulated finish system (EIFS), vinyl siding, metal siding other than copper, cinder block, split-face block or pre-cast panels. The Planning Commission may permit the limited use of the above materials on a case by case basis and may also reject other exterior materials that do not complement the historic character of the Central Business District or that do not further the redevelopment plan for the Square.
- n. Awnings and Canopies. Awnings and canopies are permitted with the following restrictions:

- i. All awnings must be made of cloth fabric; vinyl awnings are prohibited. Canopies must be made of materials that complement the overall historic character of the Central Business District.
  - ii. No interior lighting is permitted within awnings or canopies except at the entryway, where light up to five foot-candles at grade is permitted.
  - iii. Awnings and canopies must be mounted no higher than 12 inches below the storefront cornice. All awnings and canopies must have a minimum vertical clearance of 7'6" above the sidewalk.
  - iv. Awnings and canopies must be attached directly to the building without requiring poles or sidewalk support.
  - v. On buildings wider than 25 feet, awnings and canopies must be segmented to articulate each display window and to provide a better sense of proportion to the façade.
  - vi. Awnings and canopies may not cover more than 25% of storefront windows.
- o. Exterior lighting. In order to promote the goals of improved aesthetics, greater energy efficiency, and safety, the following lighting standards apply to all nonexempt outdoor lighting:
- i. All light fixtures must be harmonious with the overall building design.
  - ii. Mounting of light fixtures is limited to the first floor.
  - iii. Lights may not move or flash.
  - iv. Prohibited lighting includes fluorescent, high-pressure sodium, laser, floodlights, mercury vapor and searchlights. The prohibition against fluorescent does not apply when the fluorescent luminaire has a color rendition similar to tungsten.
  - v. All bulbs and fixtures must be non-glare.
  - vi. Either exterior or interior lighting must illuminate the storefront display windows until 2 a.m.
  - vii. Recessed entryways must be illuminated but may not exceed an average of 5 foot-candles at grade.

The foregoing lighting standards shall not apply to any structure listed on the National Registry of Historic Buildings.

2. Building design for exterior renovation of existing structures: All of the aforementioned guidelines from Subsection 1 *New Construction- Building Components and Design Requirements* apply to the exterior alterations made to existing structures unless waived by the City Council. The City of Highland recommends that the renovation of existing structures recreate the original façade. Recommendations include the following:
- a. Windows. Restore and reglaze original window openings into original shapes and sizes. Windows may not be permanently filled or decreased in size.
  - b. Surface Materials. Remove non-original surface materials from the original wall surface, when the original wall surface still exists.
  - c. Piers. Restore piers to original status when such piers have been eliminated or reduced in size.

**Section 90.243:** Maintenance standards

Maintenance standards in this Division apply to all properties in the Central Business District. All exterior façade materials must be maintained in sound and attractive condition. Any rotten, broken, or otherwise deteriorated materials shall be repaired or replaced in kind. Peeling and/or chalking painted surfaces shall be repainted or otherwise refinished. Permanent boarding or filling in of windows on any side of the building is prohibited. All surfaces shall be kept free of debris, such as tape and staples. All other City code maintenance provisions also apply.

**Section 90.244:** Streetscape provisions

Business owners in the Central Business District may temporarily place items, including the establishment of outdoor eating areas, on the sidewalk in the public right-of-way, directly next to the building under the following conditions:

1. Such items may not unreasonably interfere with the flow of pedestrian traffic,
2. Items may not obstruct the entryway, and
3. Items must be stable and not prone to toppling or blowing away.

**Section 90.245:** Penalties

Property owners who fail to comply with the procedures set forth in this Division may be fined in an amount not to exceed \$750 per each day of noncompliance. Failure to comply includes, among other actions, failing to obtain compliance approval from the Planning Commission to the requirements herein or failing to comply with conditions set forth in a conditional approval of compliance. The City may file for injunctive relief where the City Council determines it to be in the public interest.

Sections 90.246-90.249: Reserved

## ARTICLE VIII: SIGNS

## DIVISION 1: GENERAL PROVISIONS

**Section 90.250:** Purpose

In accordance with state law, this Article establishes comprehensive regulations for the control of signs and other street graphics in order to preserve, protect, and promote the public health, safety, and general welfare. More specifically, this Article is intended to assist in achieving the following objectives:

1. To authorize the use of street graphics which are:
  - a. Compatible with their surroundings and the zoning district in which they are located;
  - b. Expressive of the image this municipality desires to project;
  - c. Appropriate to the type of establishment or activity to which they pertain; and
  - d. Legible in the circumstances in which they are seen;
2. To foster high quality commercial and industrial development, and to enhance the economic vitality of existing businesses/industries by promoting the reasonable, orderly, and effective display of street graphics;
3. To encourage sound street graphics display practices, and to mitigate the objectionable effects of competition in respect to the size and placement of street graphics;
4. To enhance the physical appearance of this municipality by protecting the manmade and natural beauty of the area;
5. To protect pedestrians and motorists from any damage or injury that might result from the improper construction, placement, or use of street graphics;
6. To protect the public investment in streets and highways by reducing the obstructions and distractions, which might cause traffic accidents;
7. To preserve the value of private property by assuring the compatibility of street graphics with nearby land uses; and
8. To protect the physical and mental well being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.

**Section 90.251:** Jurisdiction

This Article shall be applicable within the corporate limits of the City.

**Section 90.252:** Interpretation.

Every provision of this Article shall be construed liberally in favor of this municipality. Whenever the requirements of this Article differ from the requirements of the Highway Advertising Control Act of 1971 (225 ILCS 440/1 et seq.) the more stringent standard shall apply. Whenever the requirements of this Article differ from the requirements of any previously adopted ordinance or regulation, the ordinances or parts thereof that conflict with the provisions of this Article are hereby repealed.

State law references: Highway Advertising Control Act of 1971, 225 ILCS 440/1 et seq.

**Section 90.253:** Disclaimer of liability.

1. Except as may be provided otherwise by statute or ordinance, no officer, Board member, agent, or employee of this municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Article. (See "Local Governmental and Governmental Employees Tort Immunity Act," 745 ILCS 10/1-101).
2. Any suit brought against any officer, Board member, agent, or employee of this municipality as a result of any act required or permitted in the discharge of his duties under this Article, shall be defended by the municipal attorney until the final determination of the legal proceedings.
3. Nothing in this act is intended to create a private cause of action in any person, business or corporation. And, specifically, no consequential damages may be sought for loss of profits or business opportunity.

#### DIVISION 2: GENERAL REGULATIONS

##### **Section 90.254:** Prohibition

Any sign or other street graphic not expressly permitted by this Article shall be deemed prohibited in this municipality.

##### **Section 90.255:** Calculation of sign area

The area of every sign shall be calculated as follows:

1. If a sign is enclosed by a box or outline, the total area (including the background) within that outline shall be deemed the sign area.
2. If a sign consists of individual letters, parts, or symbols, the area of the one imaginary square or rectangle that would completely enclose all the letters, parts, or symbols shall be deemed the sign area.
3. In calculating sign area, only one side of any double-faced sign shall be counted.
4. The area of signs of unusual shapes such as globes, cylinders, or pyramids shall be computed as one-half of the total of the exposed surfaces.

##### **Section 90.256:** Sign area allowance

*Important:* Within the limitations and restrictions as further provided in this Article, the total of the areas of flush mounted signs which a particular establishment is permitted to display, shall be computed according to the following formula:

1. Two square feet of sign area per one foot of lineal street frontage, up to a minimum of a 32 square foot sign.
2. The total areas of all other signs which a particular establishment is permitted to display, shall be computed according to the same formula; provided that no establishment in any zoning district shall display more than 300 hundred square feet of signs with all establishments allowed to put up a minimum of a 32 square foot sign.

##### **Section 90.257:** Special situations

1. If any establishment has frontage on two or more streets, each side having frontage shall be considered separately for purposes of determining compliance with the provisions of this Article.

However, the sign area allowances shall not be combined so as to allow any such establishment to display on any frontage a greater area of signs than this Section would otherwise permit.

2. The side of an establishment adjacent to an off-street parking area shall be deemed frontage.

**Section 90.258:** Movement prohibited

No sign or other street graphic shall revolve, rotate, or mechanically move in any manner.

**Section 90.259:** Illumination

Illumination of signs and other street graphics is permitted, subject to the following requirements:

1. Only white directional lighting is permitted in residential zoning districts and within 100 hundred feet thereof.
2. No red, yellow, green or other colored light shall be used at any location in such a manner as to confuse or interfere with vehicular traffic.
3. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color; provided, that this provision shall not apply to any message on any electronically-operated changeable copy sign. Beacon lights and illumination by flame are prohibited.
4. The light from any illuminated sign or other street graphic shall be shaded, shielded, or directed so as to avoid the creation or continuation of any nuisance or traffic hazard.
5. No exposed reflective type bulb, and no strobe light or incandescent lamp which exceeds 15 watts, shall be used on the exterior surface of any sign in such a manner as to expose the face of the bulb, light, or lamp to any public street or to adjacent property.

**Section 90.260:** Street graphics not to be hazardous.

1. No sign or other street graphic shall be erected, relocated, or maintained so as to prevent access or egress from any door, window, fire escape, or driveway.
2. No sign or other street graphic shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic sign, signal, or device.
3. No sign shall be located so as to obstruct vision at an intersection or vehicular entry or exit from the property.
4. No sign or other street graphic shall exceed a maximum height of 20 feet. There shall be no minimum height.

**Section 90.261:** Structural maintenance requirements.

1. Every sign or other street graphic shall be designed and constructed in conformity with the applicable provisions of the building code.
2. The electrical component of any illuminated sign or other street graphic shall conform to the applicable requirements of the electrical code.

## DIVISION 3: LOCATIONS

**Section 90.262:** Prohibition

The following street graphics are strictly prohibited everywhere in this municipality:

1. Mobile/portable marquees.
2. Signs attached to trees, fences, or public utility poles, other than warning signs issued by public utilities.
3. Signs, including posts and other supports, that advertise or identify an activity, business, or service no longer conducted must be removed within 60 days from the date of the discontinuance of that business, activity or service.
4. Signs painted on roofs or walls advertising off-premises businesses.

**Section 90.263:** Permitted

Every sign or other street graphic enumerated below that complies with the indicated requirement may be erected in any zoning district of this municipality without a permit. The area of said signs/street graphics shall not be debited against the displaying establishment's sign area allowance.

1. Construction signs identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall not exceed 32 square feet in area, shall be confined to the site of the construction, and shall be removed within 14 days after the project has reached a substantial completion of 90 percent, but prior to the issuance of the certificate of occupancy by the City.
2. Directional and informational signs erected for the convenience of the public, such as signs identifying entrances, exits, parking areas, no parking areas, restrooms, public telephones, walkways, and similar features or facilities. Such signs shall not exceed three square feet in area.
3. Flags of any country, state, or unit of local government (65 ILCS 5/11-80-17).
4. Garage sale signs advertising a garage or yard sale on private residential property. Such signs shall not exceed four square feet in area, shall not be posted for longer than three days and are not allowed to be on street right of way.
5. Governmental or public signs, such as traffic control signs, railroad crossing signs, legal notices, signs indicating the location of underground cables, etc.
6. Holiday decorations such as Christmas lights and ornaments, provided that such decorations must be removed within a reasonable time after the holiday, unless permanently installed.
7. House numbers and/or name of occupant signs located on the lot to which the sign pertains. Such signs shall not exceed three square feet in area for single-family dwellings nor six square feet for multiple family dwellings.
8. Institutional signs for public, charitable, or religious institution. Such signs shall be located on the premises of the institution, shall not obstruct the vision of motorists, and shall not exceed 32 square feet in area.
9. Integral signs carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

10. Interior signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs are not visible from the exterior of said buildings.
11. Political campaign signs, announcing candidates seeking public office and/or political issues and other pertinent information. Such signs shall be confined to private property. Political campaign signs shall not exceed 16 square feet in area in all zoning districts. Political campaign signs shall not be displayed more than 45 days prior to and must be removed within seven days after, the election to which they pertain.
12. Property regulations signs such as no trespassing, no hunting, no fishing, etc. Such signs shall not exceed three square feet in area.
13. Public interest signs publicizing a charitable or nonprofit event of general public interest. In any residential district, such signs shall not exceed 16 square feet in area; elsewhere, such signs shall not exceed 32 square feet. Public interest signs shall be permitted only for 30 days before and seven days after the event.
14. Real estate signs indicating the sale, rental or lease of the premises on which they are located. Such signs on residential property shall not exceed six and one-fourth square feet in area and not more than one real estate sign per street front shall be erected on any lot. On other property, such signs shall not exceed 32 square feet, may be positioned in a "V" shape with an interior angle between the faces of not more than 90 degrees with the distance between the sign faces not exceeding five feet at their closest point. Such signs shall be removed within seven days after the sale, rental, or lease.
15. Residential development identification structures at major entrances designed to identify a residential subdivision, apartment complex, or planned unit development; containing no commercial advertising; and not exceeding 40 square feet in actual signage area.
16. Street banners advertising a public entertainment or event. Such banners may be placed in locations approved by the City Council during the period of 14 days before the event and seven days after the event. (65 IICS 5/11-80-17)
17. Utility company signs that serve as an aid to public safety or that show the location of public telephones, underground cables, etc.
18. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building when constructed of bronze or other incombustible material.

**Section 90.264:** Residential districts

Upon the effective date of this Article, no signs or other street graphics except those listed in Section 90-263 shall be erected in any residential district

**Section 90.265:** Commercial and industrial districts.

No establishment located in any commercial district or in the industrial district shall display a total area of signs in excess of its sign area allowance. (See Section 90-256). Additionally, signs in any commercial district or industrial district shall conform to the requirements indicated in the subsections below. (Ord. No. 2032, § 2, 1-8-01; Ord. No. 2051, § 2, 12-3-01)

## DIVISION 4: TYPES

**Section 90.266:** Flush-mounted

For aesthetic and safety reasons, flush-mounted signs are the preferred type of sign in this municipality. No flush-mounted sign shall:

1. Project more than 18 inches from the wall or surface to which it is attached (if such wall/surface is not vertical, the projection shall be measured from the closest point of the wall/surface to the sign); or
2. Extend more than four feet above the roofline of the building to which it is attached.

**Section 90.267:** Projecting

No establishment in any zoning district shall display more than one projecting sign on any street front. No projecting sign shall:

1. Project more than ten feet from the building to which it is attached; or
2. Extend more than three feet above the roofline of the building to which it is attached; or
3. Project over a street, alley, public sidewalk, or driveway, or closer than two feet to the curb or edge of such vehicular way; or
4. Extend below a point ten feet above the ground or pavement.

**Section 90.268:** Signs on awnings, canopies and marquees

Signs mounted flush against any awning, canopy, or marquee shall be considered flush-mounted signs, and shall comply with the regulations of Section 90-266 of this Article. Signs suspended beneath any awning, canopy, or marquee shall be considered projecting signs, and shall comply with the regulations of Section 90-267 of this Article. When the message is placed directly on the awning, the sign area shall be the computation of the area of the one imaginary square or rectangle, which would completely enclose all the letters, parts or symbols.

**Section 90.269:** Window

Any establishment may display window signs. Window signs shall cover no more than 30 percent of any window. Permanent window signs shall be debited against the displaying establishment's sign area allowance, but temporary window signs shall not.

**Section 90.270:** Shopping center identification

A shopping center, as an entity, may erect an identification sign in accordance with the provisions of this Article if the total gross floor area of all the establishments located in the center exceeds 50,000 square feet. A shopping center identification sign shall not exceed 200 square feet in area. One sign shall be allowed per 75 linear feet of frontage, not to exceed two freestanding signs per shopping center. This shopping center identification sign shall display the range of addresses (numbers only) located within the shopping center, the square footage of such address portion of sign to be exempted from the 200 square feet of total sign area, with a minimum height of five inches, unless a finished base is provided, then the numbers may appear on the finished base (sign face sides), with a minimum height of five inches. Such range of addresses shall be of a reflective material if not illuminated.  
(Ord. No. 2032, § 2, 1-8-01; Ord. No. 2051, § 2, 12-3-01)

**Section 90.271:** Freestanding

1. No more than one freestanding sign shall be displayed on any street front of any lot. All freestanding signs shall comply with the following regulations:
  - a. No part of any freestanding sign shall intrude into or project over any public right of way.
  - b. No freestanding sign shall be erected closer than 20 feet to any lot line.
  - c. No freestanding sign shall be located so as to obstruct vision at an intersection or vehicular entry or exit from the property.
  - d. No freestanding sign shall exceed a total of 80 square feet in area, or ten feet in any dimension: provided, that this paragraph shall not apply to shopping center identification signs. (See Section 90-270 of this Article.)
  - e. When attached to a post or other supports, the top edge of a freestanding sign shall not exceed more than 20 feet above the elevation of the centerline of adjacent right-of-way or the adjacent finished grade, whichever is greater.
  - f. No exposed supports are permitted; supports are to be encased by vinyl, metal or masonry.
  - g. Street address (numbers only) are to be located on signs, the square footage of such address to be exempted from the 80 square feet of total sign face area, with a minimum height of five inches, unless a finished base is provided, then the numbers may appear on the finished base (sign face sides), with a minimum height of five inches. Such addresses are to be of a reflective material if not illuminated. This Section shall not apply if address on building is clearly visible from right-of-way and is of a reflective material if not illuminated.

**Section 90.272:** Roof-mounted

All roof-mounted signs are strictly prohibited everywhere in this municipality.

**Section 90.273:** Billboards

Billboards (including all off-premises advertising signs) are prohibited in this municipality except by special use permit in the C-3 highway business district and the "I" industrial district as designated by the zoning ordinance. A maximum of 25 billboards are allowed within this jurisdiction at any one time.

1. No billboard shall:
  - a. Exceed 60 square feet in area, excluding City billboards;
  - b. Be stacked on top of another billboard, but billboards may be placed back-to-back or in a "V" type construction, not exceeding 30 degrees, with not more than one graphic to each facing;
  - c. Be located closer than 2,000 feet to any other billboard on the same side of the roadway or within 1,000 feet to any other billboard;
  - d. Extend more than 30 feet above the ground or pavement.
2. All billboards must:
  - a. Be set back from all property lines a minimum of 20 feet or the overall height of the sign and supporting structure, whichever is greater.
  - b. All billboards and billboard structures within the City limits of the City shall be removed by a date six years from the adoption of this Article.

**Section 90.274:** Special promotions.

Any business enterprise consisting of retail sales and/or rendering of services directly to the public shall be able to use mobile/portable marquees, signs and banners for promotional activities. These promotional activities may occur not more than once in any calendar year. Each promotional activity shall not exceed 14 days in length. Mobile/portable marquees used in accordance with this Section shall be confined to property on which the business enterprise is located.

**Section 90.275:** Temporary.

If an establishment does not have an existing street graphic, a mobile/portable sign may be used for a period of time not to exceed 30 days.

**Section 90.276:** Off-site tract sales of subdivision lots.

One directional sign for tract sales of lots or houses off-site is allowable in any business or manufacturing district if the sign meets the following conditions:

1. The final plat of the subdivision must contain ten or more lots;
2. The sign may not exceed 32 square feet;
3. An approved sign permit has been obtained for the sign;
4. These signs must be posted off of public right of way and only with the written permission of the property owner; and
5. Signs must be removed when 90 percent of the houses and/or lots have been sold or if 36 months have expired from the time of erection of the sign.

## DIVISION 5: ADMINISTRATION AND ENFORCEMENT

**Section 90.277:** Enforcement duties.

The Administrative Official, referred to herein as the administrator, is hereby authorized and directed to administer and enforce the provisions of this Article. This broad responsibility encompasses, but is not limited to, the following specific duties:

1. To review and pass upon applications for street graphic permits;
2. To inspect existing and newly constructed street graphics to determine compliance with this Article, and where there are violations, to initiate appropriate corrective action;
3. To review and forward to the Zoning Board of Appeals all applications for special street graphic permits, variances, appeals, and amendments;
4. To maintain up-to-date records of said applications and of any official actions taken pursuant thereto;
5. To periodically review the provisions of this Article to determine whether revisions are needed, and to make recommendations on these matters to the Zoning Board of Appeals;
6. To provide information to the general public on matters related to this Article; and
7. To perform such other duties as the City Council may from time to time prescribe.

**Section 90.278:** Permits

Upon the effective date of this Article, no sign, billboard, or other street graphic, except those listed in Section 90-263 of this Article shall be erected, expanded, altered, relocated, or reconstructed without a street graphic permit issued by the administrator.

**Section 90.279:** Application.

Every applicant for a street graphic permit shall submit on a City supplied form, to the administrator, in narrative and/or graphic form, all the items of information listed below:

1. Name, address, and telephone number of applicant;
2. Name and address of the owner of the premises on which the street graphic is to be erected, if different from Subsection (1) of this Section;
3. Location of the building, structure or lot where the proposed street graphic is to be erected, and the zoning district classification of said premises;
4. Description of the proposed street graphic indicating proposed location, dimensions, area, overall height, illumination, and method of support/attachment;
5. Relationship of the proposed street graphic to nearby traffic-control devices;
6. Amount of street frontage that the establishment which proposes to display the street graphic has, and the total area of all existing signs on said premises; and
7. Such other information as the administrator shall reasonably require to determine full compliance with this article.

**Section 90.280:** Nonconformities.

A nonconforming street graphic that does not pose an imminent peril to life or property may remain and be maintained by ordinary repairs, subject to Subsection (5) herein, but shall not be:

1. Altered or enlarged in such a way as to increase its nonconformity;
2. Replaced by another nonconforming street graphic (provided that changing the message on a changeable copy sign shall not be deemed a violation of this provision);
3. Relocated unless it is made to conform with this article;
4. Reconstructed after incurring damage in an amount exceeding 50 percent of its market value at the time of loss as determined by the administrator; or
5. Any street graphic that is nonconforming on the effective date of this Article or becomes nonconforming because of any amendment to this Article shall be allowed to remain in its nonconforming state as long as it exists unaltered, until a date nine years from the adoption of this Article, at which time it shall be brought into compliance with this Article.

**Section 90.281:** Corrective action.

Whenever the administrator finds, by inspection or otherwise, that any street graphic is in violation of this Article, he shall so notify the responsible party in writing pursuant to Section 90-283, and shall order appropriate corrective action. Provided that this notice requirement shall not apply whenever the administrator determines that any street graphic poses an imminent peril to life or property or whenever such street graphics is strictly prohibited. In situations where the owner of the sign has not been identified, the administrator may notify the person, business, entity, who benefits from the particular sign or the person who placed the sign requesting that appropriate corrective action be taken.

**Section 90.282:** Contents of order.

The order to take corrective action shall be in writing and shall include:

1. A description of the premises sufficient for identification;
2. A statement indicating the nature of the violation;
3. A statement of the remedial action necessary to effect compliance;
4. Corrective action must be taken 72 hours after receipt of corrective action order;
5. A statement that the alleged violator is entitled to conference with the administrator if he so desires;
6. The date an appeal to the corrective action order must be filed, and the procedure for filing an appeal.
7. A statement that failure to obey a corrective action order shall result in revocation of the street graphic permit, and may result in remedial action by this municipality and/or the imposition of a fine.

**Section 90.283:** Service of order.

A corrective action order shall be deemed properly served upon the owner of the offending street graphic if it is:

1. Served upon him personally; or
2. Sent by certified mail to the last known address of owner and, when practicable, posted in a conspicuous place on or about the affected premises.

**Section 90.284:** Sign Variances

In order that the spirit of this zoning code may be observed and substantial justice done, the Zoning Board of Appeals shall, upon application or appeal, after conducting a public hearing and upon making a finding of fact, owing to special conditions, find that a literal enforcement of the provisions of this Article would result in unnecessary hardship, may vary the conditions of this Article.

1. Variances:
  - a. The Zoning Board of Appeals shall hold public hearing on each variance, appeal or special use requested. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Proper notice procedures shall be followed.
  - b. The Zoning Board of Appeals shall not grant any graphic variance unless, based upon evidence presented to them, they determine that:
2. The proposed variance is consistent with the spirit and purpose of this Article, and will not cause injury to the area in which the street graphic is located or be detrimental to the public welfare in any way; and
3. Strict application of the requirements of this Article would result in great practical difficulties or hardship to the applicant; and
4. The plight of the applicant is due to peculiar circumstances not of his own making; and
5. The proposed variance is the minimum deviation from the requirements that will alleviate the difficulties/hardship while protecting the broader public interest; and
6. The proposed variance will provide a better aesthetically pleasing look; prevent obstruction of view; or match the design, look and layout of other signs located on the same property on which a previous variance was granted.
7. The Zoning Board of Appeals shall follow guidelines and requirements as stated in Divisions 5, 6 and 7 of Article II of the zoning ordinance when determining requests for special use permits, variance or appeals.

**Section 90.285:** Remedial action.

Whenever the recipient of a corrective action order fails to obey said order within the time limit set forth therein, or in an emergency, the administrator may alter/remove the offending street graphic or take any other action necessary to effect compliance with this Article.

**Section 90.286:** Reimbursement for costs.

Any expense incurred by this municipality pursuant to authorized street graphic remedial action, pursuant to Sections 90-281 and 90-285 shall be billed by first class mail to the owner of the offending street graphic. If said bill has not been paid within 30 days, the unpaid charge shall constitute a lien upon the real estate where the street graphic is located. The municipal attorney is hereby authorized to file a notice of lien in the office of the Recorder of Deeds of Madison County, Illinois, to foreclose this lien, and to sue the owner of the real estate, or sign permittee, or their agents, in a civil action to recover the money due for the foregoing services, plus all expenses incurred pursuant to collection efforts including services, plus all expenses incurred pursuant to collection efforts including litigation expenses, plus reasonable attorney's fees to be fixed by the court.

**Section 90.287:** Complaints.

Whenever any violation of this Article occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the administrator. The administrator shall record such complaints, promptly investigate, and, if he deems necessary, initiate appropriate corrective action.

**Section 90.288:** Penalties.

1. Any person who is convicted of a violation of this Article shall be fined not less than \$50.00 nor more than \$750.00, plus costs. Each day that a violation continues shall be considered a separate offense.
2. Nothing contained in this Section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this Article.

**Sections 90.289- 90.295** Reserved

## ARTICLE IX: LANDSCAPING

**Section 90.296:** Statement of Intent

The intent of this Article is to require landscaping in development sites, parking lots and transition areas to enhance the aesthetic qualities of the City and to protect and preserve the appearance, character and value of its neighborhoods and businesses by:

1. Providing for quality and consistency in the design of landscaping and screening.
2. Providing for the separation of incompatible types of land use.
3. Providing for the conservation of existing trees and the planting of new trees in pace with the land development process.
4. Preserve economic base, property values and identity of the City.

**Section 90.297:** Landscape plan-when required

This Article sets out the minimum landscaping, buffering and screening requirements within the City of Highland. A landscape plan shall be required for the following:

1. Any new construction or structural alteration requiring site plan review pursuant to Article II Division 3.
2. The construction of a new parking lot or the major expansion (more than 25% increase in parking space) of an existing parking lot.
3. Any development in which landscaping, screening, buffering or tree conservation requirements apply.

**Section 90.298:** Procedures

The review and approval procedures for required landscape plans shall be pursuant to the City's site plan review requirements of Article II Division 3 and subject to the requirements of this Article. The City may require an outside consultant to review any of the submittal requirements in accordance with this Article. When deemed necessary the City may require a landscape or forestry study performed by an independent Urban Forester or Landscape Architect. All costs associated with these professional services shall be the responsibility of the developer.

**Section 90.299:** Landscape plan- submittal requirements.

Landscaping plans shall be prepared by a certified arborist or landscape architect registered in the state Illinois include information and detail as required by the administrative official to determine compliance with this section. Such plan shall be submitted to the Building and Zoning Division prior to any grading or removal of existing vegetation that may affect the health of existing tree coverage. All landscape plans, unless otherwise waived by the administrative official, shall include, but are not limited, to the following;

1. Scale at 1 inch = 20 feet to 50 feet.
2. North reference.
3. The extent of the development site, including the limits of land disturbance, clearing, grading, and trenching.
4. The location and size of all utilities on the site.
5. The location of all existing and proposed parking areas, sidewalks and other paved surfaces.

6. A detailed drawing of any enclosures or screening methods to be used on the property, including but not limited to, trash storage locations and loading areas.
7. The location and proposed landscaping of all existing and proposed buildings, structures, trash/dumpster enclosures, signage and all raised medians or islands.
8. The boundary of any required tree conservation area.
9. In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees. A list shall be submitted of the number, size, and type (e.g., hardwood, softwood; deciduous, evergreen) of trees which are submitted for credit toward any requirement of this Article.
10. The boundaries and proposed planting schedule of each required buffer or landscape area.
11. The location and mature size of all landscape materials proposed to meet the requirements of this Chapter, drawn to scale; and a planting schedule indicating plant names (scientific and common), quantities, condition (e.g., "sheared," "specimen," "1"), and installation size.
12. The location, quantity, size and common name of all significant trees to be removed.
13. Location of all significant trees to remain on the development site and measures taken to protect them during construction.
14. The location and construction details, including a profile section, of each structure proposed to meet buffering or screening requirements.

**Section 90.300:** Residential landscape requirements

In any new subdivision that includes residential development exceeding two (2) lots, one tree shall be required in the front of each residential zoning lot.

**Section 90.301:** Commercial landscape requirements

1. The minimum landscaping requirements shall be one (1) tree and two (2) shrubs per five thousand (5,000) square feet of total lot area, except in the central business district no landscaping shall be required.
2. All portions of the site not covered with paving or buildings shall be landscaped. Open areas not covered with other materials shall be covered with turf or groundcover. Groundcover shall be utilized on all slopes in excess of 25% (1:4).
3. All parking lots constructed after the date of adoption of this ordinance and having more than one aisle of parking, exclusive of automobile storage and sales lots, shall comply with the following requirements:
  - a. Each parking stall shall be within 100 feet from a deciduous shade tree or deciduous shade trees shall be provided within the parking lot at a ratio of at least one (1) tree for every twenty (20) parking spaces, or portion thereof.
  - b. Interior landscaped areas shall be situated within the lot so as to be surrounded by parking lot pavement on at least three (3) sides.
  - c. Each landscaped area shall be separated from the pavement material by straight-back concrete curbing or by an integral concrete sidewalk and curb with a vertical face of no less than six (6) inches so as to prevent vehicle encroachment and pavement breakup.

- d. Landscaping islands and tree planting areas shall be well drained and contain suitable soil and irrigation characteristics for the planting materials they contain, in ground irrigation systems may be required as determined by the City Council.
  - e. Landscape Islands:
    - i. Single Island: There shall be an island with a minimum landscape width of seven (7) feet and a minimum area of one-hundred (100) square feet, placed at the end of single row of parking and containing at least one deciduous tree, one shrub and ground cover.
    - ii. Double Island: There shall be a double island of two-hundred (200) square feet placed at the ends of double row of parking. Two (2) deciduous trees, two (2) shrubs and ground cover are required per double landscape island.
4. New trees shall have a caliper of no less than two (2) inches.
  5. A two (2) foot car overhang area shall be provided in any planting area adjacent to parking stalls.

**Section 90.302:** Screening & Buffering Requirements

1. In addition to the minimum requirements listed herein, landscaping at least ten (10) feet wide, consisting of a continuous planting of evergreens and deciduous trees, at a minimum of one (1) two (2) inch diameter deciduous tree, two (2) two (2) inch diameter flowering trees, and eight (8) four (4) feet tall evergreens, shall be planted for each one hundred (100) feet along the property line to separate commercial, industrial or multi-family uses from adjoining single-family residential developments or 'R-1A', "R-1B", "R1-C" and "R1-D" zoned districts.
2. For all commercial and industrial uses, sight proof screening shall be provided, not less than six (6) feet in height, along all side and rear property lines which are common to property zoned or used for residential purposes. Such screening shall not extend in front of the building line of adjacent dwellings.
3. All mechanical equipment mounted on the rooftop of any commercial or industrial use shall be fully screened from public view by an element of the building or by a separate, permanently installed screen harmonizing with the building in material, color, size and shape.
4. All exterior trash storage containers shall be located so that they are not visible from adjacent streets and properties or screened so as not to be visible from off the property. Enclosures shall have a concrete floor, a solid door and be constructed of brick or split face block or other building material that is complimentary to the principal building. Enclosures shall be constructed large enough to contain the desired trash container and any other such items as waste grease containers, waste oil containers, waste recyclable containers, etc. The locations, dimensions, elevations and a description of the buildings materials shall be included on any required site plan submittal.
5. All parking lots containing more than one row of parking shall be screened from public streets and sidewalks, public open spaces, and adjacent properties by complying with one of the following perimeter landscaping options;
  - a. The outside perimeter of all parking areas and drive aisles shall include a landscaped area seven (7) feet in width. When a parking lot abuts a public right-of-way one approved street tree shall be planted every 50' on center within the landscaped perimeter adjacent to the right-of way; or

- b. A five (5) foot wide perimeter-landscaped area with ornamental fencing (non-chain link), masonry wall or opaque hedge and an approved street tree planted every 50 feet.
- 6. Loading areas shall be oriented away from view of the public right-of-way or adjacent residential uses. When this is not feasible, such areas shall be screened from the public right-of-way or residential areas through landscaping, walls, fences or a combination of these in a manner consistent with the development. Chain link is not an acceptable screening material.

**Section 90.303:** Plant Materials

The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this Chapter:

Table 10.1 New Planting Requirements	
Small ornamental trees	6 foot--8 foot height
Deciduous shade trees	2 inch caliper
Evergreen trees	4 foot--5 foot height
Medium to large shrubs	18 inches--24 inches height
Dwarf to small shrubs	12 inches--18 inches height
Ground cover	2½ inches height

**Section 90.304:** Alternative compliance

Upon request by the applicant, the City may consider and approve alternatives to full compliance with the landscaping, screening and buffering standards contained in this Article if the associated visual impact is mitigated to the maximum extent feasible by the alternative landscaping and screening plans. Mitigation measures may include, but are not limited to increased setbacks, increased landscaping, additional fencing, and architectural treatments or otherwise camouflaging equipment or, with prior City approval, the planting and maintenance, or payment therefore, of adjacent public way landscaping.

**Section 90.305:** Installation of materials

Landscaping, as required by the provisions of this Section, shall be installed by the date specified on the approved plan. However, the Administrative official may allow an additional period of up to twelve (12) months if circumstances so require. A screening fence, if required, shall be installed before an occupancy permit is granted.

1. Tree Protection: Trees shall be protected from injury to roots, trunks and branches during grading and construction. Protective fencing, tree wells, and/or retaining walls shall be utilized where necessary to insure tree survival upon completion of construction.
2. Maintenance. The owner, tenant and their agent, if any, shall be jointly responsible for the continuing maintenance of landscaping and screening required by the Zoning Code. Nothing in these Codes shall be construed as prohibiting the redesign and replanting of landscape materials, provided that such replanting conforms to the minimum standards set forth herein.

3. Obstruction of Sight Distance at Intersections. Where two (2) streets intersect, landscaping and screening materials shall not be placed within the triangular area formed by the public right-of-way lines and a line connecting them at points thirty (30) feet from their point of intersection.

**Section 90.306:** Tree preservation

Existing significant trees should be preserved to the maximum extent practicable to act as buffers between adjoining developments and as site amenities. For purposes of this Section, "significant" trees mean deciduous trees with at least a twelve-inch caliper measured DBH, evergreen trees ten (10) feet or more in height, or small hardwoods such as dogwoods, redbuds or sourwoods whose diameters are eight (8) inches DBH or more.

Where preservation is not feasible, trees that are removed should be replaced on-site or elsewhere in the City. Additionally, existing vegetative cover including native trees, shrubs, forbs, sedges, groundcovers, grasses, and other flora should be preserved to the extent possible during development. Such existing vegetation provides important wildlife habitat, erosion control, and visual buffers within the landscape.

**Section 90.307:** Tree replacement or mitigation

If a "significant tree" is removed according to an approved tree preservation plan or is removed or damaged during clearing, grading, or construction, the applicant shall replace the removed or damaged tree as set forth below. Replacement trees shall be the same or similar species to the trees removed or damaged, or alternatively a species approved by the City. The following mitigation options may be utilized in any combination at the City's discretion;

1. Replacement on Site: For every inch of tree caliper, measured at DBH, removed or damaged, the applicant shall install a replacement tree or trees measuring an equal caliper on site.
2. Replacement on other sites: If the replacement trees cannot be provided on-site, they may be provided off-site as follows. For every inch of tree caliper, measured at DBH, removed or damaged, the applicant shall install a replacement tree or trees measuring an equal caliper off-site at a location approved by the City.
3. Contribution to the City's Tree-Replacement Fund: If tree-replacement on or off-site is not practicable, the applicant may make a monetary contribution to the City that is equal to the value of the tree removed as determined by an independent appraiser retained by the city and paid for by the developer.

**Section 90.308:** Landscape credit

Any existing trees on a site that are in appropriate locations and of acceptable quality shall be credited towards fulfillment of any landscaping provisions of this ordinance on a caliper inch per inch basis.