

CITY OF GENESEO

ZONING ORDINANCE

(INCLUDING AMENDMENTS THERETO)

ADOPTED FEBRUARY, 1981

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Chapter 1

TITLE AND PURPOSE

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| 9-1-1: | Title |
| 9-1-2: | Purpose |
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9-1-1: Title

This Title shall be known as the Zoning Title of the City.

9-1-2: Purpose

The chapters, sections, and use districts created by this Title are adopted for the purpose, among others, of:

Promoting the public health, safety, morals, comfort, and general welfare;

Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;

Encouraging such distribution of population, land use, and land development that will facilitate adequate and economic provisions of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;

Lessening or avoiding congestions in the public streets and highways;

Protecting against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;

Hazards to people and damage to property from the accumulation or run off of storm water;

Helping to insure that all residential, commercial, and manufacturing structures, as well as other types of structures, will be accessible to firefighting and other emergency equipment;

Prohibiting the formation or expansion of nonconforming uses of land, buildings, and structures adversely affecting the character and value of desirable development in each district;

Promoting the development of residential neighborhoods which are free of noise, dust, fumes, and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;

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Helping to prevent land development activities which lead to roadside blight and to minimize the effects of nuisance-producing activities;

Conserving the taxable value of land and buildings throughout the City;

Defining and limiting the powers and duties of the Zoning Officer and bodies as provided herein;

Preserving for the citizens of Geneseo the valuable and unique architectural character of the City by preventing construction, alteration, demolition, or other activities which would detrimentally affect the architectural unity of buildings of historic significance in the Historic Preservation District and thereby protecting property values and economic property of the City; and

Preserving the architectural features and general architectural character of the City as stated in the Chipman Design study and accompanying manual.

9-1-3: Nature

This Section classifies and regulates the use of land, buildings, and structures within the corporate limits of the City of Geneseo, Illinois. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the City into zoning districts and regulating the use of land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings and the density of population, and the historic preservation and design of buildings.

9-1-4: Authority

This Section is adopted in pursuance of the authority granted by the 1973 Revised Statutes of the State of Illinois, Chapter 24, Article 11, Division 13, and the Illinois Historic Preservation Act {IL Compiled Statutes (65 ILCS 5/11-48-2.1, et. seq.)}.

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Chapter 2

DEFINITIONS

9-2-1: Interpretation

9-2-2: Definitions

9-2-1: INTERPRETATION

For the purpose of this Title and in order to carry out the provisions contained herein, certain words, terms, and phrases are to be interpreted as defined herein.

Words used in the present tense shall include the future tense; the singular number includes the plural and the plural number the singular. The word "lot" includes the word "plot" or "parcel". The word "shall" is mandatory and the word "may" is permissive.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this regulation. Terms not herein defined shall have the meaning customarily assigned to them.

9-2-2: DEFINITIONS

Whenever the following words or terms are used in this Title, they shall have such meaning as ascribed to them below unless the context specifically indicates otherwise.

ACCESSORY BUILDING, STRUCTURE, OR USE: A subordinate building, structure, or use which is customarily and incidental to the principal building or use and which is located on the same lot or parcel of land with the principal building or use. Parking lots or spaces shall not be considered as accessory uses under this definition. Accessory buildings shall not be used for dwelling purposes.

ADMINISTRATIVE OFFICER: The individual designated by this Title to administer the provisions of this Zoning Title.

ADULT BOOKSTORE: An establishment having as a substantial portion of its stock in trade, books, magazines, films, or other electronically recorded materials for sale or viewing on premises by use of motion picture devices or any other means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" or "specified sexual activities" as defined below including instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or an establishment having more than fifty percent (50%) of its shelf and/or floor space devoted to the sale or display of such material.

ADULT LIVE ENTERTAINMENT: Any activity involving the presentation of live models

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displaying lingerie, or otherwise presenting live artistic modeling with said modeling displaying the human body in a nude or semi-nude state, distinguished or characterized by an emphasis on "specific anatomical areas" for observation by patrons therein and including, but not limited to, topless dancers, strippers, male or female impersonators, or similar entertainments.

ADULT MINI-MOTION PICTURE THEATERS: An enclosed building with a capacity for less than fifty (50) persons, predominantly used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specific anatomical areas" or "specific sexual activities" for observation by paying patrons therein. Predominantly shall mean more than fifty percent (50%) of all presentations.

ADULT MOTION PICTURE THEATERS: An enclosed building with a capacity for fifty (50) or more persons, predominantly used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specific anatomical areas" or "specific sexual activities" for observation by paying patrons therein. Predominantly shall mean more than fifty percent (50%) of all presentations.

ADVERTISING DEVICE: Banners affixed on poles, wires, or ropes; and streamers, wind-operated devices; flashing lights; and other similar devices.

AIRCRAFT: Any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

AIRPORT: Any area of land, water, or both which is designed for the landing and take off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft or for receiving or discharging passengers or cargo; all appurtenant areas used or suitable for airport buildings or other airport facilities; and all appurtenant rights-of-way.

ALLEY: A traffic way dedicated to public use which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street.

ALTERATION: Any appreciable change in the external architectural features of any structure or building, visible from a public way or from adjoining property.

APARTMENT: A room or suite of rooms in a multiple or two-family dwelling or where more than one living unit is established above nonresidential uses, intended or designed for use as a residence by a single family, as defined herein, and providing essential housekeeping facilities, kitchen and cooking facilities, bath, and sleeping quarters.

APARTMENT HOUSE: See Dwelling, Multiple-family.

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AUTO LAUNDRY: A building, or portion thereof, containing facilities for washing automobiles using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand washing of such automobiles whether by operator or by customer.

AUTO PARTS RECYCLER: A person who is in the business of acquiring previously owned vehicles for parts for the primary purpose of disposing of vehicle parts for re-use, in a manner other than by shredding or melting.

AUTOMOBILE SERVICE STATION: One or more buildings or premises where gasoline, oil, and grease may be supplied and dispensed at retail and incidental repair, batteries, tires, accessories, and maintenance may be obtained. Uses permissible at a service station do not include major mechanical and body work, straightening or replacement of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving greater than normally found in service stations. A service station is not a repair garage or a body shop. All activities incidental to the sale of gasoline or oil shall be conducted within a building and there shall be no storage or accumulation of equipment or motor vehicles outside of the principal structure.

BASEMENT: A story having part, but not more than, fifty percent (50%) of its height below the average grade of the adjoining ground (as distinguished from a "cellar"). A basement shall be counted as a story for the purpose of height measurement.

BED AND BREAKFAST HOUSE: An operator-occupied building providing accommodations for a charge to the public and by prearrangement for definite periods. Only one meal--breakfast--shall be served to guests.

BILLBOARD: A type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

BOARDING HOUSE: An operator-occupied building providing accommodations and guest rooms for a charge to the public and by prearrangement for definite periods; meals are provided for guests only; not open to transient guests in contradistinction to hotels, motels, and camps which are open to transient guests.

BOARD OF APPEALS: The Zoning Board of Appeals of the City.

BUILDING: Any structure having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicles, trailer, or mobile home (with or without wheels), or any movable device such as furniture, machinery or equipment, or portable hog houses.

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BUILDING HEIGHT: The vertical distance from the average grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING SETBACK LINE: A line within a lot or other parcel of land so designated on the plat or as required by this Title which denotes the area between such line and the adjacent street right-of-way line where structures are prohibited, except those that are permitted by the Zoning Title.

BULK STORAGE: As set forth in the rules and regulations of the Illinois State Fire Marshall.

CELLAR: A story having more than one half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

CERTIFICATE OF APPROPRIATENESS: The official document issued by the Community Development Board approving and/or concurring in the construction, erection, alteration, removal, moving, or demolition of any exterior architectural feature of a structure or building in the Historic Preservation District.

CHILD CARE CENTER: Any place, home, or institution which receives three (3) or more children under the age of sixteen (16) years and not of common parentage for care apart from their natural parents, legal guardian, or custodians when received for regular periods of time for compensation.

CITY: The City of Geneseo

CITY CLERK: The City Clerk of the City.

CITY COUNCIL: The City Council of the City.

CITY ENGINEER: The City Engineer of the City or person designated to act in the capacity of City Engineer in the review of engineering data, as outlined herein, where the services of a City Engineer are specifically mentioned.

CLINIC: An establishment used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons (those who are in need of medical, psychiatric, chiropractic, or surgical attention, but who are not provided with board or room or kept over night on the premises). A clinic may include an apothecary, pharmacy, or drug store as an integral part of the clinic.

CLUB OR LODGE, PRIVATE: Building and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

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COMMUNITY DEVELOPMENT BOARD: The Community Development Board of the City.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND: Any place or premises principally used for the sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.

DWELLING: A building, or portion thereof, designed or used exclusively for residential occupancy but not including home trailers, mobile homes, hotels, motels, boarding and lodging homes, tourist courts or tourist homes.

DWELLING, MULTIPLE-FAMILY: A residential building designed for occupancy by three (3) or more families.

DWELLING, SINGLE-FAMILY: A detached residential dwelling unit other than a mobile home designed for occupancy by one family only.

DWELLING, TWO-FAMILY: A detached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families (duplex).

DWELLING UNIT: Residential living area which consists of one or more rooms which are arranged, designed, or used as living quarters for one family only.

EASEMENT, ACCESS: The vested right to use property for the purpose of access by abutting property, such right being held by someone other than the owner who holds title to the land over which the easement of access is granted.

ESSENTIAL SERVICES: Includes the erection, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical communications, supply or disposal systems, retention ponds, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

EXTERIOR ARCHITECTURAL FEATURE: The architectural style, color, and general arrangement of the exterior of the structure, including the type and texture of building materials, all windows, doors, lights, signs, and other fixtures appurtenant thereto.

FAMILY/HOUSEHOLD: One or more persons occupying a premises and living as a single housekeeping unit, related to each other by blood, adoption, or marriage. Unrelated groups consisting of not more than five (5) persons occupying a premises and living as a single housekeeping unit shall be known as a household. These are distinguished from a boarding

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house, lodging house, or hotel, as herein defined.

FARM: An area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep (in accordance with applicable City ordinance). The term "farming" includes the operation of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities. A "farm" shall contain an area of five (5) acres or more.

FARMSTEAD: The buildings and adjacent service areas of a farm, including one dwelling unit whose occupants earn a substantial part of their livelihood from the farm operation, plus a second dwelling unit if used by farm help whose livelihood is derived in substantial part from the farm operation.

FENCE: Structure which is a barrier used to mark a boundary or as a means of protection, confinement, screening, or decoration.

FLOODPLAIN OR SPECIAL FLOOD HAZARD AREA (SFHA): Those lands within the jurisdiction of the City that are subject to inundation by the flood having a one percent (1%) probability of being equalled or exceeded in any given year (also known as the one hundred (100) year flood).

FRONTAGE: All property on one side of the street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead-ended, then all of the property abutting on one side between an intersection street and the dead end of the street.

GARAGE, PRIVATE: An accessory building housing motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located and not more than one of the vehicles may be a commercial vehicle of not more than three (3) ton capacity. Space may be rented for the occupancy of a private vehicle in accordance with this definition.

GARAGE, PUBLIC: Any building or premises except those used as a private or storage garage used for equipping, hiring, selling, or storing motor driven vehicles.

GARAGE, STORAGE: Any building or premises used for housing only motor driven vehicles other than trucks and commercial vehicles pursuant to previous arrangements and not to transients and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired, hired, or sold.

GASOLINE: As set forth in the rules and regulations of the Illinois State Fire Marshal.

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GRADE: The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any nonconforming wall approximately parallels and is not more than five feet (5') road line, then the elevation of the road at the corner of the wall adjoining the road shall be the grade.

GUEST ROOM: A sleeping room intended to serve no more than two guests per night.

HELIPORT: Any area of land or water, or both, except a helistop, which is designed and designated for the landing and takeoff of helicopters, whether or not facilities are provided for the sheltering, servicing, or repair of helicopters, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for heliport buildings or other heliport facilities, and all appurtenant rights-of-way.

HELISTOP: Any area of land or water, or both, which is certified by the Illinois Department of Transportation, Division of Aeronautics, for the landing and takeoff of helicopters on an infrequent basis. An "infrequent basis" shall mean six (6) or less landing or takeoffs per month.

HISTORIC AND/OR ARCHITECTURAL SIGNIFICANCE: That which has a special historic or aesthetic interest or value as part of the development, heritage, or cultural character of the municipality, region, state, or nation.

HOME OCCUPATION: Any occupation or activity incidental to residential use when carried on in the main building by immediate family residing on the premises in connection with which there is used not other than a nonilluminated name plate not more than one (1) square foot in area and no display used that will indicate from the exterior that the building is being used for any purpose other than that of a dwelling. No person is employed other than a member of the immediate family residing on the premises.

HOTEL: A building in which lodging and possible food services are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to the boarding house or multiple-family dwelling as herein separately defined.

INSTITUTION: A building occupied by a nonprofit corporation or nonprofit establishment for public use.

JUNK YARD: A lot, land, or structure, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded materials or for the collection, storage, dismantling and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. The term "junk yard" shall include auto wrecking yards.

KENNEL: Any lot or premises on which are kept four (4) or more dogs more than six (6)

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months of age for compensation or sale.

LAUNDROMAT: An establishment providing home-type washing, drying, or ironing machines for hire to be used by customers on the premises.

LIQUIFIED PETROLEUM GAS: As set forth in the rules of the Illinois State Fire Marshall.

LODGING AND ROOMING HOUSE: Operator-occupied building providing accommodations for a charge to the public and by prearrangement for definite periods; meals are not provided for guests, not open to transient guests in contradistinction to hotels, motels, and camps, which are open to transient guests.

LODGING HOUSE: A building or place where lodging is provided (or which is equipped regularly to provide lodging) by prearrangement for a definite period for compensation for three (3) or more, but not exceeding usually twenty (20) individuals, not open to transient guests in contradistinction to hotels, motels, tourist homes, and camps, which are open to transient guests.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Title, including one main building together with its accessory buildings, the open spaces and parking spaces required by this Title, and having its principal frontage upon a street or upon an official approved place.

LOT AREA: The total horizontal area included within lot lines.

LOT CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.

LOT FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: Any lot other than a corner lot with only one frontage street.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds for Henry County, Illinois, prior to June 13, 1972.

LOT WIDTH: The distance between straight lines connecting front and rear lot lines at each side of the lot. Where side lot lines are not continuously parallel or at right angles to the abutting street, the average of the rear and front widths shall be used.

MOBILE HOME: A portable or mobile living unit (either single or double width) used or

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designed for human occupancy on a permanent basis. A travel trailer is not to be considered a mobile home.

MOBILE HOME PARK: A parcel of land under single ownership which has been designed or improved or is intended to be used or rented for occupancy by one or more mobile homes or house trailers on a relatively permanent basis and in contradistinction to a transient trailer or camper park.

MOTEL: A motel primarily for transients travelling by motor driven vehicles with parking space on the premises for each lodging unit and with access to each such unit directly from the outside.

NEIGHBORING STRUCTURE: As used in this Chapter, shall be defined as any existing structure or any structure for which a building permit has been issued which is situated on any one of the following lots:

1. Any lot within one (1) lot on the same side of the street on either side of the proposed construction, without regard to intersecting street lines; or
2. Any lot within one (1) lot of the property directly across from the proposed construction on the opposite side of the street, without regard to intersecting street lines; or
3. Any lot within one (1) lot of the proposed construction providing such lot is abutting a street intersecting the street upon which the proposed construction will be located and that the front elevations of the subject structures will be approximately ninety degrees (90°) to each other.

NONCONFORMING USE, ILLEGAL: Buildings or premises whose use is changed after adoption of this Zoning Title for purposes which do not meet the requirements of the district in which said building or premises are located. Such nonconforming uses are violations of the zoning Title (see Chapter 14).

NONCONFORMING USE, LEGAL: Continued use of buildings or premises for purposes which, prior to adoption of this Zoning Title, do not meet the requirements of the Zoning District in which such building or premises are located.

URSING HOME INCLUDING CONVALESCENT HOME, REST HOME AND HOME FOR THE AGED: An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted persons in which not less than three (3) persons live or are kept or provided for on the premises for compensation excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment, or care of the sick or injured.

OPERATOR-OCCUPIED: The owner or the owner's manager of an establishment who is required to reside within the main building of the establishment.

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OVERLAY DISTRICT: These districts do not change the zoning of the underlying area, but impose additional regulations because of location in the flood plain and historic preservation district or grant relief from certain zoning requirements for mutual benefit of the City and development for a planned unit development (PUD).

PARKING LOT: An unenclosed area providing space for the storage or parking of two (2) or more automobiles with the necessary access driveways and aisle space to permit ingress and egress of automobiles to the lot and individual designated parking spaces without moving other automobiles. Each parking space therein shall be at least nine feet wide by twenty feet long (9' x 20') and contain one hundred eighty (180) square feet per parking space. The same shall be paved in accordance with Chapter 7, Section 9-7-1(F.).

PARKING SPACE: A durably surfaced area enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) standard automobile and, if the space is unenclosed, comprising an area of not less than one hundred eighty (180) square feet, exclusive of a driveway, connecting the parking space with the street or alley and permitting satisfactory ingress and egress of any automobile.

PLANNED UNIT DEVELOPMENT: A development which may involve the creative location and intermixing of various types of residential housing and a limited amount of business use, if desired, on one (1) tract of land.

PREMISES: A lot, together with all buildings and structures thereon.

PRINCIPAL BUILDING, STRUCTURE, OR USE: A building, structure, or use which comprises the main or primary occupation and focus of a lot. Although the size of a building shall be a factor in determining whether it is the principal building, size shall be considered in conjunction with all other factors, including the actual use and intent of the occupant in making the determination.

ROADSIDE STAND: A temporary structure with a floor area of not more than four hundred (400) square feet enclosed and so designated and constructed that is easily portable and can be readily removed.

SATELLITE DISH: A signal receiving device, characteristically shaped like a saucer or dish, the purpose of which is to receive communication or other signals from orbiting satellites.

SERVICE STATION: See Automobile Service Station.

SIGN: An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

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SIGN AREA: The total area of the space to be used for advertising matter, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.

SIGN, FRONTAGE: The dimension and feet off the ground floor level of a building front or of a side which faces the street which a business occupies. A single building can have more than one (1) sign frontage; corner sites must have separate frontages.

SIGN, GROUND: Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial, and reading matter when such sign is supported by uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building; includes billboards.

SIGN, MARQUEE: Any sign affixed to a marquee over the entrance to a building and supported from the building.

SIGN, OFF-SITE: A sign other than an on-site sign.

SIGN, ON-SITE: A sign relating in its subject matter to the premises on which it is located or to products, accommodation services, or activities on the premises. On-site signs do not include billboards.

SIGN, PORTABLE: Any ground sign which is not affixed or imbedded into the ground and is capable of being moved or transported from one site to another.

SIGN, ROOF: Any sign erected, constructed, or maintained upon the roof of any building.

SIGN, WALL: Any painted sign or poster on any surface or plane that may be affixed to the front, side, or rear wall of any building.

SIGN, WINDOW: A sign placed inside a building next to a window so as to be visible to the outside of the building.

SPECIFIC ANATOMICAL AREAS: are defined as less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola and human male genitals in a discernible turgid state, even if completely and opaquely covered, displayed or depicted in such a manner as to appeal to the prurient interest of the viewer.

SPECIFIC SEXUAL ACTIVITIES: are defined as human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts, displayed or

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depicted in such a manner as to appeal to the prurient interest of the viewer.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds twelve feet (12'), each twelve feet (12') or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story, which may be fifteen feet (15') high.

STORY, HALF: A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than five feet (5') above the floor of such story; provided, however, that any partial story used for residential purposes shall be deemed a full story. A half story may be used for occupancy only in conjunction with and by the occupancy of the story immediately below.

STREET: A general term used to describe a public right-of-way which provides designated improved areas for vehicular and pedestrian movement and may provide for vehicular and pedestrian access to properties adjacent to it and which may also provide space for the location of utilities (both above and below ground).

STREET LINE: The line separating the public right-of-way from property abutting thereon.

STREET, MAJOR: A traffic way connecting communities or connecting to limited access traffic ways which, in turn, connect to other communities.

STREET, THOROUGHFARE: A limited access traffic way connecting two (2) or more communities.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including, but not limiting, the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

STRUCTURAL ALTERATION: Any changes that would prolong the life of the supporting members of a building or structure such as the bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other chapters.

TOURIST OR TRAILER CAMPS: An area designated or designed and equipped to accommodate two (2) or more trailers, tents, or other temporary living or dwelling units and intended to service automobile transients in contradistinction to a mobile home park or court, which is intended for a more permanent occupancy.

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TRAVEL TRAILER: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet (8').

VOLATILE OILS: As set forth in the rules and regulations of the Illinois State Fire Marshall.

YARD: Required open space at grade unoccupied and unobstructed by any structure or portion of a structure other than projections of uncovered steps, uncovered balconies or uncovered porches; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height and visibility requirements. In measuring a yard for the purposes of determining the width of side yard, depth of a front yard or rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: Any open space extending the full width of a lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

YARD, REAR: An open space extending the full width of a lot between a building and the rear lot lines, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

YARD, SIDE: An open space extending the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

ZONING DISTRICT: Any area or areas within the limits of the City for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

ZONING MAP: See Chapter 3.

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Chapter 3

ZONING DISTRICTS; MAPS

- 9-3-1: Establishment of Districts
- 9-3-2: Zoning Map
- 9-3-3: Rules for Interpretation of District Boundaries
- 9-3-4: Annexed Territory

9-3-1: Establishment of Districts

In order to classify, regulate, and restrict the location of trades, businesses, industries, residences, and other land uses and the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit the intensity of the use of the lot areas and to regulate and determine the areas of yards, courts, and other open spaces within and surrounding such buildings, the incorporated area of the City is hereby divided into the following Zoning Districts:

"A" Agricultural District

Residential Districts

- "R-1" Residential District (single-family)
- "R-2" Residential District (single-family and duplex)
- "R-3" Residential District (4 or less units)
- "R-4" Residential District (8 or less units)
- "R-5" Residential District (no unit restrictions)

Business Districts

- "B-1" Business District (Local)
- "B-2" Business District (Highway)
- "B-3" Business District (Central)
- "B-4" Business District (Special)

Overlay Districts

- "F" Flood Plain District
- "PUD" Planned Unit Development
- "H" Historic Preservation District

9-3-2: Zoning Map

The location and boundaries of the zoning districts established by this Chapter are set forth on the map entitled "Zoning Map" which is herein and hereby made a part of this Title. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of

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this Title as though fully set forth and described herein.

9-3-3 Rules for Interpretation of District Boundaries

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

A. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways, or alleys.

B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and, where the districts are bounded approximately by lot lines, lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the zoning map.

C. Where a boundary line is shown as being located a specific distance from a street or road line or other physical feature, this distance shall control.

D. Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses taken at a mean low water mark.

E. Boundaries shown as following or closely following the City limits shall be construed as following such limits.

F. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on the zoning map.

G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals in accordance with provisions contained in Chapter 11.

9-3-4: Annexed Territory

All territory which may hereafter be annexed to the City shall be classified automatically as being in an "R-1" Residential District until such classification shall have been changed by amendment of this Chapter as provided hereafter or as provided in a pre-annexation agreement.

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Chapter 4

GENERAL PROVISIONS

- 9-4-1: Zoning Affects Every Structure and Use
- 9-4-2: Minimum Street Frontage, Lot of Record, Number of Buildings on Lot, and Lots Unserved by Sewer and Water
- 9-4-3: Accessory Buildings
- 9-4-4: Required Yard Cannot be Reduced or Used by Another Building
- 9-4-5: Conversion of Dwellings
- 9-4-6: Traffic Visibility
- 9-4-7: Essential Services
- 9-4-8: Mobile Homes
- 9-4-9: Validity of Existing Building Permits
- 9-4-10: Residential Use of Basements and Cellars
- 9-4-11: Flood Hazard and Obstruction of Water Course Channels
- 9-4-12: Fences
- 9-4-13: Adult Live Entertainment
- 9-4-14: Adult Bookstores
- 9-4-15: Severability Clause

9-4-1: Zoning Affects Every Structure and Use

Except as hereinafter provided, no building, structure, or land shall be erected, constructed, reconstructed, occupied, moved, altered, repaired, or used except in conformity with the regulations hereinafter specified for the class of district in which it is located.

9-4-2: Minimum Street Frontage, Lot of Record, Number of Buildings on Lot, and Lots Unserved by Sewer and Water

A. **Minimum Street Frontage.** No lot shall be created after the adoption of this amendment of this Title unless it abuts on a public street and has access thereto of that minimum frontage set forth by Chapter 9-6-3 of this Ordinance.

B. **Lot of Record.** In any Residential District on a lot of record at the time of enactment of this Title, one single-family dwelling may be established regardless of the size or width of the lot, provided all other requirements of this Title are complied with.

C. **Number of Buildings on a Lot.** Except in the case of planned unit developments, motels, or mobile home parks, not more than one principal detached building shall be located on a lot nor shall a principal detached residential building be located on the same lot with any other principal building.

D. **Lots Unserved by Sewer and/or Water.** In any residential district where neither central

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water supply nor central sewerage system is available within three hundred feet (300') of proposed lot, one single-family detached dwelling may be constructed, provided the otherwise specified lot area and width requirements shall be a minimum of one acre and two hundred feet (200'), respectively.

9-4-3: Accessory Buildings

A. Time of Construction. No accessory buildings, structures, or uses shall be permitted on any lot prior to the time of construction of the principal building to which it is accessory.

B. Percentage of Yard Occupied. No detached accessory building or buildings shall occupy more than fifty percent (50%) of the area of a side or rear yard.

C. Height of Accessory Building. No detached accessory building or structure shall exceed ninety percent (90%) of the height of the principal building or structure or seventeen feet (17'), whichever is less.

D. Size of Accessory Building. A lot may contain more than one (1) accessory building, as long as the terms of this and all other paragraphs of the Zoning Ordinance are complied with. No single accessory building larger than nine hundred sixty (960) square feet of ground or floor area shall be permitted in the R-1 through R-4 districts, except private garages may provide four hundred eighty (480) square feet per unit on multi-family lots.

E. Location on Lot. No accessory building shall be erected in any front yard. Accessory buildings shall be no closer than five feet (5') from all lot lines adjoining lots which are in any residential district and at least ten feet (10') from alley lines. It shall not encroach upon the required side yard. No accessory building is permitted on easement areas.

F. Satellite dishes shall be considered accessory buildings. In addition to the foregoing provisions to which all accessory buildings are subject, satellite dishes shall be situated on the ground in all residential districts, and either on the ground or on buildings or other antenna structures in business districts.

9-4-4: Required Yard Cannot be Reduced or Used by Another Building

No lot, yard, or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this Chapter and, if already less than the minimum required, it shall not be further reduced.

9-4-5: Conversion of Dwellings

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under the title and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit,

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dimensions of yards and other open space, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the chapter applying to such districts.

9-4-6: Traffic Visibility

In a residential district no fence, structure, or planting which obstructs vehicular visibility shall be erected or maintained within a required front yard setback area.

9-4-7: Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the community, it being the intention hereof to exempt such essential services for the application of this Title.

9-4-8: Mobile Homes

All inhabited mobile homes or house trailers shall be located in a mobile home court or park that has received a conditional use permit as required by Chapter 11 hereof. No mobile home or house trailer outside an approved mobile home court or park shall be connected to utilities except those mobile homes or house trailers being offered for sale by a licensed dealer or manufacturer and not inhabited which may be connected to electrical outlets on the dealer's sales lot.

9-4-9: Validity of Existing Building Permits

Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated uses of any development, building structure or part thereof for which the official approvals and required building permits have been granted before the enactment of this Title, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Title and the completion thereof carried on in a normal manner within the subsequent six (6) month period and not discontinued until completion except for reasons beyond the builder's control.

9-4-10: Residential Use of Basements and Cellars

The residential use of buildings or structures consisting solely or primarily of a basement or cellar which is part of a conventionally designed building shall comply with all other applicable building, health, fire, safety, and housing regulations.

9-4-11: Flood Hazard and Obstruction of Water Course Channels

A. **Flood Hazard.** In any district which is subject to flood hazard, a building permit of any structure shall be issued only when the construction meets the requirements of the Flood Plain Ordinance.

B. **Obstruction of Water Course Channel.** To prevent encroachment upon or construction in river or creek channels and thereby avoid obstruction to the natural conveyance of water flow in such rivers, creeks, and other natural water courses, there shall not be placed, erected, or located within the designated floodplain of such water courses any building or structure, pier, or marina,

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retaining or revetment wall, except authorized bridges of dams. In addition, there shall not be placed any filling of earth, ashes, rubbish, rubble, concrete, masonry, or any other kind of fill, except as provided in the Geneseo Flood Control Ordinance.

9-4-12: Fences

A. A fence is a structure which is a barrier used to mark a boundary or as a means of protection, confinement, screening, or decoration.

B. Fences, walls, hedges, and other plantings are permitted in residential yards under the following restrictions:

1. Front yard: up to the front boundary of the yard, subject to 2. below.
2. No hedges or other plantings (or any portion thereof) shall be permitted within three feet (3') of any street or sidewalk. All hedges and other plantings shall be maintained and trimmed so as to comply with this subsection.
3. Such fences, walls, hedges, and other plantings shall not exceed seven feet (7') at the highest point including the post in height above the natural grade level in any yard. No such fence, wall, hedge, or other planting shall be permitted to obstruct traffic visibility on corner lots or other alley or driveway entrances.
4. All fences, walls, hedges, and other plantings shall specifically comply with any State statutes regarding height and positioning along roads, streets, and highways within the jurisdiction of the State of Illinois.

C. Security fences are permitted in nonresidential yards up to the property line of the lot. Such fences shall not exceed ten feet (10') in height. No such fence shall be permitted which would obstruct traffic visibility on corner lots or other alley or driveway entrances.

D. No fence consisting or made of barbed wire, or of which barbed wire is a part, or any wire which is charged with electrical current, shall be built or used in residential zones. In business and industrial zones, barbed wire may be placed seven feet (7') or more above the ground when placed in conjunction with a woven wire security fence.

E. No fence, wall, or hedge shall be built or planted in such a location or at such a height as to block the passage of sunlight to receptacles for solar heating units which are situated on neighboring lots. This restriction shall apply only when the solar receptacles are in existence or in the process of construction prior to the fence, wall, hedge, or other planting.

F. **Swimming Pools.** Every person who owns or is in possession of any premises on which there is situated a swimming pool, either in ground or above ground, which has a water depth of eighteen inches (18") or more in any portion thereof, shall maintain on the lot or premises upon

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which such swimming pool is situated a fence, wall, or other adequate structure completely surrounding the pool and constructed so as to make it inaccessible to small children. The fence, wall or other structure must be not less than four feet (4') in height, with no openings large enough to admit a child except through doors or gates. However, this minimum height requirement shall not be construed to permit swimming pool fences with a maximum height higher than six feet (6'), as set forth in this Title. All doors or gates in fences surrounding swimming pools shall be of such a size as to completely fill any opening in the fence, wall, or other structure and shall be equipped with self-closing and self-latching devices capable of keeping such gate or door securely closed. The closing or latching devices shall be located not less than four feet (4') above grade or be otherwise inaccessible from the outside to small children. In lieu of self-closing and self-latching devices, the doors and gates may be equipped with locks which shall be kept locked at all times when the pool is not in actual use.

G. The provisions of this Section shall not be applicable to fences, walls, hedges, or other plantings which are in existence on November 12, 1985 unless the Building Inspector of the City of Geneseo determines that such fence, wall, hedge, or other planting constitutes a danger to public health or safety. The determination of the Building Inspector shall be in writing and set forth the reasons the fence, wall, hedge, or other planting constitutes such a danger. A copy of the written determination shall be mailed to the owner of the premises on which the fence, wall, hedge, or other planting is situated. Such owner may appeal the determination in accordance with the provisions of Chapter 11 of the Geneseo Zoning Ordinance.

9-4-13: Adult Live Entertainment

No establishment or business shall permit adult live entertainment nor conduct business as an adult mini-motion picture theater or adult motion picture theater within the boundaries of the City of Geneseo.

9-4-14: Adult Bookstores

Adult bookstores shall be allowed as a conditional use in B-2 highway business zoning districts only, and shall not be allowed as a conditional use or permissive use in any other district.

9-4-15: Severability Clause

If any provisions or part of this Title should be held unenforceable by a court of competent jurisdiction, the remainder of the provisions herein contained shall be deemed to continue in full force and effect.

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Chapter 5

ZONING DISTRICT: USE OF PREMISES

| | |
|---------|--|
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| 9-5-16: | “CUD” Condominium Use District |
| 9-5-17: | “HCOD” Highway Corridor Overlay District |

9-5-1: Uses

A. **Permissive Uses.** Those uses permitted in a particular zoning district without any special action or approval.

B. **Conditional Uses.** Those uses in a particular zoning district which may be recommended by the Zoning Board of Appeals and granted by the City Council in accordance with the procedures and other conditions set forth in Chapter 11 of this Title.

1. When a conditional use permit is granted by the City Council, the usage for which the conditional use was sought shall begin within one year of the meeting date or be null and void unless a different date is specified in the permit. All permits granted under the provisions of the previous chapters shall fall under the provisions of this paragraph with the meeting date being the date of passage of this Title.
2. **Discontinuance of a conditional use.** No building or premises used in whole or part under a conditional use permit which remains idle or unused for a continuous period of two (2) years, whether or not the equipment or fixtures are removed, shall again be used for that purpose unless a new permit be granted. Temporary buildings for construction purposes are permitted in any district during

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periods of construction.

3. The City shall not be obliged to grant a conditional use for a lodging and rooming house, boarding house, or bed and breakfast house merely because the owner has obtained a license from the Henry County Health Department, but shall consider all pertinent factors as set forth in the Geneseo Zoning Ordinance with relation to conditional uses. However, a conditional use may be granted to an owner who has not yet obtained a license from the Henry County Health Department, subject to such a license being obtained within a reasonable time approved by the City, not to exceed two (2) weeks from the granting of the conditional use. In the event that the owner does not obtain the license within the required period or any extension thereof granted by the City, or in the event the owner's license is revoked by the Henry County Health Department for any reason, the conditional use shall be automatically revoked and terminated.

9-5-2: "A" Agricultural District

Intent. This District is intended to preserve a rural setting of very low density and high quality for "estate" or gentlemen's farm" type development, while providing also for the continuance of commercial agriculture on properties of sufficient area to permit compatibility with surrounding residential development, in areas not served or immediately intended to be served by municipal services, such as sewer and water systems.

A. Permissive Uses.

1. Farm of not less than five (5) acres in size.
2. Plant nursery and greenhouse.
3. Roadside stand offering for sale only farm products produced on the premises, which stand shall be removed during any period when not in use or not in season.
4. Farmstead.
5. Publicly owned or operated park or playground.
6. Cemetery.
7. Accessory uses of an agricultural or farming nature.

B. Height, Yard, Lot Width and Area Regulations. The height, yard, lot width, and area requirements as required in Chapter 6 of this Title.

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C. **Off-street Parking and Loading Regulations.** In accordance with Chapter 7 of this Title.

D. **Conditional Uses.**

1. Railroad Trackage.
2. Country club or golf course, except miniature golf course or golf driving range for commercial purposes.
3. Church and school, including college and junior college.
4. Home occupation.
5. Extraction of sand and gravel.
6. Privately operated outdoor recreational facility, including riding stable, lake, swimming, trailer park, pool, tennis court, and golf course, provided they are located on sites of five (5) acres or more.
7. Airport, heliport, and helistop, provided they comply with the regulations of the Federal Aviation Administration Agency and the Illinois Department of Transportation, Division of Aeronautics. No land or water, or both, within the City limits of Geneseo, Illinois shall be used for the landing or takeoff of any aircraft except in compliance with the terms of this provision. Nothing in this Chapter shall prohibit the evacuation of disaster victims or removal and transportation of persons needing emergency medical treatment when such transportation is required for the preservation of human life, and such transportation is furnished by emergency air ambulance medical helicopter services, the United States Government, National Guard, or qualified Civil Defense authorities.
8. Hospital, nursing home, and educational, religious and philanthropic institution on sites of not less than five (5) acres, provided not more than twenty percent (20%) of the site area may be occupied by the buildings and, provided further, that the buildings shall be set back from all required yard lines an additional two feet (2') for each foot of building height above that required of the "A" Agricultural District.
9. Kennel, veterinary hospital or clinic, and stable, provided that any building or enclosure so used shall be located not less than one hundred feet (100') from any street or lot line or residential district.
10. Single-family dwelling.

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9-5-3: "R-1" Residential District

Intent. The principal use of land is for single-family dwellings. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

A. Permissive Uses.

1. Single-family dwelling.
2. Farm of not less than five (5) acres in size.
3. Essential service.
4. Accessory building or use as follows:
 - a. Private garage and parking areas for the sole use of the occupants.
 - b. Vegetable and flower garden.
 - c. Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential use.

B. **Height, Yard, Lot Width, and Area Regulations.** In accordance with Chapter 6 of this Title.

C. **Off-street Parking and Loading Regulations.** In accordance with Chapter 7 of this Title.

D. Conditional Uses.

1. Church or temple.
2. Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.
3. Public library and similar public culture uses, located not less than twenty feet (20') from any side lot line in any residential district.
4. Community center.
5. Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.

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6. Country club with golf course, swimming pool, tennis courts, and similar recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred feet (100') from any lot in any residential district.
7. Cemetery.
8. Home occupation.
9. Publicly owned or operated park or playground.
10. **Barber or beauty shop.** A barber or beauty shop shall be allowed as a conditional use after public hearing of the Zoning Board of Appeals as provided under this Chapter, and only after the following conditions have been met and shall be maintained.
 - a. Only the person owning the premises or renting the premises for which the conditional use is requested may operate and run the business requested. Absolutely no employees whatsoever shall be allowed in the running and operation of said business.
 - b. The business requested must meet all state licensing requirements and must meet all local ordinance requirements pertaining to said business.
 - c. No sign designating the location of the business will be allowed on the premises, other than a sign having no more than one square foot of area on any surface.
 - d. The conditional use must terminate upon legal transfer of the property by the person running the business, or relinquishment of possession of the property by the person running the business, or upon discontinuance of the business for a period of greater than ninety (90) days.

9-5-4: "R-2" Residential District

Intent. The principal use of land is for single-family dwellings and, under certain conditions, new two-family dwellings and the conversion of older, larger dwellings into two-family and multi-family dwellings. It is further the intent of this District to protect the value of existing residential areas and insure the value of future residential development while providing for the essential, supporting facilities, both public and private, of the residential areas. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

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A. **Permissive Uses:**

1. Single-family dwelling.
2. Farm of not less than five (5) acres in size
3. Essential service.
4. Accessory building or uses as follows:
 - a. Private garage and parking area for the sole use of the occupants.
 - b. Vegetable and flower garden.
 - c. Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential use.

B. **Height, Yard, Lot Width, and Area Regulations.** As required in Chapter 6 of this Title.

C. **Off Street Parking and Loading Regulations.** In accordance with Chapter 7 of this Title.

D. **Conditional Uses:**

1. Church or temple.
2. Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.
3. Public library and similar public culture uses, located not less than twenty feet (20') from any side lot line in any residential district.
4. Community center.
5. Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.
6. Country club with golf course, swimming pool, tennis courts and similar recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred feet (100') from any lot in any residential district.

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7. Cemetery.
8. Home occupation.
9. Publicly owned or operated park or playground.
10. Barber or beauty shop in accordance with the provisions in Section 9-5-3.
11. Private club or lodge, except those whose chief activity is a service customarily carried on as a business, provided any building is located not less than twenty feet (20') from any lot in any Residential District.
12. Parking area accessory to a use in an adjoining, less restricted district when abutting or directly across an alley, subject to the applicable conditions contained herein, and such further conditions as may be stipulated by the Zoning Board of Appeals.
13. The conversion of existing older and large single-family dwellings shall be subject to providing a minimum of six hundred (600) square feet of living space per apartment and each apartment shall contain sleeping, cooking (kitchen), toilet, and bathing facility, and comply with the current Uniform Housing Code. Off-street parking shall be provided in accordance with Chapter 7 of this Title.
14. Studio including, but not limited to, artist, photographer, sculptor, or musician.
15. Two-family dwelling (duplex).
16. Boarding house, provided that:
 - a. Parking will meet the requirements within the zoning ordinance section entitled "Off Street Parking and Loading Spaces," and must be visually screened from the neighboring properties.
 - b. The establishment be operator-occupied.
 - c. Interior features are retained to allow reconversion to residential use upon termination of the permit.
 - d. The kitchen shall not be remodeled to a commercial kitchen.
 - e. The establishment shall be operated entirely within the principal dwelling and guest rooms shall not occupy more than fifty percent (50%) of the total living area, excluding basement area, when determining total living area of the building or more than ten (10) guest rooms, whichever is less.
 - f. The owner shall provide a copy of an annual license granted by the Henry

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County Health Department's "Bed and Breakfast Ordinance."

17. Lodging and Rooming House, provided that:
 - a. Parking will meet the requirements within the zoning ordinance section entitled "Off Street Parking and Loading Spaces," and must be visually screened from the neighboring properties.
 - b. The establishment be operator-occupied.
 - c. Interior features are retained to allow reconversion to residential use upon termination of the permit.
 - d. The establishment shall be operated entirely within the principal dwelling and guest rooms shall not occupy more than fifty percent (50%) of the total living area, excluding basement area, when determining total living area of the building or more than ten (10) guest rooms, whichever is less.
 - e. The owner shall provide a copy of an annual license granted by the Henry County Health Department's "Bed and Breakfast Ordinance."
18. Bed and Breakfast House, provided that:
 - a. Parking will meet the requirements within the zoning ordinance section entitled "Off Street Parking and Loading Spaces," and must be visually screened from the neighboring properties.
 - b. The establishment be operator-occupied.
 - c. Interior features are retained to allow conversion to residential use upon termination of the permit.
 - d. The establishment shall be operated entirely within the principal dwelling and guest rooms shall not occupy more than fifty percent (50%) of the total living area, excluding basement area, when determining total living area of the building or more than ten (10) guest rooms, whichever is less.
 - e. The owners shall provide a copy of an annual license granted by the Henry County Health Department's "Bed and Breakfast Ordinance."
19. Hospital, clinic; nursing home; housing for the elderly; and educational, philanthropic, and religious institution, provided not more than fifty percent (50%) of the site area may be occupied by buildings.

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20. Child care center.

21. Civic theatre.

22. Physicians' and dentists' office and private clinic for human care; professional office of architects, engineers, lawyers, and the like; office devoted to real estate, insurance, management, and similar enterprises when not displaying or handling merchandise on the premises. The buildings permitted under this subsection shall be of a design and location compatible with the permitted residential use.

23. Greenhouse, florist shop, and nursery.

9-5-5: "R-3" Residential District

Intent. The principal use of land may range from single-family to medium density multi-family units. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

A. Permissive Uses:

1. Single-family dwelling.

2. Multi-family dwelling not to exceed four (4) units per building.

3. Farm of not less than five (5) acres in size.

4. Essential service.

5. Accessory building or uses as follows:

a. Private garage and parking areas for the sole use of the occupants.

b. Vegetable and flower garden.

c. Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential use.

B. Height, Yard, Lot Width and Area Regulations: As required in Chapter 6 of this Title.

C. Off Street Parking and Loading Regulations: In accordance with Chapter 7 of this Title.

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D. Conditional Uses:

1. Church or temple.
2. Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.
3. Public library and similar public culture uses, located not less than twenty feet (20') from any side lot line in any residential district.
4. Community center.
5. Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.
6. Country club with golf course, swimming pool, tennis courts, and similar recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred feet (100') from any lot in any residential district.
7. Cemetery.
8. Home occupation.
9. Publicly owned or operated park or playground.
10. Barber or beauty shop in accordance with the provisions in Section 9-5-3.
11. Private club or lodge, except those whose chief activity is a service customarily carried on as a business, provided any building is located not less than twenty feet (20') from any lot in any residential district.
12. Parking area accessory to a use in an adjoining less restricted district when abutting or directly across an alley, subject to the applicable conditions contained herein and such further conditions as may be stipulated by the Zoning Board of Appeals.
13. The conversion of existing older and large single-family dwellings shall be subject to providing a minimum of six hundred (600) square feet of living space per apartment and each apartment shall contain sleeping, cooking (kitchen), toilet, and bathing facilities and comply with the current Uniform Housing Code. Off-street parking shall be provided in accordance with Chapter 7 of this Title.
14. Studio including, but not limited to, artist, photographer, sculptor, or musician.

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15. Two-family dwelling (duplex).
16. Boarding House, in accordance with the provisions of Section 9-5-4.
17. Lodging and Rooming House, in accordance with the provisions of Section 9-5-4.
18. Bed and Breakfast House, in accordance with the provisions of Section 9-5-4.
19. Hospital; clinic; nursing home; housing for the elderly; and educational, philanthropic, and religious institution, provided not more than fifty percent (50%) of the site area may be occupied by buildings.
20. Child care center.
21. Civic theatre.
22. Physicians' and dentists' office and private clinic for human care; professional office of architects, engineers, lawyers, and the like; office devoted to real estate, insurance, management, and similar enterprises when not displaying or handling merchandise on the premises. The buildings permitted under this subsection shall be of a design and location compatible with the permitted residential use.
23. Greenhouse, florist shop, and nursery.

9-5-6: "R-4" Residential District

Intent. The principal use of land may range from single-family to high density multi-family dwelling units. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

A. Permissive Uses:

1. Single-family dwelling.
2. Multi-family dwelling not to exceed eight (8) units per building.
3. Farm of not less than five (5) acres in size.
4. Essential service.
5. Accessory building or uses as follows:
 - a. Private garage and parking areas for the sole use of the occupants.

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- b. Vegetable and flower garden.
- c. Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential use.

B. Height, Yard, Lot Width and Area Regulations: As required in Chapter 6 of this Title.

C. Off Street Parking and Loading Regulations: In accordance with Chapter 7 of this Title.

D. Conditional Uses:

- 1. Church or temple.
- 2. Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.
- 3. Public library and similar public culture uses, located not less than twenty feet (20') from any side lot line in any residential district.
- 4. Community center.
- 5. Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.
- 6. Country club with golf course, swimming pool, tennis courts, and similar recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred feet (100') from any lot in any residential district.
- 7. Cemetery.
- 8. Home occupation.
- 9. Publicly owned or operated park or playground.
- 10. Barber or beauty shop, in accordance with the provisions in Section 9-5-3.
- 11. Private club or lodge, except those whose chief activity is a service customarily carried on as a business, provided any building is located not less than twenty feet (20') from any lot in any residential district.

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12. Parking areas accessory to a use in an adjoining less restricted district when abutting or directly across an alley, subject to the applicable conditions contained herein and such further conditions as may be stipulated by the Zoning Board of Appeals.
13. The conversion of existing older and large single-family dwellings shall be subject

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to providing a minimum of six hundred (600) square feet of living space per apartment and each apartment shall contain sleeping, cooking (kitchen), toilet, and bathing facilities and comply with the current Uniform Housing Code. Off street parking shall be provided in accordance with Chapter 7 of this Title.

14. Studio including, but not limited to, artist, photographer, sculptor, or musician.
15. Two-family dwelling (duplex).
16. Boarding House, in accordance with the provisions of Section 9-5-4.
17. Lodging and Rooming House, in accordance with the provisions of Section 9-5-4.
18. Bed and Breakfast House, in accordance with the provisions of Section 9-5-4.
19. Hospital; clinic; nursing home; housing for the elderly; and educational, philanthropic, and religious institution, provided not more than fifty percent (50%) of the site area may be occupied by buildings.
20. Child care center.
21. Civic theatre.
22. Physicians' and dentists' office and private clinic for human care; professional office of architects, engineers, lawyers, and the like; office devoted to real estate, insurance, management, and similar enterprises when not displaying or handling merchandise on the premises. The buildings permitted under this subsection shall be of a design and location compatible with the permitted residential use.
23. Greenhouse, florist shop, and nursery.

9-5-7: "R-5" Residential District

Intent. The principal use of land is for high density residential development. Certain uses are permitted which are more compatible with intensive residential use than with commercial uses. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwelling and related facilities.

A. Permissive Uses.

1. Single-family dwelling.
2. Multi-family dwelling not to exceed eight (8) units per building.

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3. Farm of not less than five (5) acres in size.
4. Essential service.
5. Accessory building or uses as follows:
 - a. Private garage and parking areas for the sole use of the occupants.
 - b. Vegetable and flower garden.
 - c. Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential use.

B. Height, Yard, Lot Width and Area Regulations: As required in Chapter 6 of this Title.

C. Off Street Parking and Loading Regulations: In accordance with Chapter 7 of this Title.

D. Conditional Uses:

1. Church or temple.
2. Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.
3. Public library and similar public culture uses, located not less than twenty feet (20') from any side lot line in any residential district.
4. Community center.
5. Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.
6. Country club with golf course, swimming pool, tennis courts, and similar recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred feet (100') from any lot in any residential district.
7. Cemetery.
8. Home occupation.

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9. Publicly owned or operated park or playground.
10. Barber or beauty shop, in accordance with the provisions in Section 9-5-3.
11. Private club or lodge, except those whose chief activity is a service customarily carried on as a business, provided any building is located not less than twenty feet (20') from any lot in any residential district.
12. Parking areas accessory to a use in an adjoining less restricted district when abutting or directly across an alley, subject to the applicable conditions contained herein and such further conditions as may be stipulated by the Zoning Board of Appeals.
13. The conversion of existing older and large single-family dwellings shall be subject to providing a minimum of six hundred (600) square feet of living space per apartment and each apartment shall contain sleeping, cooking (kitchen), toilet, and bathing facilities and comply with the current Uniform Housing Code. Off street parking shall be provided in accordance with Chapter 7 of this Title.
14. Studio including, but not limited to, artist, photographer, sculptor, or musician.
15. Two-family dwelling (duplex).
16. Boarding House, in accordance with the provisions of Section 9-5-4.
17. Lodging and Rooming House, in accordance with the provisions of Section 9-5-4.
18. Bed and Breakfast House, in accordance with the provisions of Section 9-5-4.
19. Hospital; clinic; nursing home; housing for the elderly; and educational, philanthropic, and religious institutions provided not more than fifty percent (50%) of the site area may be occupied by buildings.
20. Child care center.
21. Civic theatre.
22. Physicians' and dentists' office and private clinic for human care; professional office of architects, engineers, lawyers, and the like; office devoted to real estate, insurance, management, and similar enterprises when not displaying or handling merchandise on the

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premises. The buildings permitted under this subsection shall be of a design and location compatible with the permitted residential use.

23. Greenhouse, florist shop, and nursery.

24. Small service-oriented business or retail store within a dwelling structure and designed to serve only the occupants of the premises.

25. Mobile home court or park, provided that:

a. Each lot provided for occupancy of a single mobile home unit or house trailer shall have an area of not less than four thousand five hundred (4,500) square feet and a width of not less than forty five feet (45') and no court or park shall be permitted a density of more than eight (8) units per acre and each mobile home court or park shall contain a minimum of ten (10) acres and be served by public sewer and water systems.

b. All mobile home courts or parks shall provide lots sufficient in size to maintain the following requirements.

1. No mobile home or house trailer, any structure, addition, or appurtenance thereto is located less than ten feet (10') from the adjacent lot boundary.

2. Space between mobile homes or house trailers may be used for parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet (10') from the nearest adjacent lot boundary.

c. Each mobile home or house trailer site shall abut or face a clear unoccupied space, driveway, roadway, or street of not less than twenty-eight feet (28') in width, which shall have unobstructed access to a public highway or street.

d. All private streets or drives within the mobile home court or park must have an improved all weather surface of not less than twenty-eight feet (28') in width.

e. The mobile home court or park shall be surrounded by a landscaped strip of open space fifty feet (50') wide along the public street frontage of a major street and twenty-five feet (25') wide around the court or park of a minor street frontage.

f. No mobile home or trailer sales lot shall be connected with the mobile home or house trailer court except that units may be displayed for sale upon any of the approved sites as model units.

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g. All appropriate State and City health and sanitation regulations shall be strictly observed.

h. A common space shall be provided within the mobile home court or park for the storage of boats, campers, and other bulky equipment which shall not be permitted on individual mobile home sites.

9-5-8: Business Districts

General. The following districts are intended to provide for a wide range of commercial and light industrial uses. However, any commercial or industrial use shall observe the following environmental performance standards:

A. **Noise.** All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness, and, as measured at any property line, shall not exceed the most current noise regulations adopted by the Illinois Pollution Control Board.

B. **Smoke.** The emission of smoke by any use shall be controlled so to be less dark in shade than that designated as No. 2 of the Ringelmann Chart, published and used by the United States Bureau of Mines; provided, however, that smoke of a density equal to that designated as No. 2 on the Ringelmann Chart may be permitted for not more than eight (8) minutes during any thirty (30) minute period and smoke of a density not exceeding that designated as No. 3 on the Ringelmann Chart may be permitted for not more than six (6) minutes during any eight (8) hour period while starting or cleaning a fire.

C. **Dust and Other Particulate Matter.** The emission of dust, fly ash, and other particulate matter shall not exceed eighty-five one hundredths (0.85) pounds per one thousand (1,000) pounds of flue gas, measured at a convenient point in the stack and under conditions not exceeding fifty percent (50%) of excess air. The amount of solids in such gases shall be determined according to the test for dust separation apparatus of the American Society of Mechanical Engineers, revised and amended to date.

D. **Odor.** The emission of odorous matter in such quantity as to be offensive at a point along or outside any lot line shall not be permitted. In determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 of the "Air Pollution Abatement Manual" (copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D. C.) shall be used as a guide.

E. **Glare and heat.** Any operation producing intense heat and glare shall be conducted within an enclosed building or with other effective screening in such manner as to be completely imperceptible from any point along or outside the lot lines.

9-5-9: "B-1" Business District (Local)

Intent. This District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of an individual residential

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neighborhood and the character, appearance, and operation of which are compatible with the character of the surrounding neighborhood. It is further intended to be incidental to the neighborhood in which located.

A. **Permissive Uses:**

1. Bakery whose products are sold at retail on the premises.
2. Barber shop and beauty parlor.
3. Cleaner and laundry.
4. Store for sale of goods and products at retail, not to exceed two thousand five hundred (2,500) square feet.
5. Apothecary and pharmacy.
6. Repair shop for household items, including clothing.
7. Bank and savings and loan institution.
8. Florist and greenhouse as a retail business.
9. Mortuary or funeral home.
10. Studio including, but not limited to, artist, photographer, sculptor, or musician.
11. Boarding House.
12. Lodging and Rooming House.
13. Bed and Breakfast House.
14. Hospital; clinic; nursing home; housing for the elderly; and educational, philanthropic, and religious institution provided not more than fifty percent (50%) of the site area may be occupied by buildings.
15. Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.
16. Child care center.
17. Civic theatre.

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18. Physicians' and dentists' office and clinic for human care; professional office of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises.

19. Accessory use of buildings as follows:

a. Parking lot.

b. Incidental storage and light industrial use of buildings; provided, however, that these uses do not exceed forty percent (40%) of the floor space.

20. Single-family dwelling.

21. Farm of not less than five (5) acres.

22. Essential Service.

B. **Height and Yard Regulations:** As required in Chapter 6 of this Title.

C. **Off Street Parking and Loading Regulations:** In accordance with Chapter 7 of this Title.

D. **Conditional Uses:**

1. Restaurant, except drive-in restaurant.

2. Animal hospital and animal clinic where there are no open kennels.

3. Commercial school.

4. Automobile service station.

5. Auto laundry.

9-5-10: "B-2" Business District (Highway)

Intent. This district is intended to provide for the total service needs of the motoring public using the major highway system through and adjacent to Geneseo and to require adequate space provisions to accommodate peculiar needs of the motorists. It is further intended to provide areas in close proximity to the major highway network and discourage through traffic on minor, local residential streets within the City.

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A. **Permissive Uses:**

1. Bakery whose products are sold at retail on the premises.
2. Barber shop and beauty parlor.
3. Cleaner and laundry.
4. Store for sale of goods and products at retail, not to exceed two thousand five hundred (2,500) square feet.
5. Apothecary and pharmacy.
6. Repair shop for household items, including clothing.
7. Bank and savings and loan institution.
8. Florist and greenhouse as retail business.
9. Mortuary or funeral home.
10. Studio including, but not limited to, artist, photographer, sculptor, or musician.
11. Boarding House.
12. Lodging and Rooming House.
13. Bed and Breakfast House.
14. Hospital; clinic; nursing home; housing for the elderly; and educational, philanthropic, and religious institution provided not more than fifty percent (50%) of the site area may be occupied by buildings.
15. Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.
16. Child care center.
17. Civic theatre.
18. Physicians' and dentists' office and clinic for human care; professional office of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance,

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management, and similar enterprises.

19. Accessory use of buildings as follows:
 - a. Parking lot.
 - b. Incidental storage and light industrial use of buildings; provided, however, that these uses do not exceed forty percent (40%) of the floor space.
20. Restaurant, except drive-in restaurant.
21. Animal hospital and animal clinic where there are no open kennels.
22. Commercial school.
23. Automobile service station.
24. Auto laundry.
25. Store, shop, laundromat, and retail business or service.
26. Bowling alley, dance hall, skating rink, and other commercial recreational uses.
27. Automobile service station.
28. Farm implement sales, storage, and repair.
29. Hotel and motel.
30. Public garage, automobile repair shop, and parking lot or building.
31. New and used car sales lot.
32. Restaurant.
33. Restaurant, drive-in.
34. Theater and assembly hall.
35. Theater, drive-in.

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36. Office and office building.
 37. Laboratory research, experimental or testing.
 38. Mobile home or house trailer, boat, trailer (camper) sales or storage.
 39. Bus passenger station.
- B. Height and Yard Regulations:** As required in Chapter 6 of this Title.
- C. Off Street Parking and Loading Regulations:** In accordance with Chapter 7 of this Title.
- D. Conditional Uses:**
1. Wholesale merchandising or storage warehouse.
 2. General service and repair establishment including, but not limited to, dying or cleaning works or laundry, plumbing and heating, printing, painting, upholstering, tin smithing, or appliance repair shop.
 3. Compounding of cosmetics, toiletries, drug, and pharmaceutical products and other similar products.
 4. Manufacture or assembly of items including, but not limited to, medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, electrical or electronic equipment or apparatus.
 5. Manufacture or storage of food products including, but not limited to, beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
 6. Contractors' storage lot.
 7. Sale and storage of liquid or solid fertilizer.
 8. Welding and metal fabricating shop.
 9. Multi-family dwelling not to exceed four (4) units per building.
 10. Single-family dwelling.

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11. Farm of not less than five (5) acres in size.
12. Essential service.
13. Bulk storage of gasoline, liquefied petroleum gas and/or volatile oils, provided such storage complies in all respects with the rules and regulations of the Illinois State Fire Marshal and all other applicable state laws.
14. Recycling of paper, rubber, plastic, metal, and other similar products.

15. Adult Bookstore. No adult bookstore shall be permitted within one thousand feet (1,000') of any residential district, public or private school or licensed day care center, church or religious center, public park, or cemetery, or other adult bookstore. This section shall not be used to require the abolition or removal of an adult bookstore already in existence under this Ordinance due to the subsequent location of any residential district, public or private school or licensed day care center, church or religious center, public park, or cemetery, or other adult bookstore within one thousand feet (1,000') of such bookstore.

9-5-11: "B-3" Business District (Central)

Intent. This district is intended to recognize the existing main commercial complex of Geneseo and the development normally associated with a "downtown" complex. It is intended to provide a wide assortment of commercial and manufacturing activities and goods in a more concentrated location, easily accessible to the whole community while preventing objectionable conditions due to overly offensive noises, smoke, odor, dust, etc.

A. Permissive Uses:

1. Bakery whose products are sold at retail on the premises.
2. Barber shop and beauty parlor.
3. Cleaner and laundry.
4. Store for sale of goods and products at retail, not to exceed two thousand five hundred (2,500) square feet.
5. Apothecary and pharmacy.
6. Repair shop for household items, including clothing.
7. Bank and savings and loan institution.
8. Florist and greenhouse as retail business.
9. Mortuary or funeral home.

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10. Studio including, but not limited to, artist, photographer, sculptor, or musician.
11. Boarding House.
12. Lodging and Rooming House.
13. Bed and Breakfast House
14. Hospital; clinic; nursing home; housing for the elderly; and educational, philanthropic, and religious institution provided not more than fifty percent (50%) of the site area may be occupied by buildings.
15. Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.
16. Child care center.
17. Civic theater.
18. Physicians' and dentists' office and clinic for human care; professional office of architects, engineers, lawyers, and the like; office devoted to real estate, insurance, management, and similar enterprises.
19. Animal hospital and animal clinic where there are no open kennels.
20. Commercial school.
21. Auto laundry.
22. Store, shop, laundromat, and retail business or service.
23. Automobile service station.
24. Farm implement sales, storage, and repair.
25. Hotel and motel.
26. Public garage, automobile repair shop, and parking lot or building.
27. New and used car sales lot.
28. Restaurant.

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29. Theater and assembly hall.
30. Farm store and feed store.
31. Office and office building.
32. Laboratory research, experimental or testing.
33. Mobile home or house trailer, boat, trailer (camper) sales or storage.
34. Bus passenger station.
35. Multi-family dwelling not to exceed eight (8) units per building.
36. Single-family dwelling.
37. Farm of not less than five (5) acres in size.
38. Essential service.
39. Accessory use of buildings as follows:
 - a. Parking lot.
 - b. Incidental storage and light industrial uses of buildings; provided, however, that these uses do not exceed forty percent (40%) of the floor space.
 - c. Lodge hall, temple, or private club.
 - d. Private music, dancing, business, vocational, or other school or college.
 - e. Police or fire station, library, post office, or other municipal, county, or federal building.
 - f. Tavern.
 - g. Telephone exchange.
 - h. Milk, egg, and produce receiving station.
 - i. Store for the collection and distribution of laundry and dry cleaning articles and for the treatment, cleaning, and processing of such articles.

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- j. Painting and decorating shop establishment.
- k. Public service building or use.
- l. Printing establishment.
- m. Pool hall.
- n. Hardware, plumbing, and heating establishment.
- o. Upholstering establishment.
- p. Automobile salesroom and automobile accessory store.

B. **Height and Yard Regulations:** As required in Chapter 6 of this Title.

C. **Off Street Parking and Loading Regulations:** In accordance with Chapter 7 of this Title.

D. **Conditional Uses:**

1. Wholesale merchandising or storage warehouse.
2. General service and repair establishment including, but not limited to, dying or cleaning works or laundry, plumbing and heating, printing, painting, upholstering, tin smithing, or appliance repair shop.
3. Compounding of cosmetics, toiletries, drugs, and pharmaceutical products and other similar products.
4. Manufacturing or assembly of items including, but not limited to, medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, electrical or electronic equipment or apparatus.
5. Manufacture or storage of food products including, but not limited to, beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
6. Bulk storage of gasoline, liquefied petroleum gas and/or volatile oils, provided such storage complies in all respects with the rules and regulations of the Illinois State Fire Marshal and all other applicable state laws.

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9-5-12: "B-4" Business District (Special)

Intent. This district is intended to provide for those light industrial uses and existing grain and lumber handling enterprises which are in keeping with the residential nature of the community. Industrial uses should not be detrimental to the surrounding community on the basis of actual physical and operational characteristics by virtue of traffic, physical appearance, or other environmental factors.

A. Permissive Uses:

1. Grain elevator.
2. Feed mill.
3. Lumber yard.
4. Building for business, manufacturing, industrial, or railroad purposes.
5. Accessory storage shall be enclosed in a building or by a concrete or masonry wall not less than six feet (6') in height.
6. Any commercial or industrial use may be allowed that observes the environmental noise standards, except that:
 - a. No building shall be erected, converted, reconstructed, or structurally altered for church, school, institutional, or residential except for resident watchmen or caretakers employed on the premises.
 - b. No premises is used for auto wrecking, junk yard, and similar storage or salvage.
 - c. No premises is used for extraction of raw materials.
 - d. No premises is used for bulk storage of oils, petroleum, or similar flammable liquid and chemicals, or for the storage of explosives.
 - e. Fuel oil storage tanks are to be placed under ground.

B. **Height and Yard Regulations:** As required in Chapter 6 of this Title.

C. **Off Street Parking and Loading Regulations:** In accordance with Chapter 7 of this Title.

D. Conditional Uses:

1. Bulk storage of gasoline, liquefied petroleum gas and/or volatile oils, provided

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such storage complies in all respects with the rules and regulations of the Illinois State Fire Marshal and all other applicable State laws.

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2. Auto parts recycler, provided that all outdoor storage areas shall be screened by the inclusion of a solid fence at least six feet but no more than eight feet in height, or be enclosed with a dense evergreen growth at least six feet in height at time of installation. Storage between the street and such fence or screen, or above the fence or screen, is expressly prohibited. All gasoline, motor oils, brake and transmission fluids, antifreeze, hydraulic fluids, battery acids, and other fluids shall be removed immediately from salvaged vehicles. Such fluids shall be stored and disposed of in such a manner so as to avoid soil and environmental contamination of the subject site and prevent contamination of surrounding properties and waterways. All tires shall be disposed of or stored in such a way so as to prevent their holding water or in any way harboring insects or other pests.

9-15-13: "F" Flood Plain Overlay District

Intent. This district is intended to provide a direct link between the Zoning Ordinance and the Flood Control Ordinance by identifying those areas subject to flood hazard because of their location within the one hundred (100) year flood year.

A. Permissive Uses:

Any use permitted in the underlying zone provided it complies with the Geneseo Flood Control Ordinance.

B. Conditional Uses:

Any conditional use permitted in the underlying zone provided it complies with the Geneseo Flood Control Ordinance.

9-5-14: "PUD" Planned Unit Development

Intent. The planned unit development provisions of this Chapter are intended to encourage land development projects which would include a variety of housing types that will expand housing opportunities and to provide an incentive to include within the project usable open space, convenient shopping facilities, religious, and cultural facilities to an extent that they are designed and incorporated within the project to serve the residents thereof. These provisions are further intended to encourage a greater degree of creativity that would be practicable under the underlying zoning districts and to promote efficient use of land. The district provides a mechanism for which a developer can be given reasonable assurance of ultimate approval before expending complete design moneys, while City officials are assured that the project will retain the character envisioned.

A. Special Provisions for Planned Unit Development:

1. Minimum lot area, excluding common open space, shall be one acre.
2. The housing type, yard, height, and accessory uses shall be determined by the

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requirements and procedures set out below, which shall prevail over conflicting requirements of this Chapter or any chapter governing the subdivision of land.

3. A preliminary development plan of the project showing the intended use or uses of land; the dimensions and location of proposed structure, except for single-family dwelling lots; location of areas to be reserved for vehicular and pedestrian circulation; parking; public usages; and open spaces shall be submitted to the Geneseo Community Development Board as if it were a preliminary plat as provided for in the subdivision ordinance.
4. The Community Development Board shall conduct a public hearing and review the proposed development as to its conformity with the Geneseo Land Use plan and recognized standards of design, land use planning, and landscape architecture. The Geneseo Community Development Board may impose conditions regarding the layout, circulation, performance of a proposed development, including drainage and replacement and sizing of utilities, and may require that appropriate deed restrictions be filed enforceable by the City Council. The Geneseo Community Development Board shall, after the public hearing and review, submit its report and recommendations to the City Council for approval.
5. All residential land uses shall be exempt from yard requirements, except that a front yard as required by the underlying district shall be required around the perimeter of the Planned Unit Development and along all collector streets as determined by the Community Development Director.
6. Upon approval of the preliminary development plan by the City Council, a final development plan shall be prepared.
7. The final development plan shall use as a guide all applicable procedures, standards, and requirements of this Title or any title of the City governing the subdivision of land and comply with the approved preliminary development plan and approved recommendations of the Community Development Board. The final development plan shall be prepared by and have the seal of an engineer duly licensed to practice in Illinois.
8. If the final development plan does not comply with the approved preliminary development plan and approved recommendations, the City Council may direct the Community Development Board to hold a second public hearing and may require additional changes to the planned unit development.
9. The final development plan will be approved by the City Council if it has not been revised from the approved preliminary development plan except to incorporate required changes. The developer may begin construction of the streets and utilities after the Council approves the preliminary development plan but no building permits shall be issued until the final development plan is approved and recorded.

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10. Each unit in the development shall be allotted the minimum lot area required in the underlying district. The area dedicated for public streets shall be deleted from the area of the development for calculating the maximum number of units to be allowed in the development.

A reduction in the required lot area per unit may be permitted in the following ratios:

common open space/gross area (less streets) = minimum lot area
per unit/lot area per unit in zoning ordinance

No reduction will be allowed if the ratio is less than 5%.

11. Commercial land uses primarily serving the needs of the planned unit development residents may be permitted in residential districts provided the commercial uses do not comprise more than ten percent (10%) of the total area. Furthermore, no such commercial uses shall be construed until fifty percent (50%) of the proposed residential units are constructed and occupied.

12. Any changes in the approved final development plans either during construction or any time after its completion must be reviewed by the Community Development Board. The Community Development Board shall determine if it is a minor or major change. Minor changes may be authorized by the Community Development Board after notification is given to the City Council of that change. The Community Development Board shall hold a public hearing on all major changes, make a determination on that change, and pass its opinion on to the City Council for final approval.

9-5-15: "H" Historic Preservation District

Intent. The historic preservation district provisions of this Title are intended to restrict the construction, erection, alteration, removal, moving, or demolition of buildings and structures in the area of the historic preservation district and to encourage the preservation and enhancement of the education, cultural, economic, and general welfare of the City of Geneseo.

A. Special Purposes of the Historic Preservation District.

1. Promotion of the use and preservation of historic buildings, structures, and sites which reflect the cultural, social, economic, political, or architectural inheritance of the municipality for the education and general welfare of the people of Geneseo.

2. Protection and enhancement of the attractiveness of the Municipality as it relates to residents, tourists and visitors, serving as a support and stimulant to business, and thereby strengthening the economy of the Municipality and its residents.

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3. Stabilization and increase of property values within the Municipality.
4. Compatibility of any and all construction of new improvements and buildings and modifications of existing structures with the historic architectural character of the Municipality.
5. Enhancement of the visual and aesthetic character, diversity, and interests of the Municipality.
6. Preservation and further enhancement of civic pride of the residents of the Municipality in the beauty of the Municipality and in the notable accomplishments of the past.
7. Protection of the property rights of owners whose property lies within areas of historic architectural significance.

B. Special Provisions of the Historic Preservation District:

1. The provisions of this District "H" shall apply to all buildings or structures within the Historic Preservation District except schools, churches, grain elevators, service stations, and buildings used strictly for residential purposes.
2. The owner must obtain a Certificate of Appropriateness, or determine that one is not required, for all improvements requiring a building permit which affect the exterior architectural features and for paint colors, signs, and awnings.
3. Anyone wishing to comply with the spirit of the Historic Preservation District may request information or suggestions from the Community Development Board on an informal basis.
4. The Community Development Board will be using the downtown design manual prepared by Chipman Design as a guide in the review of exterior architectural features, paints, and awnings.
5. The area of the Historic Preservation Overlay District shall be designated on the included map by that name.
6. Along with the application for a Certificate of Appropriateness, applicable supporting documents must be submitted to the Building Inspector in duplicate. The Community Development Board may require any portion or all of the following documents:
 - a. Drawings and specifications, prepared in accordance with good architectural practice, indicating the building or structure exactly as it is proposed

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to be built, drawn accurately to scale and dimensioned.

b. A site plan or plot plan showing the plot configuration and its perimeter dimensions, all structures on the site with locating dimensions, location of all structures adjacent to the site within fifty feet (50') of the property line, and all vehicular drives, roads, related parking areas, main walks, walls, fences, and major parking areas, main walks, walls, fences, and major existing landscaping. In addition, locations and names of adjacent streets, a north arrow, existing and finished grade elevations and first floor level at each corner of new constructions, and existing and finished grade elevations at each corner of the site shall be indicated.

c. Four elevations including a front, rear, and two (2) side elevations, together with additional views or cross sections, if necessary, to completely indicate the exterior appearance of the structures. All elevations shall be drawn to the same scale, which shall be not less than one quarter of an inch (1/4") to the foot, except that the front elevation may be drawn to a larger scale. Each elevation shall show the accurate location of windows, doors, shutters, chimneys, porches, and other architectural features, all materials and finishes, and an accurate finish grade line.

d. Additional details to show unusual construction.

e. Color samples of all major finish materials.

f. For new construction, drawings or photographs of 1) existing structures that are to remain on the site and 2) of structures which are situated on any of the lots. For additions to existing structures, drawings or photographs of all elevations from which the addition can be seen.

C. The duties of the Community Development Board in regard to the Historic Preservation District are as follows:

1. To issue Certificates of Appropriateness prior to the issuance of any building permit pertaining to the construction, erection, alteration, removal, moving, or demolition of any structure in the Historic Preservation District.

2. To propose from time to time to the Council the establishment or disestablishment of structures and/or areas for historic preservation and of any additions to or changes in the geographic boundaries of the Historic Preservation District.

3. To advise the Council, the Building Inspector, other public agencies and

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property owners in matters involving structures and areas of historic and/or architectural significance. Further, assemble and hand over to the Chamber of Commerce available information pertaining to funds, from both public and private sources, available for restoration, alteration, and preservation.

4. To hold a public hearing when requested after a Certificate of Appropriateness has been denied.
5. To advise the Building Inspector whether a Certificate of Appropriateness is required for a particular improvement.

D. Procedures for the issuance or denial of a Certificate of Appropriateness shall be as follows:

1. No building permit for the construction, erection, alteration, removal, moving, or demolition of any structure or building in the Historic Preservation District shall be issued where such action will affect the exterior architectural features of any such structure or building in the above categories. The building inspector shall submit such application, together with the related plans and specifications, to the Board for its consideration.
2. An application for a Certificate of Appropriateness must be filed with the Building Inspector two (2) weeks prior to the scheduled Community Development Board meeting. Two copies of all materials required for consideration must be submitted to the Building Inspector.

The Building Inspector shall place a Notice of Meeting in a prominent place upon the building for which a building permit and Certificate of Appropriateness has been applied. Said notice shall be placed at least ten (10) days prior to the meeting.

The Board shall approve or deny the Certificate of Appropriateness at its meeting or set a later time to continue the review. The Board will work with the applicant on finding any agreed upon changes which would secure the approval of the Board. Findings of Fact shall be included in the minutes of each case, and the reasons for approval or denial of the request shall be specified.

3. Before recommending approval of such a Certificate of Appropriateness, the Board shall consider whether:

- a. The proposed change will adversely affect or destroy any significant historic or architectural feature of the structure.

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b. It is inappropriate or inconsistent with the spirit and purpose of the ordinance.

c. It will affect adversely or destroy the general historic and architectural significance of the district.

d. With respect to any proposed demolition, the Board shall determine whether or not preservation is economically feasible for the applicant, and shall issue a Certificate of Appropriateness if the denial of such certificate would result in practical difficulty or unnecessary hardship that would deprive the applicant of the reasonable use of the land or building involved.

4. **Appeals.** Any appeal of a decision must be submitted in writing within ten (10) days of the meeting to the City Clerk's office. The Chairman of the Board shall then schedule a public hearing and the City Clerk shall notify the applicant and the owners and occupants of neighboring structures by mail at least ten (10) days prior to the hearing and place a legal notice in the local newspaper. The Board and the applicant may invite such other persons or groups as desired to attend the hearing. At the conclusion of the hearing the Board shall again decide to approve or deny a certificate.

A party may appeal a decision of the Community Development Board after its public hearing to the City Council. The City Council may issue or deny a Certificate of Appropriateness after they review all of the facts, materials, and the decisions of the Community Development Board.

9-5-16: "CUD" Condominium Use District

Intent. The Condominium Use District provisions of this Chapter are intended to encourage infill development or redevelopment of existing lots of record for condominium development projects which would allow multiple buildings on a single parcel of land. This will expand housing opportunities and provide an incentive to include within the project useable open space to an extent that it is designed and incorporated within the project to serve the residents thereof. These provisions are further intended to encourage a greater degree of creativity than would be practicable under the underlying zoning districts and to promote efficient use of land. The district provides a mechanism for which a developer can be given reasonable assurance of ultimate approval before expending complete design moneys, while City officials are assured that the project will retain the character envisioned.

A. Special Provisions for the Condominium Use District:

1. The developer shall comply with all provisions of the Illinois Condominium Property Act (765 ILCS 605/1 et seq.) or as may be hereinafter provided.

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1. The property shall be an existing lot of record which is zoned R-3 Residential (four units or less).
- B Minimum lot area shall be as specified by the height, yard, lot and area requirements for the R-3 Residential zoning district, except as may otherwise be varied in accordance with this ordinance.
1. The housing type, yard, height, and accessory uses shall be determined by the requirements and procedures set out below, which shall prevail over conflicting requirements of this Chapter or any chapter governing the subdivision of land. Specifically, this District shall allow for the placement of more than one principal building on the lot approved for this purpose.
- C A Condominium Plat as required by the Illinois Condominium Property Act shall be submitted to the Geneseo Community Development Board.
2. The Community Development Board shall conduct a public hearing and review the proposed development as to its conformity with the Geneseo Comprehensive Land Use plan and recognized standards of design, land use planning, and landscape architecture. The Geneseo Community Development Board may impose conditions regarding the layout, circulation, or performance of a Condominium Plat, including storm water drainage and the replacement and re-sizing of utilities, and may require that appropriate deed restrictions be filed enforceable by the City Council. The Geneseo Community Development Board shall, after the public hearing and review, submit its report and recommendations to the City Council for approval.
 3. The final Condominium Plat shall be approved by the City Council by ordinance, and shall be signed by the Chairman of the Community Development Board, the Mayor, and attested by the City Clerk.
 4. The City Clerk shall record the final Condominium Plat with the Recorder of Deeds of Henry County, provided that the owner/developer has paid the cost of the recording fee.
 5. Any changes in the approved final development plans either during construction or at any time after approval by the City Council must be reviewed by the Community Development Board. The Community Development Board shall determine if it is a minor or major change. Minor changes may be authorized by the Community Development Board after notification is given to the City Council of that change. A major change would be constituted by, but not limited to, the following: one which would increase the building to land density ratio of the parcel, a change in the number of buildings, a change in building position that encroached upon a building setback line, or a change in the number of parking

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spaces or change in the placement of the parking area. The Community Development Board shall hold a public hearing on all major changes, make a determination on that change, and pass its opinion on to the City Council for final approval by ordinance.

9-5-17 Highway Corridor Overlay District Performance Standards and Design Regulations.

A. Purpose

The Highway Corridor Overlay District (“HCO”) performance standards and design regulations are intended to encourage the goals set forward in the City’s 1997 Comprehensive Plan to ensure that new developments in the City do not negatively impact the “small town” character of the community. These standards and guidelines are designed to create development standards which establish maximum building setbacks along commercial corridors to provide continuity and scale to the roadway; to consolidate automobile entry points and driveways to minimize traffic conflict; to place and create multiple distributed parking areas to the side or rear of buildings along prominent road corridors to minimize the visual impact of large paved areas; to maintain pedestrian connections between residential and commercial areas; to provide a hierarchy of building sizes, roof types, and facade styles, and maintain continuity with building materials and architectural details; to encourage new commercial buildings to reflect existing architectural styles and community character; to discourage inappropriate and undesirable generic corporate architecture and signs; to encourage continuity and quality of sign styles and maintain an appropriate scale of signs along road corridors; and, to maintain a strong definition of the public street corridor with street trees, lighting, and continuity of building facades.

B. General Description, Scope of Overlay District

The Highway Corridor Overlay District shall be in effect for all properties abutting Interstate 80, Illinois Route 82, U.S. Route 6, Bestor Drive, H.K. Robinson Drive, Chicago Street, and Ogden Avenue.

C. Applicability

This Ordinance shall apply to all non-residential development or re-development in or upon all properties described above in “General Description, Scope of Overlay District” in effect for the Highway Commercial Overlay District. Except as otherwise provided in this ordinance, no person, firm or corporation, public or private; the State of Illinois and its agencies or political subdivisions; the United States of America and its agencies or political subdivisions; any agent, servant, officer or employee of any of the foregoing which meets the following provisions or is otherwise exempted in this ordinance, shall commence any development activities as described below without first having obtained a development permit from the Zoning Administrator.

1. Any new development or any redevelopment that affects the exterior architectural features of a structure or alters the exterior of a structure by adding new footings or structures which create new or additional interior space, or adds awnings, roof structures, or new sign structures.

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2. Any conversion of residential units to commercial operations or operating a business under a home occupation conditional use permit.
3. This Ordinance shall not apply to building permit applications for residential construction or residential improvements, repairs, or maintenance.
4. This Ordinance shall not apply to building permit applications for any commercial construction, improvements, repairs, or maintenance which does not change or affect the exterior of a building or property.

D. Permitting

The Community Development Board shall conduct a public hearing for consideration of an application for development permit in the HCOD in the manner prescribed by the statutes of the State of Illinois to consider the proposal and its effect upon the City and the general health, safety, morals, comfort, and welfare of its citizens. The Board shall report its findings to the City Council, which shall have final authority on granting or denial of the application. No report for an application for development permit shall be forwarded to the City Council within the same week as the public hearing is completed. The standard fee for public hearings as set forth in this Zoning Ordinance shall be paid upon application. The application and fee must be submitted to the City Clerk's office three weeks prior to the scheduled Community Development Board meeting.

E. Exemptions

A development permit shall not be required for the following:

1. Any new development, redevelopment or other activity exempted herein.
2. The agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Natural Resources Conservation Service, and including the construction of agricultural structures.
3. The maintenance of any existing storm water drainage/detention component or structure or any existing soil erosion/sediment control component or structure; including dredging, levee restoration, tree removal or other function which maintains the original design capacities of the above.
4. The construction of, improvements to, or the maintenance of any street, road, highway or interstate highway performed by any unit of government whose powers grant such authority.

F. Variances

The Community Development Board, as part of the public hearing, may determine and vary the

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requirements and regulations of this ordinance in harmony with their general purpose and intent, where the Community Development Board makes written finding of fact in accordance with the standards herein after prescribed and, further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of requirements and regulations of this ordinance.

1. Application for variance shall be made by a petition of the applicant for the development permit, stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the development permit application. The Zoning Administrator will review and transmit recommendations to the Community Development Board, which shall review such recommendations prior to granting or denying the variance.
2. Standards for variance. The Community Development Board shall not vary the requirements and regulations of this ordinance as authorized in this section unless there is evidence presented to it in each specific case that:
 - a. The land is of such shape or size, or is affected by such physical conditions, or is subject to such title limitations or record that it is impossible or impractical for the applicant to comply with all of the requirements of this ordinance;
 - b. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - c. The granting of the variance will not be detrimental to the public welfare, environment or injurious to other property in the vicinity of the subject property.

G. Expiration of Permit

Every development permit shall expire and become null and void if the work authorized by such permit has not been commenced within 180 days or if not completed by a date which is specified in the permit, except that the Zoning Administrator may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration of the permit.

H. Responsibility

The applicant shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the City or its officers or agents, will not be made liable for such damage by, (1) the issuance of a development permit under this ordinance, (2) compliance with the provisions of that development permit or conditions attached to it by the Zoning Administrator, (3) failure of City of Geneseo officials to observe or recognize hazardous or unsightly conditions, (4) failure of City officials to recommend denial or to deny a development permit, or

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(5) exemptions from development permit requirements of this ordinance.

I. Permitted Principal Uses

Permitted Uses shall be all uses allowed in the underlying zoning districts. This chapter shall not apply to single family homes used solely for residential purposes.

J. Other Relevant Permitting

Before a Development Permit under this ordinance becomes effective, all required federal, state, and local permits will have been received for the site subject to new development or redevelopment. The acquisition of these permits shall be the sole responsibility of the applicant. These may include, but are not limited to, the Zoning Ordinance of the City of Geneseo, the Storm Water Control Ordinance of the City of Geneseo, the International Building Code, the National Electrical Code, and the Illinois Plumbing Code, most recent editions adopted by the City.

K. Applicable Regulations

All requirements of the underlying zoning district(s) concerning site planning, building height, lot area, and yard depths shall remain applicable except where modified by the following sections.

L. Development Incentives

1. For any two adjoining nonresidential properties (disregarding streets and alleys) which combine access and reduce by at least one the number of existing access points serving both properties along the roadway, the combined properties are eligible for a ten percent reduction in total number of required off-street parking spaces. This allowance shall apply to combined properties which would otherwise not demand more than one hundred off-street parking spaces under the requirements of this ordinance.
2. For any individual application which applies for a permit for a monument sign instead of a pole-mounted freestanding sign conforming with the provisions of this Ordinance, a 10 - 25% increase in the maximum total sign area for that project shall be allowed.

M. Site Plan Requirements

All applicants for proposed uses in the Highway Corridor Overlay District shall be required to submit a site plan for review and recommendation by the appropriate authority and approved by the Community Development Board prior to, or in conjunction to a zoning change, Special Use Permit, or Building Permit. The Community Development Board shall review site plans for proposed uses requiring approval. The site plan shall include the following information:

A drawing at a scale of one hundred feet or less to the inch indicating:

1. The legal description of the property;
2. Existing topography and the proposed finished grade of the site, shown with contour intervals of two feet;
3. Location and description of existing and proposed utility services on and adjacent

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to the development, including sanitary sewers, storm sewers, water mains, fire hydrants, electric utilities, and other utilities.

4. All existing and proposed easements;
5. The location and size of each existing and proposed structure or use on the site;
6. The location and width of streets adjacent to or near the property;
7. The dimensions and capacities of parking areas and loading areas, including the location and type of illumination and landscaping;
8. The types of surfacing, such as paving or turf to be used on the site;
9. A drainage plan for the site conforming with the requirements of the City's storm water regulations;
10. The location and height of all existing and proposed walls, fences, and screen plantings, landscaping, existing trees, and buffer areas.

N. Traffic Analysis

A traffic study shall be required for developments that are expected to generate large volumes of traffic to and from a site. The Zoning Administrator shall determine if a traffic study is required for a site. The analysis shall be performed by a registered professional engineer. The analysis shall include the anticipated or projected trip generation per day (ADT) and peak hourly traffic resulting from the proposed use; access points and driveways to and from the site, parking areas and number of parking spaces; stacking areas; sight distances from the access points; distance from proposed access points to existing intersections and driveways within five hundred (500) feet; and other information necessary for proper review by the City.

O. Performance Standards for Site Development of the Highway Corridor Overlay District.

1. Height, Yard, Lot Width and Setback Regulations.
The height, yard, lot width and setback regulations for the underlying zoning district shall apply to the HCOD, except that the distance specified as the minimum setback line shall be the build-to line; that is, the building's street facade shall be placed at the distance specified by the regulations, and not at a greater distance. The build-to distance for zone lots located within a non-residential zoning district and along Illinois Route 82 or along U.S. Route 6 shall be not less than eighty (80) feet nor more than one hundred (100) feet from the centerline of the highway. Where non-residential zoning districts abut residential zoning districts the minimum height, yard, lot width and setback regulations for the residential zoning district shall apply to the business and commercial zoning district wherever the properties share a common property line.
2. Parking and Loading Requirements.
The required number of parking spaces and loading dock bays for the underlying zoning district shall apply to the HCOD, except where a parking development incentive may apply for two properties which are reducing access points to the road by their joint efforts to combine access points.

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a. Commercial Zoning Districts.

Parking spaces shall be limited at the front, or highway / street side of the building to one tier of pull-in parking, with the remainder of the parking placed along one side and/or the rear of the building.

Parking Lot Landscaping. An area equal to 10% of the total size of the parking area shall be placed in landscaped islands, boulevards, or peninsulas in the interior of the parking area. One shade tree shall be provided for each 200 square feet of landscaped area. Seventy-five percent of each landscaped area shall be comprised of live landscape materials. If planted in deep rooted native grasses, trees, shrubbery, or other plantings approved as acceptable for offsetting new impermeable surface as set forth in the City's storm water regulations, parking lot and perimeter planting beds may offset the new impermeable surfaces in the calculation of storm water detention areas. All planting plans are subject to approval from any utility provider or individual holding easement rights on the property. Required plantings may be located within the public right-of-way with the permission of the City of Geneseo or the Illinois Department of Transportation, as is applicable.

b. Residential Zoning Districts.

For permitted conversions of single family homes or conditional use permits for home use occupation, parking spaces are not permitted in any front yard or side yard. Parking spaces shall be placed in the rear yard not closer to adjoining properties or parcels than the side or rear yard building setback lines for the underlying zoning district and shall be screened from the adjoining property by means of a substantial landscape barrier consisting of shrubbery, evergreen trees, or hedges not less than 5' in height. All planting plans are subject to approval from any utility provider or individual holding easement rights on the property. Alternatively, the appropriate authority may approve a solid wood and/or masonry fence or wall of an acceptable design in the event that a landscaped buffer is not practical.

3. Landscaping Requirements.

Native tree preservation. Reasonable efforts shall be taken to preserve desirable, healthy native trees in the landscape plan. In the event that a tree is damaged or must be removed, it shall be replaced with a minimum of two trees for each tree damaged or removed.

Parkway trees. For all new development in the Highway Commercial Overlay District, parkway trees shall be planted at a rate of one tree for each forty (40) lineal feet of frontage located within the right-of-way, subject to approval by the City of Geneseo or the Illinois Department of Transportation, as is applicable. The spacing of individual trees may be altered to accommodate signs, drives, light

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poles, fire hydrants, sight distance, or other obstructions or hazards.

Buffer or Transition Areas. Supplementary to the landscaping requirements for parking areas set forth above, a landscaped buffer shall be required when a use is established in a more intensive district which is adjacent to a less intensive zoning district. The owner or developer of the property within the more intensive district shall install and maintain a landscaped buffer on said property, as set forth in this section. The buffer shall be a minimum of ten - twenty (10 - 20) feet in depth, and shall be planted with predominantly evergreen hedges, shrubs, or trees that are normally expected to attain a minimum height of six (6) feet within three years of planting. The buffer area may be planted in shrubs or trees or be combined with a berm which will be normally expected to attain a minimum height of six (6) feet within three years of planting. Alternatively, the Community Development Board may approve a solid wood and/or masonry fence or wall of an acceptable design in the event that a landscaped buffer is not practical.

Recommended Trees. A list of recommended trees is found in Appendix “B”, “Desirable Trees Found in Northwestern Illinois”.

Recommended Native Plantings. A listing of recommended deep-rooted native plantings can be found in the Native Plant Guide for Streams and Storm water Facilities in Northeastern Illinois, USDA Natural Resources Conservation Service’s Chicago Metro Urban and Community Assistance Office.

4. **Parking Lot and Exterior Facilities Lighting.**
Lighting standards shall not exceed 20' in height and shall provide for a light cutoff angle being equal to or less than 90 degrees from vertical. In all zoning districts, any lighting shall be arranged to reflect the light away from adjoining property. A person shall not conduct a use that has a source of illumination that produces glare clearly visible beyond a property line or creates a sense of brightness within a visual field so as to cause annoyance, discomfort, or impairment of vision. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless: the Community Development Board find that the proposed lighting is not in conflict with the stated purpose of this Ordinance; that the proposed lighting will not cause unreasonable harm or restrict public health, safety and welfare or create a nuisance; and, that the proposed luminary has a cutoff angle of less than or equal to 66 degrees. The amount of illumination attributable to exterior lighting from a property shall not exceed one (1) Footcandle of illumination when measured at any boundary line with an adjoining property. All wiring for parking lot lighting shall be placed underground. All parking lot and parking structure lighting may be illuminated not more than one (1) hour before the start of business and shall be extinguished within one (1) hour after the end of business except as approved by the police

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department after finding the following: That the property has been identified as an area where the incidence or potential for crime warrant additional lighting; that additional lighting is needed to increase the visibility of a property which is not readily accessible to police for regular patrol; and, the use of timers, sensors, or other devices that produce a reduced lighting level that does not conflict with the stated purpose in this section.

5. Sign Requirements.

All signs shall be designed, constructed, and maintained in accordance with the following standards: All signs shall comply with the applicable provisions of the International Building Code and the Electrical Code of the City of Geneseo at all times; except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure; all signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.

Computation of Sign Area and Number. The sign area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any point. When two identical sign faces are put together back-to-back, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces. The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula contained in the table "Maximum Total Sign Area per Zone Lot by District Type" to the lot frontage, or ground floor area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot frontage or floor area on that street.

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| Permitted Signs by Type and Zoning District Type | | | |
|---|--------------------|--|------------------------|
| Sign Type | Residential | Non-Residential Adjoining Residential | Non-Residential |
| Building | | | |
| Wall | S | S | S |
| Projecting | N | N | N |
| Canopy | N | S | S |
| Suspended | N | S | S |
| Marquee | N | S | S |
| Freestanding | | | |
| Monument | N | S | S |
| Pole | N | S | S |
| S = Allowed with a sign permit. | | | |
| N= Not allowed. | | | |

| Maximum Total Sign Area Per Zone Lot by District Type | | | |
|--|--------------------|--|------------------------|
| | Residential | Non-Residential Adjoining Residential | Non-Residential |
| The maximum total area of signs on a zone lot except incidental, building marker, and identification signs and flags shall not exceed the lesser of the following: | | | |
| Max. Ttl. Sq. Feet | 2 s.f. | 100 - 400 s.f. | 200 - 600 s.f. |
| % of bldg ground floor | NA | 4 - 8% | 4 - 8% |
| Sq. Ft. of Signage per linear foot of Street Frontage | NA | 1.0 - 4.0 s.f. / 1.f. | 2.0 - 4.0 s.f./1.f. |

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| Number and Dimension of Individual Signs by District Type | | | | |
|--|--------------------|--|-----------------------------|---|
| | Residential | Non-Residential Adjoining Residential | Non- Residential | Adjoining Interstate Highway |
| Freestanding Signs | | | | |
| Area (Max. s.f.) | NA | 12 - 80 s.f. | 40 - 100 s.f. | 160 - 200 s.f. |
| Height (Max. ft.) | NA | 15 ft. | 15 ft. | 40 - 50 ft. |
| Number | NA | 1 per lot frontage | 1 per lot frontage | 1 per lot frontage |
| Building Signs | | | | |
| Area (Max. s.f.) | 2 s.f. | NA | NA | NA |
| Wall Area (%) | NA | 10 - 15% | 10 - 20% | 10 - 20% |

Wall or Building Signs. In non-residential areas no wall or building sign shall extend beyond the building more than twelve (12) inches from the building surface. No wall or building sign shall be extended higher than the lower of the following: twenty feet above grade, or the lowest point of the roof (for one-story buildings with continuous horizontal parapet, a sign may extend as high as the parapet; for buildings having roof gable ends, fronting on the street, a sign may not extend beyond the edge of the roof line.) No sign may be installed on chimneys, roofs, rooftop penthouses, or other similar features.

Sign Lighting and Illumination. Signs may be illuminated from within or from an unobtrusively positioned remote light source. Where remote lights such as spot lights are used, they are be designed so as to concentrate light only on the sign. Flashing or moving lights are not allowed with the exception of one-time temporary signs. If a registered trademark is used on a sign it may occupy no more than 25 percent of the sign area unless the trademark is that of the sole product at the location.

Architectural Standards.

The following design provisions are intended to help insure that redevelopment occurs in a manner compatible with the existing character of the community, to help insure that HCOD develops as a compact urban area, to integrate parking

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facilities into the design of developments, to provide a safe and attractive area for pedestrian traffic, to preserve historic and residential traditions, to restrict fortress-like facades at the street level, to avoid a monotonous environment and to insure the character of the community is enhanced through excellence in design.

Visually preferred examples of development are provided in the City's Comprehensive Plan, August 12, 1997. The architectural building types of the surrounding vicinity will be considered in site plans review. These may be Gothic Revival, Queen Anne, Colonial Revival or other types of architecture. The following design guidelines will be applied during the site plan review process in addition to other applicable regulations. Alternative design solutions may be approved if it is demonstrated that the alternatives meet the intent of this section.

- a. All utilities and meters shall be located on side or rear elevations of buildings, or shall be screened from view from public streets.
- b. All utilities shall be buried and screened from view from public streets.
- c. Trash and refuse dumpsters and recycling bins shall be screened from view from public streets and shall not be located in a public right-of-way.
- d. Access to individual dwelling units shall be from enclosed lobbies or corridors except for at grade level.
- e. Stairways between residential floors shall be enclosed within the building.
- f. Bicycle parking facilities shall be located so as not to impede pedestrian or vehicular traffic.
- g. Varied roof lines and or/heights shall be used to reduce the appearance of the mass of buildings. Flat roofs are prohibited. Acceptable roofing styles include, but are not limited to, gabled, hipped, and mansard. Rooftop mechanical equipment shall be screened by parapet walls.
- h. Techniques, such as varied setbacks, bay windows. Balconies and changes in material, color and texture shall be used to articulate facades and side wall elevations. Where rear walls are visible from the public right-of-way, similar techniques shall be used.
- i. Durable materials, such as masonry shall be used on the street level and are encouraged for upper stories. Masonry does not include concrete block and undressed poured concrete.
- j. Areas of blank walls on the street frontage of a building shall be minimized. At least forty (40) percent of the length of the street level frontage shall be windows or doorways (not including garage entrances). Loading and unloading facilities shall be located to the rear of a building.
- k. The location and dimension of proposed signs shall be integrated into the design of the overall development and shall be like in size, color, and materials.
- l. Sidewalks and pedestrian ways shall be installed within the right of way adjoining the zone lot being developed. Sidewalks and pedestrian ways shall provide access to buildings from the public right-of-way.

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- m. Drive-through facilities shall not visually or audibly intrude upon adjoining residential zoning districts.

P. Design Review.

- 1. Design Review Committee. Prior to the issuance of a building permit for the construction within the HCOD of a building, structure, or sign, the plans shall be reviewed and approved by the Community Development Board to ensure that the building, structure, or sign complies with the guidelines herein. The Board members may use for assessment of the plans and application the “SITE ASSESSMENT FACTORS REVIEW SCORE SHEET FOR HIGHWAY CORRIDOR OVERLAY DISTRICT (HCOD)” included as “APPENDIX A” of this Section. Permit applications for single-family residential structures are exempt from review.
- 2. Review and Approval. The Community Development Board shall:
 - a. Review the development plan application and required submissions for conformance with the Performance Standards of this Section, and if it is found to be in conformance, approve the development plan and authorize the City’s Building Inspector to issue such building and storm water permit(s) as required by law; or,
 - b. Approve the development plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of the HCOD regulations and issue the approval subject to these conditions and authorize the City’s Building Inspector to issue such building and storm water permit(s) as required by law; or,
 - c. Disapprove the development plan, indicating the deficiencies and the procedure for submitting a revised development plan application.

Q. General Provisions

- 1. Zoning Regulations Affect Every Structure and Use.
Except as hereinafter provided, no building, structure, or land affected by this Article shall hereafter be used and no building or part thereof of structure shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.
- 2. Continued Existing Uses.
Any building, structure or use lawfully existing at the time of enactment of this Article may be continued, except certain non-conforming uses as provided in subsection 3 below. Nothing in this Article shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

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3. Non-conforming Uses.

Any lawfully established use of a building or land, at the effective date of the ordinance authorizing this Article (date), or of amendments thereto, that does not conform to the use regulations for the class of district in which it is located shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.

- a. Any legal non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- b. Any building for which a permit has been lawfully granted prior to the effective date of the ordinance authorizing this Article, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six (6) months and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.
- c. Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or other act of God, may be reconstructed and uses as before if it be done within twelve (12) months of such calamity unless damaged more than fifty (50) percent of its fair market value, as determined by the Zoning Board of Appeals, at the time of such damage, in which case, reconstruction shall be in accordance with the provisions of this Article.
- d. No building, structure, or premises where a non-conforming building or structure has been or may be discontinued for more than one (1) year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a non-conforming use.
- e. Any building or structure devoted to a non-conforming use with a fair market value of less than five hundred dollars (\$500), as determined by the Zoning Board of Appeals, may be continued for a period not to exceed three (3) years after the effective date of the ordinance authorizing this Article, whereupon such non-conforming use shall be removed or changed to a conforming use.
- f. Any legal, non-conforming use shall be enclosed on all sides by a solid wall or tight board fence not less than eight (8) feet high if said use includes storage, repair, or maintenance of vehicles, equipment, or materials on the premises and not within the building. Said wall or fence shall be maintained to the satisfaction of the Building Inspector. Any use so described that is in existence at the time of the effective date of the ordinance authorizing this Article, shall comply with said fencing requirement within one hundred eighty (180) days of adoption of this Article.

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- g. A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use or meets all performance regulations herein, and only if the required yards for the district in which it is located are maintained for such enlargement, except as provided for under variances to the Zoning Regulations.
- h. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
- i. No non-conforming building in any residential district shall be so altered as to increase the number of dwelling units therein.
- j. No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of the ordinance authorizing this Article, or to displace any conforming use in the same building or the same parcel.

4. Non-conforming Existing Signs.

A sign that was permitted and/or existed in conformance with the zoning and building code regulations at the time of the effective date of the ordinance authorizing this Article, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this Article shall be considered as a legal non-conforming use. Said status shall allow the sign(s) which were made non-conforming by the adoption of the ordinance authorizing this Article, to remain in place and be maintained for a period ending no later than _____, _____, 2013, provided that no action takes place which increases the degree or extent of the nonconformity. A change in the information on the face of an existing non-conforming sign is allowed. However, any non-conforming sign shall either be eliminated or made to conform with the requirements of this Article when any proposed change, repair, or maintenance would constitute an expense of more than twenty-five (25) percent of the lesser of the original value or replacement value of the sign.

R. Validity and Repeal

Should any section, subsection, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than that which is so declared to be invalid. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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APPENDIX A

Case: _____
Reviewer: _____

**SITE ASSESSMENT
FACTORS REVIEW SCORE SHEET
FOR HIGHWAY CORRIDOR OVERLAY DISTRICT (HCOOD)**

SITE ASSESSMENT FACTORS

| Factor | Assessment Value |
|---|------------------|
| A. Completeness of Submittal 1. Required site plan material and information included in submittal | _____ |
| B. Adherence to Setback 2. Degree to which site development adheres to required setbacks | _____ |
| C. Sufficiency of Parking 3. Number of spaces provides for proposed use(s). 4. Degree to which parking site plan adheres to landscaping/screening requirement. | _____ _____ |
| D. Overall Landscaping 5. Degree to which overall project site plan adheres to landscaping/screening requirements | _____ |
| E. Facilities Lighting 6. Degree to which the affected local units of government cannot bear the costs that the proposed use may generate. | _____ |
| F. Signage 7. Consistency of proposed site signage with intent of HCOOD regulations | _____ |
| G. Architectural Standards 8. Consistency of proposed building design with intent of HCOOD regulations | _____ |

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APPENDIX A (continued)

Case: _____
 Reviewer: _____

**HCOD SITE ASSESSMENT
 Factors Review**

| Factor | Rating (Choose One) | Value | Considerations | Comments |
|------------------------------|---|--------------|--|-----------------|
| 1. Completeness of Submittal | 91-100 | 10 | °Percent of required information that was included in submittal. | |
| | 71-90 | 8 | | |
| | 51-70 | 6 | | |
| | 31-50 | 4 | | |
| | 11-30 | 2 | | |
| | 10 or Less | 0 | | |
| 2. Adherence to Setback | °100% of setback requirements are met | 20 | Degree to which setback requirements are met. | |
| | 75-99% of setback requirements are met | 15 | | |
| | 50-74% of setback requirements are met | 10 | | |
| | 25-49% of setback requirements are met | 5 | | |
| | less than 25% of setback requirements are met | 0 | | |

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| | | | | |
|---|--|---|--|--|
| <p>3. Number of Parking Spaces Provided</p> | <p>°100% of required parking spaces are provided including shared parking if applicable °100% of required parking spaces are provided without shared parking °75-99% of required parking spaces are provided °50-74% of required parking spaces are provided less than 50% of required parking spaces are provided</p> | <p>10 8 4 2 0</p> | <p>Degree to which the required number of parking spaces is met. Add two points to scores below 8 if shared parking is included but total number of required spaces is not provided.</p> | |
| <p>4. Parking Site Plan</p> | <p>°100% of required parking amenities are provided °80-99% of required parking amenities are provided °60-79% of required parking amenities are provided °40-59% of required parking amenities are provided less than 40% of required amenities are provided</p> | <p>10 8 6 4 0</p> | <p>Degree to which the required site plan amenities for parking are included. - landscaping - screening - parking location Add two points to the score of 10 if more than required amenities are provided.</p> | |
| <p>5. Overall Landscaping</p> | <p>°100% of required landscaping is provided °80-99% of required landscaping is provided °60-79% of required landscaping is provided °40-59% of required landscaping is provided less than 40% of required amenities are provided.</p> | <p>10 8 6 4 0</p> | <p>° Degree to which the required landscaping outside of parking landscaping is provided. Add two points to the score of 10 if more than required landscaping is provided.</p> | |

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| | | | | |
|------------------------|--|----|--|--|
| 6. Facilities Lighting | 100% of lighting requirements are met | 20 | Degree to which lighting requirements are met. | |
| | 75-99% of lighting requirements are met | 15 | | |
| | 50-74% of lighting requirements are met | 10 | | |
| | less than 50% of lighting requirements are met | 0 | | |

APPENDIX A (continued)

| Factor | Rating (Choose One) | Value | Considerations | Comments |
|---------------|---|--------------|---|-----------------|
| 7. Signage | 100% of signage requirements are met and no freestanding signs are included, sign faces area is less than allowed | 20 | Degree to which signage requirements are met. | |
| | 100% of signage requirements are met sign faces areas are extent allowed, no free standing signs are included | 15 | | |
| | signage requirements are not met but no free standing signs are included | 10 | | |
| | signage requirements are not met and free standing signs are included | 0 | | |

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| | | | | |
|---|---|-------------------------------|---|--|
| <p>8. Architectural Standards</p> | <p>100% of architectural requirements are met 75-99% of architectural requirements are met 50-74% of architectural requirements are met less than 50% of architectural requirements are met</p> | <p>20 15 10 0</p> | <p>° Degree to which architectural requirements. -Utilities Placement -Customer Access -Facade -Roofing -Street Windows</p> | |
|---|---|-------------------------------|---|--|

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APPENDIX B

Desirable Trees Native to Northwestern Illinois

Ash, Blue, *Fraxinus quadrangulata*
Ash, Green, *Fraxinus pennsylvanica*
Ash, White, *Fraxinus americana*
Birch, River or Red, *Betula nigra*
Coffeetree, Kentucky, *Gymnocladus dioica*
Hackberry, Common, *Celtis occidentalis*
Hickory, Shagbark, *Carya ovata*
Ironwood (Hophornbeam), *Ostrya virginiana*
Larch, American (Tamarack), *Larix laricina*
Linden, American (Basswood), *Tilia americana*
Maple, Black, *Acer nigrum*
Maple, Red or Swamp, *Acer rubrum*
Maple, Sugar or Rock, *Acer saccharum*
Oak, Black, *Quercus velutina*
Oak, Bur, *Quercus macrocarpa*
Oak, Chinkapin, *Quercus muehlenbergii*
Oak, Pin or Swamp, *Quercus palustris*
Oak, Red, *Quercus rubra*
Oak, Swamp White, *Quercus bicolor*
Pecan, *Carya illinoensis*
Redbud, *Cercis canadensis*
Arborvitae, White Cedar, *Thuja occidentalis*
Juniper, Eastern Redcedar, *Juniperus virginiana*
Pine, Easter White, *Pinus strobus*

Desirable Trees Native to Areas South of Geneseo, Illinois. Additional planting is encouraged.

Baldcypress, *Taxodium distichum*
Beech, European, *Fagus sylvatica*
Buckeye, Red, *Aesculus pavia*
Dogwood, Flowering, *Cornus florida*
Hickory, Shellbark, *Carya laciniosa* (for wet areas)
Persimmon, Common, *Diospyros virginiana*
Sassafras, Common, *Sassafras albidum*
Sourgum (Black Tupelo), *Nyssa sylvatica*
Sweetgum, *Liquidambar styraciflua*
Tuliptree, *Liriodendron tulipifera*

CITY OF GENESEO ZONING ORDINANCE

Chapter 6

HEIGHT, YARD, LOT AND AREA REQUIREMENTS

- 9-6-1: Title
- 9-6-2: Exceptions to Height, Yard, Lot, and Area Requirements
- 9-6-3: Height, Yard, Lot, and Area Requirements
- 9-6-4: Front Yard Setback Greater Than Minimum

9-6-1: Title

The following height, yard, lot, and area requirements must be observed in addition to those shown in Section 9-6-3.

- A. On lots fronting on two nonintersecting streets, a front yard must be provided on both streets.
- B. On corner lots there must be a front yard on both streets. On corner lots of record at the time of adoption of this Title, the buildable width shall not be reduced to less than twenty eight feet (28') by the application of this Section, except that in the "B" districts the buildable width shall not be reduced to less than forty feet (40'). There shall be a yard along the side street side of such a lot of at least five feet (5').
- C. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- D. In the "B" districts there may be more than one commercial or industrial building on a lot provided that the required yards be provided around the group of buildings.
- E. Where two (2) or more related multi-family, hotel, motel, or institutional buildings are permitted on a lot, the required yards must be maintained around the group of buildings and buildings that are parallel or that are within forty-five degrees (45°) of being parallel must be separated by a horizontal distance that is at least equal to the height of the highest building.
- F. Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered.
- G. In any district not requiring a front yard, a loading dock shall be set back sufficiently so that a truck backed in for loading or unloading shall not obstruct traffic on any sidewalk or street area.

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9-6-2:Exceptions to Height, Yard, Lot, and Area Requirements

The following exemptions may be made to the height, yard, lot, and area requirements:

- A. On existing lots less than seventy-five feet (75') wide the property owner may reduce a side yard to ten percent (10%) of the lot width but not less than three feet (3').
- B. On lots of record, a property owner may reduce his rear yard to not less than twenty percent (20%) of the lot depth.
- C. Where on the effective date of this Section (10-26-82) forty percent (40%) or more of a frontage was occupied by two or more lots upon which buildings are situated, then the front yard setback is established in the following manner:
1. Where the building farthest from the street provides a front yard setback not more than ten feet (10') deeper than the building closest to the street, then the front yard setback for the frontage is and remains an average of the then existing front yard.
 2. Where this (1.) is not the case and a lot is within one hundred feet (100') of a building on each side, then the front yard setback is a line drawn from the closest front corners of these two adjacent buildings.
 3. Where neither (1.) nor (2.) is the case and a lot is within one hundred feet (100') of an existing building on one side only, then the front yard setback is the same as that of the existing building.
- D. Notwithstanding the provisions in (3.) above, a front yard setback greater than the minimum as set forth in Section C. of this Chapter for residential zones shall be required where sixty percent (60%) or more of a frontage is occupied by two or more lots upon which buildings are situated. In that event, the front yard setback is and remains an average of the then existing front yards.
- This Section shall not apply to any subdivision, the plat of which sets forth specific front yard setback lines and which has been approved by the City under the subdivision ordinance. In that event, the restrictions of the subdivision plat shall be controlling.
- E. Sills, belt course, cornices, and ornamental features may project not more than one foot (1') into a required yard.
- F. Open fire escapes, fireproof outside stairways, balconies opening upon fire towers, and the projections of chimneys and flues into a rear yard for a distance of not more than three and one half feet (3 1/2') when so placed as to not obstruct light and ventilation may be permitted.
- G. Open, unclosed porches (not glassed in) may extend ten feet (10') into a front yard.

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H. No side yards are required for residential occupancy above commercial and industrial buildings.

I. Any accessory building erected within ten feet (10') of a main building shall be considered part of the main building and shall be provided with the same yards required of the main building.

J. Any accessory building more than ten feet (10') from the main building shall be considered a separate building and may be erected no closer than five feet (5') of a yard line, but must be located at least sixty feet (60') back from the front yard line.

K. Where an unattached garage is entered from an alley, it must be kept ten feet (10') from the alley line.

L. Wherever a "B" district adjoins an "R" district, the final development plan shall provide for a suitable fence, wall, or evergreen shrub border at least five feet (5') high.

M. In the "R" districts, buildings constructed before the effective date of Ordinance No. 957 which have side yards of not less than five feet (5'), front yard of not less than twenty-five feet (25'), and rear yard of not less than thirty feet (30'), may be reconstructed, added to, or altered provided they do not reduce the yard measurements listed above.

9-6-3: Height, Yard, Lot, and Area Requirements

| District | Minimum Lot Area | Minimum Area Per Residential Unit | Minimum Lot Width | Minimum Front Yard Setback | Minimum Side Yard | Minimum Rear Yard | Maximum Height Stories | |
|---|------------------|-----------------------------------|---------------------|------------------------------|----------------------|----------------------|---------------------------|-----------------|
| "A" Agriculture ⁶ | 5 acres | | 300 feet | 80' from center line of road | 20 feet | 50 feet | 2 ½ ¹ | 35 ¹ |
| "R-1" Residential District _{5,6} (single-family) | 7,500 sq. ft. | 7,500 sq. ft per unit | 5 feet ⁷ | 25 feet | 10 feet | 30 feet | 2 ½ | 35 |
| "R-2" Residential District _{5,6,8} (single-family & duplex) | 7,500 sq. ft. | 6,500 sq. ft per unit | 75 feet | 25 feet | 10 feet | 30 feet | 2 ½ | 35 |
| "R-3" Residential District _{5,6} (4 or less units) | 6,500 sq. ft. | 4,000 sq. ft. per unit | 100 feet | 25 feet | 10 feet | 30 feet | 2 ½ | 35 |
| "R-4" Residential District _{5,6} (8 or less units) | 10,000 sq. ft. | 3,500 sq. ft per unit | 100 feet | 35 feet | 10 feet | 30 feet | 2 ½ | 35 |
| "R-5" Residential District _{5,6} (high density) | 20,000 sq. ft. | 3,000 sq. ft. per unit | 100 feet | 35 feet ² | 10 feet ² | 30 feet ² | 7 | 85 |

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| | | | | | | | | |
|-------------------------------------|-------------------------|--|---------|----------------------|--------------|--------------|---|----|
| "B-1" Business (Local) ³ | | | 50 feet | 25 feet | ⁴ | 30 feet | 2 | 25 |
| "B-2" Business (Highway) | | | 50 feet | 40 feet ⁷ | ⁴ | ⁴ | 3 | 50 |
| "B-3" Business (Central) | | | 50 feet | | | | 7 | 85 |
| "B-4" Business (Special) | | | 50 feet | 40 feet | ⁴ | ⁴ | | 85 |
| "F" Flood Plain Overlay | See Underlying District | | | | | | | |
| "PUD" Planned Unit Development | | | | | | | | |
| Historical Preservation District | | | | | | | | |
| Highway Commercial Overlay District | | | | | | | | |

Notes 1 through 6 applicable to table on previous page:

- 1 Grain elevators, silos, barns, and other farm buildings are exempt from these requirements.
- 2 For all buildings over thirty-five feet (35') high, add one foot (1') to all required yards for each foot the building height exceeds thirty-five feet (35').
- 3 Required residential yard spaces have to be provided for residential uses.
- 4 Required residential yard spaces required for the abutting district are to be provided for those yards abutting residentially zoned property.
- 5 All lots served by an individual subsurface sewerage treatment facility shall have a minimum width of two hundred feet (200') and minimum area of one (1) acre per residential unit. All lots served by individual water supply wells shall have a minimum area of one (1) acre.
- 6 Church steeples exempt.
- 7 Minimum setback eighty feet (80') from center line of U. S. 6 and Oakwood Avenue.
- 8 Conversion of existing older and large single-family dwellings shall be subject to providing a minimum of five thousand (5,000) square feet of lot area per unit.

9-6-4: Front Yard Setback Greater Than Minimum

Notwithstanding the foregoing provisions, a front yard setback greater than the minimum as set forth in Section 9-6-2 for residential zones shall be required where sixty percent (60%) or more of a frontage is occupied by two or more lots upon which buildings are situated. In that event, the front yard setback is and remains an average of the then existing front yard.

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This Section shall not apply to any subdivision, the plat of which sets forth specific front yard setback lines and which has been approved by the City under the subdivision ordinance. In that event, the restrictions of the subdivision plat shall be controlling.

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Chapter 7

OFF STREET PARKING AND LOADING SPACES

- 9-7-1: Provision of Off Street Parking Spaces
9-7-2: Provision of Off Street Loading Spaces

9-7-1: Provision of Off Street Parking Spaces

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, or extended, off street parking for all vehicles in accordance with the following:

- A. Parking areas, whether open or enclosed, shall in residential districts be on the premises intended to be served; and in all other districts shall be within one hundred feet (100') of said premises in the same or a less restrictive district.
- B. Adequate access to a public street shall be provided for each parking space and driveways shall be a minimum of nine feet (9') wide for one (1) and two (2) family dwellings and a minimum of twenty feet (20') wide for all other uses.
- C. Size of each parking space shall be a minimum of one hundred eighty (180) square feet.
- D. Curbs or barriers shall be installed where necessary to prevent parked vehicles from extending over any lot lines.
- E. Existing buildings not complying with parking requirements may be remodeled, repaired, and structurally altered, but any increase in floor area, number of employees, dwelling units, or seating capacity shall provide the number of spaces required by the change.
- F. All spaces shall be graded, drained, and paved with a surface equal to the following minimum standards:
 - 1. Areas for carrying passenger cars only shall have two inches (2") of bituminous concrete on a six inch (6") base of IDOT CA9 crushed stone; or concrete five inches (5") thick.
 - 2. Areas for carrying loaded trucks shall have two and one half inches (2 1/2") of bituminous concrete on an eight inch (8") base of IDOT CA9 crushed stone; or concrete five inches (5") thick.
 - 3. Areas for storage only of vehicles shall have an IDOT A2 asphalt surface on a six inch (6") base of IDOT CA9 crushed stone.
- G. In the "R" district no off street parking shall be permitted in the front yard. In the B-1, B-

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2, and B-4 districts, twenty percent (20%) of the required front yard shall be reserved and devoted to permanent landscaping and no off street parking spaces or off street loading spaces shall be permitted within this landscaping area.

H. Recreational vehicles and trucks shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following provisions.

1. **Recreational Vehicles.**

No more than two (2) of the following types of vehicles shall be permitted for each family living on a lot: campers, recreational vehicles, house cars, recreational trailers, travel hauling trailers, boats on or off trailers, and private coaches. Such vehicles shall further conform to the following regulations.

- a. They shall conform to all length, height, and width restrictions imposed by the statutes of the State of Illinois, as they may hereafter be amended.
- b. No part of their length or width shall extend past the front yard building set back line.
- c. They shall not be occupied for a period longer than fifteen (15) days per year while they are so parked or stored.
- d. They shall not be in such a state of disrepair as to constitute a danger to the public health or safety, nor shall they violate any of the terms of any ordinance relating to abandoned vehicles.
- e. They shall not be parked or stored within the minimum side and/or rear yard applicable to the zoning district in which they are situated for a period longer than ten (10) consecutive days, nor for a total period longer than fifty (50) days per year, except as authorized by a variance granted by the Zoning Board of Appeals.
- f. They shall not be parked or stored so as to block or be on the public right of way unless the Geneseo Police Department grants its consent. The Police Department shall have discretion as to the length of time and the location of such parking or storage on the public right of way.

2. **Trucks.**

No truck exceeding one and one half (1 1/2) ton capacity shall be parked or stored in any residence district for longer than forty-eight (48) hours, unless the truck is parked or stored in an enclosed garage.

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I. Where fractional spaces result, the parking spaces required shall be construed to be the next whole number.

J. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

K. The parking requirements for a use not specifically mentioned herein shall be the same as required for a use of a similar nature.

L. The number of parking spaces required is shown in the following table:

| Use | | Parking Spaces Required |
|--|--|--|
| Commercial, except those uses listed below | | One space for each two hundred square feet of floor area plus one space for each two (2) employees on duty at the same time |
| Barber Shop | | Two (2) spaces for each chair plus one space for each two (2) employees on duty at the same time |
| Beauty Shop | | One space for each dryer plus one space for each two employees on duty at the same time |
| Bed & Breakfast | | One space per guest room, and parking space must be at least five feet (5') from property line, plus parking space as required for either residential districts or business districts, whichever is applicable |
| Boarding House | | One space per guest room, and parking space must be at least five feet (5') from property line, plus parking space as required for either residential districts or business districts, whichever is applicable |
| Bowling Alley | | Six (6) spaces for each alley |
| Dwelling | | Two (2) spaces for each dwelling unit |

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| | | |
|---|--|--|
| Funeral Home | | Six (6) spaces per chapel room or parlor or one (1) space for every fifty (50) square feet of floor area used for services, whichever is less |
| Furniture or Appliance Store | | One (1) space for each five hundred (500) square feet of floor area, plus one space for each two (2) employees at work at the same time |
| Home Occupation | | One (1) space in addition to that required for the family residence |
| Hotel and Motel | | One (1) space for each sleeping unit, plus one space for each two (2) employees on duty at the same time |
| Laundry and/or Dry Cleaning Establishment | | One (1) space for each three (3) washers and/or cleaning machines, plus one space for each two (2) employees at work at the same time |
| Lodging and Rooming House | | One (1) space per guest room, and parking space must be at least five feet (5') from property line, plus parking space as required for either residential districts or business districts, whichever is applicable |
| Manufacturing and Industrial | | One (1) space for each four hundred (400) square feet of floor space of the main building or one space for each two (2) employees on the maximum work shift, whichever is greater |
| Medical or Dental Clinic | | Three (3) spaces for each doctor plus one space for each two (2) employees |
| Restaurant | | One space for each two (2) seats plus one for each two (2) employees on duty at the same time |

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| | | |
|--|--|--|
| Tavern or Bar | | One space for each two (2) seats, plus one for each two (2) employees on duty at the same time |
| Wholesale | | One space for each four (4) employees on the maximum work shift |
| Public and semi-public building and institution, except those uses listed below: | | One space for each five hundred (500) square feet of floor area |
| Hospital | | One space for each two (2) employees on the maximum work shift, plus one space for each medical staff member, plus one space for each hospital bed, plus three (3) spaces for each emergency treatment room and/or clinic examining room |
| Nursing Home for Extended Care | | One space for each three (3) beds plus one space for each two (2) employees on the maximum shift |
| School and College | | One space for each classroom, plus one space for each four (4) students over sixteen (16) years of age |
| Public Assembly with fixed seating, including auditoriums, churches, theaters, and stadiums | | One space for each fifty (50) square feet in the main fixed auditorium or stadium |
| Public Assembly without fixed seating, including meeting halls, clubs, lodges, and organizations | | One space for each fifty (50) square feet of floor area in the main assembly area |

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9-7-2: Provisions of Off Street Loading Spaces

Off street loading spaces shall be provided as follows:

A. Spaces shall be located and designed as to accommodate trucks without blocking streets, sidewalks, or other traffic ways.

B. No building requiring off street loading shall be increased in floor area unless off street loading space is provided to service the increase in floor area.

C. Each space shall be a minimum of ten feet (10') wide, forty feet (40') in length, and fourteen feet (14') in height, exclusive of access and turning areas.

D. The number of spaces required are as follows:

1. Office building, hotels, and public buildings receiving deliveries by truck:

One space for each fifty thousand (50,000) square feet of floor area up to two hundred thousand (200,000) square feet, plus one space for each seventy-five thousand (75,000) square feet above two hundred thousand (200,000) square feet.

2. Retail, service, wholesale, manufacturing, or industrial use:

One space for the first twenty thousand (20,000) square feet of floor area, plus one space for each additional twenty thousand (20,000) square feet up to one hundred thousand (100,000) square feet, plus one space for each seventy-five thousand (75,000) square feet above one hundred thousand (100,000) square feet.

EXHIBIT A

Chapter 8

SIGNS

- 9-8-1: General Provisions
- 9-8-2: Residence Districts
- 9-8-3: Agricultural/Business Districts (I-4) Nonresidential District
- 9-8-4: "B" Districts (I-4)
- 9-8-5: "B-4" District
- 9-8-6: Additional Sign Regulations
- 9-8-7: Historic Preservation District Sign Regulations
- 9-8-8: Multiple Message Sign Regulations
- 9-8-9: Multiple Message Billboard Sign Regulations
- 9-8-10: Exempt Signs
- 9-8-11: Variances
- 9-8-12: Sign Permit Process
- 9-8-13: Administration and Enforcement
- 9-8-14: Insurance and Bond Requirements

9-8-1: General Provisions

A. No sign shall be erected or maintained at any location where by reasons of its position, wording, illumination, size, shape, or color it may impair, obstruct, obscure, or be confused with any authorized traffic control sign, signal or device, or obstruct traffic visibility.

B. No off-site signs are permitted. Existing off-site signs as of the effective date of this ordinance are "grandfathered" in and allowed. If an off-site sign is damaged to an extent that the cost of repair is equal to or exceed fifty percent (50%) of the value of an equivalent replacement sign, then said sign shall not be replaced.

C. In the event that any sign interferes with emergency radio frequency, then said sign will be repaired or disconnected to a point that the interference no longer exists.

D. Temporary professional service identification signs of no more than four (4) feet in area shall be permitted in any district provided they comply with A. and B. above. These signs shall be removed within five (5) days following the service.

E. Non-conforming signs

Any such signs that do not conform to the standards of the appropriate section in Chapter 8 of the City of Geneseo Zoning Ordinance may remain in place as an existing non-conforming use. If a non-conforming sign is repaired to an extent that the cost of repair is equal to or exceed fifty percent (50%) of the value of an equivalent replacement sign, or if sign is replaced due to a change of business or ownership, then said sign shall be repaired or replaced in conformance with those standards.

F. Abandoned Signs: Any sign and sign support structure which has been abandoned shall be removed; or have the face replaced with a weatherproof, blank face by the owner, agent or

person having the beneficial use of the building, structure or lot upon which such sign is located within one hundred eighty (180) days after the business has abandoned the tenant space. Any abandoned sign that does not comply with this provision is considered a nuisance and subject to corrective actions by the City of Geneseo. The owner of the abandoned sign will be responsible for reimbursement to the City of Geneseo for all costs relating to the correct action of the nuisance.

9-8-2: Residential Zoning Districts

- A. Non-illuminated identification sign not exceeding one square foot in area shall be permitted for each dwelling unit. Such sign shall indicate nothing other than name and/or address of the occupants.
- B. One temporary, non-illuminated, on-site sign not to exceed six (6) square feet in area for the sale of real estate, which sign shall be removed within ten (10) days after sale of the real estate.
- C. Announcement of church, school, or other public buildings or uses, where permitted bulletin boards or identification signs shall be permitted, not exceeding eighteen (18) square feet in area.
- D. Signs corresponding to that normal use permitted in the zoning district for uses given conditional uses. Sign must comply with provision in 9-8-1 D.
- E. All other signs are prohibited in residence districts.
- F. No multiple message signs will be allowed in residential districts with the exception of schools and churches.

9-8-3: Agriculture/Business (1-4) Zoning Districts

- A. Temporary signs not exceeding thirty two (32) square feet in area advertising the sale or lease of real property when located on the property to which the sign refers and when not located closer than ten feet (10') to a lot line, which sign shall be removed within ten (10) days of the sale or lease of the property.
- B. Temporary ground signs advertising future use of development of property on which such signs are located may be maintained subject to provisions of this section provided such signs do not exceed thirty two (32) square feet in area or remain longer than six (6) months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed thirty two (32) square feet in area or remain more than ninety (90) days after the building is completed and when located not closer than ten feet (10') to a lot line
- C. Church or public building bulletin boards not exceeding eighteen (18) square feet in area.

9-8-4: "B" Zoning Districts (1-4)

In the "B" Zoning Districts wall signs, projecting signs and awning signs when displaying no advertising matter, except pertaining to the business conducted in the building or on the premises on which such sign is placed are allowed. The total square foot area of wall signs, marquee signs, and awning signs shall not exceed one fifth (1/5) of the total square foot area of the face of the building on which they are placed. There shall not be more than one ground sign for each one hundred feet (100') of street frontage. No ground sign shall extend closer than ten feet (10') to a lot line.

9-8-5: "B-4" Zoning District

In the "B-4" district there may be any sign allowed in Section 9-8 and ground signs, provided that no ground sign shall exceed one fifth (1/5) of the total square foot area of the face of the building on which they are placed or one hundred (100) square feet in area whichever one is less; not more than one ground sign shall be erected on any one lot or tract of land, or one sign for each three hundred feet (300') of street frontage when located at least three hundred feet (300') apart on such lot or tract of land; no ground sign when erected on a lot fronting or intersecting streets shall be erected within fifty feet (50') of the intersection of the streets and no ground sign may be erected within fifty feet (50') of the intersection of the state or federal highways.

9-8-6: Additional Sign Regulations

A. Ground (*Monument or Ground*) Signs.

No ground sign shall be, at any point, over twenty-five feet (25') above ground level. Every ground sign shall be stoutly constructed in a secure and substantial manner. The ends of all such ground signs shall be at least six feet (6') distant from any wall or fence or any obstruction that would prevent a clear passage around the end and shall be at least ten feet (10') distant from any lot line.

B. Wall Signs.

Wall signs shall not project above the top or ends of the wall surface on which they are placed. No wall sign shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door, or any fire escape of any building.

C. Projecting Signs.

Projecting signs may extend not more than four feet six inches (4'6") perpendicular from the building.

D. Posters and Certain Signs or Devices Prohibited.

Posters and temporary signs applied directly to the wall, building, pole, stakes, fence or other support and letters or pictures in the form of advertising printed or applied directly on the wall of a building are prohibited. Temporary signs may be displayed in or attached to the inside of the show or display windows provided the total sign area does not exceed twenty-five percent (25%) of the show or display window area. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, excepting clocks.

E. Traffic or county signs, railroad crossing signs, danger, safety, temporary, emergency, non-advertising community service, or decorative signs as may be required by statute, authorized by the Building Inspector. Including all signs referenced in the Uniform Traffic Control Devices Manual.

9-8-7: Historic Preservation District Sign Regulations

A. Wall Signs

A wall sign attached parallel to the face of the building can project no more than twelve inches (12") from the building surface. No sign may be extended higher than the lowest of the following:

1. Twenty feet (20') above the grade.
2. Two inches (2") below the lower edge of the window sill pieces of the second floor windows.
3. The lowest point of the roof (for one story buildings with continuous horizontal parapet, a sign may extend as high as the parapet; for buildings having roof gable ends fronting on the street, a sign may not extend beyond the edge of the roof line). No sign may be installed on chimneys, roofs, rooftop penthouses, or other similar features.

B. Free Standing Signs.

Free standing signs are permitted only in the following cases:

1. For advertising for businesses which are set back on their lots; signs may not exceed 25 square feet in area and may not be closer than 10 feet from the property line.
2. For directional or advisory signs not exceeding five square feet in size and five feet in height.
3. For temporary sandwich-board type advertising signs not exceeding five square feet in size placed on the sidewalk in the front of businesses; not more than one such sign may be placed per business store front. No permit is required for this type of sign.

Notwithstanding any other standard of this ordinance, nothing shall be erected or placed in such a manner as to impede or obstruct a driver's vision between a height of three feet (3') and ten feet(10') above the road crown at the intersection of a driveway and street or two streets.

C. Window Signs.

Permanent signs on the inside of windows may not exceed twenty-five percent (25%) of the total glass area of the windows or the portion of the store front in which they are installed. Their area must be counted and calculated into the total area of signage for that particular sign frontage.

D. General Signs.

1. Signs may be illuminated from within or from an unobtrusively positioned remote light source. Where remote lights such as spot lights are used, they are to be designated so as to concentrate light only on the sign. These signs are to be dark sky compliant.
2. If a registered trademark is used on a sign it may occupy no more than twenty-five percent (25%) of the sign area unless the trademark is that of the sole product at the

location.

E. Size of Signs.

The allowable signage area in square feet can be attained by multiplying the store front frontage of a business by 1.5. Therefore, a business with a twenty-foot (20') frontage may have a sign area of thirty (30) square feet. This may be in the form of a continuous twenty foot, eighteen inch (20' 18") sign or a shorter or taller sign so long as the area is less than or equal to thirty (30) square feet.

F. Non-conforming Signs.

Any such signs in the Historic Preservation District that do not conform to the standards in section 9-8-8 of the Zoning Ordinance may remain in place as an existing non-conforming use. If a non-conforming sign is repaired to an extent that the cost of repair is equal to or exceeds 50 percent of the value of an equivalent replacement sign, or if said sign is to be replaced due to a change of business, then said sign shall be repaired or replaced in conformance with these standards.

G. All billboards, multiple message signs and multiple message billboards in the Historic Preservation District must be approved by the Geneseo Plan Commission

9-8-8: Multiple Message Sign (MMS) Regulations.

A. MMS are allowed in all zoning districts with the exception of residential districts (1-5), provided they are oriented away from all residential districts to the extent possible. Schools and religious institutions are exempt from this restriction; provided they meet the standards contained elsewhere in the article. All multiple message signs must be reviewed and approved by Plan Commission prior to getting permit.

B. Only one MMS is permitted per lot. The MMS may be two sided. Only one contiguous MMS is allowed on a sign face. Only thirty (30) square feet per side of a sign can be multiple messages.

C. A static MMS shall not change more than once every three (3) seconds. A MMS that scrolls is permitted provided it does not operate as described in 9-8-9.

D. MMS shall utilize static images with no animation. MMS shall not be operated in a way that flashes, blinks, flutters, mimics traffic control devices or emergency vehicles, or purposely is designed to distract the public without providing content to the message.

E. MMS may use effects to transition from one static image to another. The effect may not last more than one second.

F. MMS existing on Effective date must comply with the operational standards listed above to the extent technically possible with their current equipment.

G. Where applicable, MMS shall meet the requirements of Chapter 5 Highway Corridor Overlay District.

H. Brightness standards: The following standards shall apply to MMS and MMB and electronic advertising signs.

1) The luminance of the sign shall not exceed 5,000 NITS during daytime hours and 500 NITS from dusk to dark. The sign manufacturer, vendor, or installer shall submit written certification that the sign was manufactured with an automatic dimming sensor device that will automatically adjust to ambient light conditions. The sign must also be manufactured with a security feature that would limit the end users ability to manipulate the preset luminance levels.

2) The luminance of the electronic sign shall not increase ambient light levels by more than 0.3 foot-candles when measured perpendicular to the sign at a distance of 250 feet. Furthermore, when adjacent to a residential district, luminance shall not exceed one foot-candle when measured at any boundary line with an adjoining property.

9-8-9: Multiple Message Billboard (MMB) Regulations.

Any sign over thirty (30 sq. ft.) shall be considered a Billboard and shall meet the requirements of 9-8-10. Unless otherwise noted in this section, MMB shall meet the requirements of 9-8-9 as well as billboard regulations listed elsewhere in this chapter.

A. MMB may incorporate one hundred percent (100%) of its sign face. Only one MMB is allowed on a sign face.

B. MMB must be separated by a minimum of fifteen hundred feet (1500') from another MMB.

C. MMB shall not change more than once every ten (10) seconds.

D. MMB shall utilize static images with no animation. This transition shall be instantaneous with no animation.

E. MMB shall provide public service announcements relative to Amber Alert/emergency service messages on an as needed basis.

F. All billboards will conform to the Illinois Highway Advertising Control Act of 1971.

9-8-10: Exempt Signs: The following signs shall be exempt from the regulations of the chapter and are not required to obtain a permit.

A. Governmental signs such as traffic control signs and legal notices.

B. Railroad crossing and signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities.

C. Directional, informational or public service signs, excluding public utilities, not exceeding six (6) square feet in area, erected for the convenience of the public, such as signs identifying

entrances, exits, parking areas, restrooms, public telephones, walkways and similar features or facilities.

D. House numbers, non-illuminated or directly illuminated, located on the lot to which the sign is apparent and not exceeding four (4) square feet in area.

E. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designated and located to be viewed exclusively by patrons located within the interior of a building housing such use or uses.

F. Decorations and signs temporarily displayed in connection with a local festivity or not for profit group.

G. No trespassing signs or other such signs regulating the use of property, such as no hunting, no fishing, etc., of no more than two (2) square feet in area.

H. Flags of any country, state or unit of local government.

I. Real estate signs in residential area may not extend outside of the property line and not more than six (6) square feet per face in area that indicate the sale, rental or lease of the premises upon which said signs are located. No more than one real estate sign per lot except that a corner lot may have one such real estate sign per street frontage.

J. Memorial signs and tablets, names of buildings and date of erection when cut into masonry surface or inlaid so as to be part of the building or when constructed of bronze or other noncombustible material.

K. Signs of historical societies containing no advertising and not more than five (5) square feet in area.

L. Public signs and other signs incidental thereto for identification, information or directional purposes erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance.

M. A monument sign not more than twenty (20) square feet in area with a maximum height of five (5) feet for a religious institution when the same is located on the premises of the institution and is located in such a manner so as not to interfere with the vision of motorists. Monument signs that exceed either the height or area in this provision are not exempt from permit and must meet the regulations provided in this chapter.

N. Banners displayed in the public right of way installed by the City of Geneseo.

O. Help wanted signs placed in the window of a business, not to exceed six (6) square feet. The

“help wanted “sign text must be the predominant text of the sign. Signs in excess of six (6) square feet follow the provisions for temporary signs. Help wanted signs may only be used if the business is actively hiring.

P. Temporary window signs are exempt from permit provided the total area of permanent and temporary window sign occupies no more than twenty five percent (25%) of the window surface area per store front elevation.

Q. Hand held sign or people in costume adjacent to the business or organization being advertised and a minimum of ten (10) feet from the street curb. In the central business district, hand held signs or people in costume may be located adjacent to the business or organization being advertised on the sidewalk only.

9-8-11: Variances: It is recognized that the regulations provided in this chapter cannot handle all of the sign situations in the City of Geneseo. Therefore, the following procedures and requirements shall be applicable to any request for a variance:

A. Request Form: The applicant shall file a written request for a variance on a form provided by the City of Geneseo which shall include:

1. Site Plan: Depicting any existing structures, proposed structures, additions, signs, and/or fences (drawn to scale) and the setbacks from lot lines to such improvements.
2. Elevation Plans: Drawing of proposed sign or signs drawn to scale with dimensions shown, depicting the signs.
3. A typed legible, neat legal description of the property on a separate page.
4. Filing Fee: Includes and application fee and fee for the publishing of public notice.

B. Filing: The Building Inspector or his or her designee shall forward the application to the City Clerk for filing and delivery to the Plan Commission or the Zoning Board of Appeals as appropriate.

C. Review: The Building Inspector shall transmit copies of the application to the Plan Commission or Zoning Board of Appeals, as appropriate for review and public hearing.

D. Public Hearing: The Plan Commission or Zoning Board of Appeal, as appropriate, shall hold a public hearing within sixty (60) days after the completed application has been filed.

E. Notice of Hearing: The City Clerk shall cause notice of the public hearing to be published in a newspaper of general circulation in the City of Geneseo at least fifteen (15) days prior to the public hearing.

F. Hearing and Record: The public hearing shall be conducted by the Plan Commission or Zoning Board of Appeals, as appropriate and a record of such proceedings shall be preserved in such manner as the zoning board of appeals shall, by rule, prescribe from time to time.

G. Findings and Recommendations: Except for those matters on which the Board of Zoning Appeals or the Plan Commission is authorized to take final action, the Zoning Board of Appeals or the Plan Commission may make written findings of fact and shall submit same together with its recommendation to the City Council within one hundred twenty (120) days of filing of the application. The Plan Commission or Zoning Board of Appeals may impose such conditions and restrictions upon the subject sign and property, the location, the construction, design and use of the sign benefited by such a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values, and ensure traffic safety.

H. Council Decisions: After recommendation by the Plan Commission or Zoning Board of Appeals, as appropriate, the City council may, by resolution, grant, or grant with modification, the proposed variance. If the City Council does not approve of a proposed variance after recommendation by the Plan Commission or Zoning Board of Appeals, it may deny the proposed variance or refer the proposed variance back to the Plan Commission or Zoning Board of Appeals, as appropriate.

I. Withdrawal of Application: An application for a variance may be withdrawn by the applicant any time prior to its approval by the City Council. Withdrawal shall not affect the applicant's responsibility for payment of fees. Upon such withdrawal, the City Council may, at its discretion, permit a substitute applicant, who shall be any person authorized to file an original application, to resubmit the withdrawn application within thirty (30) days of the original applicant's withdrawal, and no addition fees be charged.

J. Effective Period of Variance:

1. No variance shall be valid for a period longer than one (1) year from the date of the ordinance granting the variance.

2. Where conditions have not substantially changed since the date on which the variance was authorized, the owner of a parcel for which a variance has been authorized may within one (1) year prior to expiration of said variance, request the City Council to extend the effective period of said variance for no more than one additional period of up to one year without reapplication to the Zoning Board of Appeals or Plan Commission.

3. A variance shall not be valid if a sign for which a variance has been granted is destroyed or damaged by fire, collapse, explosion or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the replacement cost of the sign at the time of destruction or damage.

4. In the event such damage or destruction is less than fifty percent (50%) of the replacement cost of sign, the variance shall be valid only if such restoration is started within six (6) months from the date of partial destruction and restoration proceeds and does not cease for a period of sixty (60) days and completion is accomplished within twelve (12) months from the date of partial destruction.

9-8-12: Sign Permit Process:

Unless exempted from the requirements of this chapter, no person shall erect or display any sign unless issued a permit.

A. Application: Any person or activity proposing to erect, display, or replace a sign, with the exception of individual panels on a multiple tenant sign, shall file an application on a form provided by the City of Geneseo. Signs listed in 9-8-12 of this chapter are exempt from a sign permit. The following supporting documents are required for review of a permit.

1. Scaled drawing of proposed sign (scale must be indicated on drawing).
2. Location drawing, clearly drawn indicating roadways, parking lots and buildings, including dimensions of setback (ground signs).
3. Detailed, scaled drawing of building elevation where sign will be placed (wall sign).

B. Granting of Permit: After review, a permit for the sign shall be granted if:

1. It complies with this chapter.

2. It has been authorized by a variance granted by the City of Geneseo, if required.
3. All applicable permit fees have been paid as required.

C. Conformance with the National Electrical Code: All signs in which electrical wiring and connections are required shall conform to the applicable provision of the national electrical code.

D. Wind Pressure and Dead Load Requirement: Signs shall be designed and constructed to withstand a wind pressure and dead loads as required in the building code.

E. Payment of Fees: All fees shall be paid in full before any permit for a sign is issued.

F. Completion of Authorized Work: If the work authorized under the permit has not been completed within twelve (12) months after the date of issuance, the permit shall become null and void.

9-8-13: Administration and Enforcement:

A. Enforcement: The Building Inspector or his/her designee is hereby authorized and directed to enforce the provisions of this chapter.

B. Interpretation: The Building Inspector shall be responsible for interpreting the provisions of this ordinance.

C. Penalty: Any person who violates any of the provision of the Article shall be fined not less than one hundred dollars (\$100.00) not more than seven hundred dollars (\$700.00). A separate offense shall be deemed committed on each day during or on which violation occurs or continues.

D. Commercial and non-commercial signage placed in the public right of way shall be considered a nuisance and subject to corrective actions by the City of Geneseo. The person responsible for the illegally placed signs may be responsible for reimbursement to the City of Geneseo for the City's costs of the removal s of the illegally place signs in addition to being charged with violating the provision of this ordinance and subject to any fines and costs. The City Manager may take whatever action is lawful and necessary to collect costs due under this provision including, without limitation, hiring a collection agency, refusing to issue any city permit or license to the person/s responsible, including any service charges and costs of collection. The City of Geneseo may also set off against any amounts owed by the City of Geneseo to the person/s responsible amounts then owed by the delinquent's customer to the City of Geneseo. Any person/s responsible desiring to obtain a City of Geneseo permit or license while contesting the amount owed the City of Geneseo, may obtain a City of Geneseo permit or license by posting financial security in a form acceptable to the City Attorney, and in an amount equal to the disputed amount.

9-8-14: Insurance and Bond Requirements:

Every applicant for a permit for a street sign which will extend over a public right of way or

which is so located that it may fall upon the same, shall file with the City of Geneseo before the permit is granted, a liability insurance policy covering all damage or injury that might be caused by each of said street signs, or certificate of insurance therefore, issued by an insurance company authorized to do business in the state of Illinois and is satisfactory to the City of Geneseo, with limits of liability of not less than one hundred thousand dollars (\$100,000.00) for property damage and five hundred thousand dollars (\$500,000.00) for personal injuries. The City of Geneseo, its officers, agents and employees shall be named as additional parties insured. Such liability insurance policy shall be maintained in force throughout the life of the permit, and if at any time it shall not be in full force, the permit shall be revoked by the City of Geneseo.

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Chapter 9

WIRELESS COMMUNICATION FACILITIES

| | |
|---------|--|
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9-9-1: Purpose

The City of Geneseo recognizes that the City of Geneseo desires to encourage the orderly development of wireless communication technologies for the benefit of the City of Geneseo and its citizens. The City of Geneseo also recognizes the character of the communities of the City.

As a matter of public policy the City of Geneseo aims to encourage the delivery of new wireless technologies throughout the City while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity, and general welfare of persons living in Geneseo, Illinois.

Specifically, this Wireless Communication Facility Telecommunications Overlay Districts Ordinance is designed to achieve the following:

- A. Encourage the location of wireless communication facilities onto existing structures to reduce the number of new communication towers needed within the City of Geneseo, Illinois;
- B. Encourage collocation and site sharing of new and existing wireless communication facilities;
- C. Provide a range of locations for wireless communication facilities in various zoning districts;

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- D. Control the type of tower facility constructed, when towers are permitted;
- E. Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently;
- F. Protect residential, historic preservation areas, and scenic corridors from the uncontrolled development of wireless communication facilities by requiring reasonable siting conditions;
- G. Promote the use of suitable sites (public and private) for the location of wireless antennae, towers, and/or wireless communication facilities.
- H. Insure the harmonious, orderly and efficient growth and development of the City of Geneseo;
- I. Stabilize the economy of the City of Geneseo through the continued use of the City's suitable public resources;
- J. Provide Overlay Districts in which the zoning regulations permit the development of wireless communication facilities which are consistent with the requirements of the Telecommunications Act of 1996 and in the best interest of the future of the City of Geneseo, Illinois;
- K. Provide clear performance standards addressing the siting of wireless communication facilities; and
- L. Streamline and expedite the permitting procedures to effect compliance with the Federal Telecommunications Act of 1996.

9-9-2: Certain Uses Not Covered By This Ordinance

Nothing in this ordinance shall reduce any of the permitted uses of any zoned property within the City of Geneseo. Nothing in this ordinance shall affect the right of a property owner to use or develop their property consistent with existing zoning regulations. Nothing in the ordinance shall affect the right of a property owner to continue any legal nonconforming use.

9-9-3: Interpretation and Definitions

To the extent this ordinance conflicts with the Zoning Ordinance, Sign Ordinance, or any other ordinance of the City of Geneseo, this ordinance shall control.

For the purposes of this ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory; the word "may" is permissive; the word

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“used” includes “designed” and “intended” or arranged to be used or occupied; and the word “person” includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

For the purposes of this ordinance, certain words, phrases and terms used herein shall be interpreted as stated in this SECTION III. The Zoning Administrator shall define any word, phrase or term not defined herein. The interpretation shall be based upon its common and ordinary usage in the region.

For the purposes of this ordinance, all definitions defined herein are in addition to all definitions in the City of Geneseo Zoning Ordinance.

Antenna Array. An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

Attached Wireless Communication Facility. An Attached Wireless Communication Facility is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include, but not be limited to, utility poles, signs, water towers, roof tops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

Collocation/Site Sharing. Collocation/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of a Wireless Communication Facility on a structure owned or operated by a utility or other public entity.

Equipment Facility. An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

Federal Aviation Administration. FAA

Federal Communications Commission. FCC

FTA. Federal Telecommunications Act of 1996.

Height. When referring to a Wireless Communication Facility, Height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, excluding the Antenna Array.

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Setback. Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.

Support Structure. A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device) which is used to attach an Attached Wireless Communication Facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

Temporary Wireless Communication Facility. Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

Tower Use Permit (TUP). A permit issued by the City of Geneseo specifically for the location, construction and use of a Wireless Communication Facility subject to an approved site plan and any special conditions determined by the Zoning Administrator to be appropriate under the provision of this ordinance.

Wireless Communications. Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless Communication Facility. A Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

9-9-4: Designation and Applicability

Attached wireless communications facilities shall be permitted only at the sites set forth on the attached Exhibit A, incorporated by reference herein.

Amendments to add or delete permitted sites on Exhibit A shall only be made in the manner set forth by law for zoning amendments.

Permit Required. No person, firm, or corporation shall install or construct any Wireless Communication Facility unless and until a Tower Use Permit (TUP) has been issued pursuant to the requirements of this ordinance.

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Pre-existing Wireless Communication Facility. Wireless Communication Facilities for which a permit has been issued prior to the effective date of this ordinance shall be considered a nonconforming use and shall not be required to meet the requirements of this ordinance.

Amateur Radio Exclusion. This ordinance shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. Such installations shall comply with any other applicable provisions of the zoning code.

Relationship to Other Ordinances. This ordinance shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of Wireless Communication Facilities.

Airport Zoning. Any Wireless Communication Facility located or proposed to be located in airport areas governed by the Federal Aviation Administration shall also comply with the provisions of all applicable local, state and federal airport regulations.

Building Codes. Construction of all Wireless Communication Facilities shall comply with the requirements of the Geneseo, Illinois building codes and permitting process in addition to the requirements of this ordinance.

9-9-5: Allowable Uses/Development Criteria

Allowable uses will include the underlying zoning district plus Wireless Communication Facilities in compliance with the following development criteria:

- A. Height Standards.** The following height standards shall apply to all Wireless Communication Facility installations:
- 1.) Attached Wireless Communication Facilities. Attached Wireless Communication Facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which it is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum permitted height of that tower.
 - 2.) Wireless Communication Facilities with Support Structures shall have a maximum height as set out in Exhibit A..
- B. Setback Standards.** The following setback standards shall apply to all Wireless Communication Facility installations.
- 1.) Attached Wireless Communication Facilities. Attached Wireless Communication Facilities shall meet the setback provisions of the zoning district in which they are located. However, an Attached Wireless Communication Facility Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attachment Structure so long as the Antenna Array does not encroach upon an adjoining parcel.

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2.) Wireless Communication Facilities With Monopole Support Structures. Wireless Communication Facilities with Monopole Support Structure shall meet the setback requirements for principle structures of the underlying zoning district in which they are located.

C. Landscaping. The following landscaping requirements shall apply to all Wireless Communication Facility installations.

1.) New Construction. New Wireless Communication Facilities with Support Structures and Attached Wireless Communication Facilities with new building construction shall be landscaped in accordance with the applicable provisions of the landscape ordinance that may now or hereafter be adopted.

2.) Land Form Preservation. Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed or removed.

3.) Existing Vegetation. Existing vegetation on a Wireless Communication Facility site may be used in lieu of required landscaping where approved by the Zoning Administrator.

4.) Landscaping Plan. Any landscaping plan established pursuant to the subparagraph C must be approved by the Tax Increment Finance (TIF) and Community Development Board.

D. Aesthetics, Placement, Materials and Colors. Wireless Communication Facilities shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the Wireless Communication Facility, the use of compatible or neutral colors, or camouflage technology.

E. Lighting and Signage. The following lighting and signage requirements shall apply to all Wireless Communication Facility installations.

1.) Artificial Illumination. Wireless Communication Facilities shall not be artificially illuminated, directly or indirectly, except for:

a.) security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and,

b.) such illumination of the Wireless Communication Facility as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences.

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c.) Unless otherwise required by the FAA or other applicable authority, the required light shall be red and shielded upward.

2.) Signage. Wireless Communication Facilities shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing Wireless Communication Facilities.

F. Fencing. Wireless Communication Facilities with Support Structures shall be enclosed by an opaque fence (excluding slatted chain link) not less than six feet in height. Security features may be incorporated into the buffer and landscaping requirements for the site. Nothing herein shall prevent fencing that is necessary to meet requirements of state or federal agencies.

G. Radio Frequency Emissions/Sound. The following radio frequency emissions standards shall apply to all Wireless Communication Facility installation:

1.) Radio Frequency Impact. The FTA gives the FCC jurisdiction of the regulation of Radio Frequency (RF) emissions, and Wireless Communication Facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.

2.) FCC Compliance. In order to provide information to its citizens, copies of ongoing FCC information concerning Wireless Communication Facilities and RF emissions standards may be requested. Applicants for Wireless Communication Facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.

3.) Sound Prohibited. No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.

H. Structural Integrity. Wireless Communication Facilities with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled “Structural Standards for Steel Antenna Towers and Antenna Support Structures” (or equivalent), as it may be updated and amended. Each Support Structure shall be capable of supporting multiple antenna arrays. Structure shall be of galvanized steel.

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- I. Collocation Agreement.** All applicants for Wireless Communication Facilities are required to submit a statement with the application agreeing to allow and reasonably market collocation opportunities to other Wireless Communication Facility users. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The Collocation Agreement shall be considered a condition of issuance of a TUP (Tower Use Permit). A TUP shall not be issued unless the applicant complies with the collocation policy outlined in SECTION VIII. of this ordinance.

9-9-6: Review Process

- A. The applicable development criteria referred to herein are those set forth in SECTION V. of this ordinance.
- B. Permitting Procedures. Attached Wireless Communication Facilities with or without new building construction that meet the development criteria may be permitted by subject to the Tax Increment Finance (TIF) and Community Development Board hearing process and may not be approved by the administrative review process.

Any attached Wireless Communication Facility , regardless of type, to be located within an established historic area, historic district or other designated overlay district will be subject to review the Tax Increment Finance (TIF) and Community Development Board. All Wireless Communication Facility applications that do not conform to the development criteria shall be subject to the Community Development Board review process.

- C. Wireless Communication Facilities as a part of a Coordinated Development Approval. Wireless Communication Facilities as part of a proposed residential or nonresidential subdivision, planned unit development, site plan, conditional rezoning, or other coordinated development approval shall be reviewed and approved through those processes.
- D. Wireless Communication Facilities for Temporary Term. Temporary Wireless Communication Facilities may be permitted by administrative approval for a term not to exceed 90 days. Once granted, a temporary Wireless Communication Facility permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the administrative review shall be expedited to the extent feasible.

9-9-7: Approval Process

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- G. Application Submission. All applicants for a Tower Use Permit, regardless of Wireless Communication Facility type, shall submit an application in accordance with the requirements of this Section.
- 1.) Application Contents. Each applicant requesting a TUP under this ordinance shall submit a sealed complete set of drawings prepared by a licensed architect and engineer that will include a site plan, elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communication facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing Wireless Communication Facility shall include a Radio Frequency Intermodulation Study with their application.
 - 2.) Submission requirements. Application for a TUP shall be submitted to the Zoning Administrator on forms prescribed by the City of Geneseo. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license. The application and site plan shall be placed on the next available Board agenda in accordance with the agenda deadlines established by the Board.
 - 3.) Application Fees. A plan review fee of \$2500 and a Radio Frequency Intermodulation Study review fee of \$500 (collocation applicants only) shall accompany each application. These fees may be used by the City of Geneseo to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and Radio Frequency Intermodulation Study (if required).
 - 4.) Technical Assistance. In the course of its consideration of an application, the City of Geneseo, the Zoning Administrator, the Community Development Board or the City Council may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of Wireless Communication Facilities to assist the City of Geneseo in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the City of Geneseo not to exceed fifteen hundred dollars (\$1,500) for the technical review and recommendation shall be reimbursed by the applicant prior to the final hearing on the TUP.
- H. Administrative Review. The following administrative review process shall apply to all Wireless Communication Facility applications eligible for administrative review.

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- 1.) Review Authority. Review of Wireless Communication Facilities under this Section shall be conducted by the Tax Increment Finance (TIF) and Community Development Board or his designee and upon filing a Wireless Communication Facility application.
- 2.) Review Criteria. Each application shall be reviewed for compliance with the development criteria specified in SECTION V.
- 3.) Timing of Decision. The Tax Increment Finance (TIF) and Community Development Board shall render a decision on the Wireless Communication Facility application by written response to the applicant within forty-five (45) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant.
- 4.) Application Denial. If administrative approval is not obtained or is denied due to noncompliance with the development criteria, the applicant may appeal the denial by applying for City Council review.
- 5.) Application Approval. If the TUP application is in compliance with the development criteria and otherwise meets the requirements of this Section, the Zoning Administrator shall issue a Tower Use Permit.

I. Community Development Board Review. The following shall apply to all Tower Use Permit applications requiring submission to the Community Development Board.

- 1.) Review Authority. The Community Development Board shall be the review authority for TUP applications.
- 2.) Notice. Notice of the application and the public hearing by the Community Development Board shall be accomplished in the same manner as set forth by 65 ILCS 5/11-13-1.1.
- 3.) Hearing. The Community Development Board shall review and consider the TUP application at a public hearing. At the hearing, interested persons may appear and offer information in support of or opposition to the proposed application. The Community Development Board shall consider the following in reaching a decision.
 - a.) Development Criteria. The Tower Use Permit application shall be reviewed for compliance with the development criteria set forth in SECTION V.; provided that the applicable development criteria may be amended or waived so long as the approval of the Wireless Communication Facility meets the goals and purposes of the ordinance.

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The Community Development Board may recommend an alternative development criteria by specific inclusion in a motion for approval.

b.) Tower Siting Conditions. The Community Development Board may impose conditions and restrictions on the application or on the premises benefitted by the TUP as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the Wireless Communication Facility with the surrounding property, in accordance with the purposes and intent of this ordinance. The violation of any condition shall be grounds for revocation of the TUP. The Community Development Board may recommend such conditions in addition to the development criteria upon the following findings:

- i.) The Wireless Communication Facility would result in significant adverse visual impact on nearby residences.
- ii.) The conditions are based upon the purpose and goals of this ordinance.
- iii.) The conditions are reasonable and capable of being accomplished.

c.) Action. Following the public hearing and presentation of evidence, the Community Development Board shall take one of the following actions:

- i.) Recommend the application as submitted;
- ii.) Recommend the application with conditions or modifications;
- iii.) Defer the application for additional information or neighborhood input; or
- iv.) Deny the application in writing.

4.) Findings. All decisions rendered by the Community Development Board concerning a Tower Use Permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence of record.

5.) Timing of Decision. The Tax Increment Financing (TIF) and Community Development Board shall render its decision within forty-five (45) days or less of the final submission of all required application documents and technical review, however, this time may be increased due to deferrals by either the applicant or the Community Development Board.

6.) Appeals. The decision of the Tax Increment Financing (TIF) and Community Development Board may be appealed to a hearing panel appointed by the City Council within thirty (30) days consisting of three members of the

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Council, none of whom is a member of the Community Development Board. This hearing panel shall conduct the hearing in conformance with the Illinois Administrative Review Law (735 ILCS 5/3-101 et seq), under the following circumstances:

a.) An appeal shall be filed no later than 30 days after the final action by the Zoning Administrator or the Tax Increment Financing and Community Development Board. Only the applicant and those who registered an objection to the TUP in the record of the Community Development Board shall have standing to appeal.

b.) Only such evidence or testimony in support of or in opposition to the issuance of the TUP which was provided to the Community Development Board may be presented to the hearing panel appointed by the City Council unless the hearing panel, by majority vote, decides to hear new information.

c.) Notice of appeal shall be accomplished by the appellant in the same manner as set forth by 65 ILCS 5/11-13-1.1.

d.) Any further appeals shall conform to the requirements of the Illinois Administrative Review Law.

9-9-8: Shared Facilities and Collocation Policy

Collocation. All new Wireless Communication Facilities shall be engineered, designed and constructed to be capable of sharing the facility with other providers, to collocate with other existing Wireless Communication Facilities and to accommodate the future collocation of other Wireless Communication Facilities. A TUP shall not be issued until the applicant proposing a new Wireless Communication Facility shall demonstrate that it has made a reasonable good faith attempt to locate its Wireless Communication Facility onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.

All Wireless Communication Facilities with support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least three (3) antenna array. All Wireless Communication Facilities with support structures up to a height of more than 150 feet shall be engineered and constructed to accommodate at least four (4) antenna array.

9-9-9: Removal of Abandoned Wireless Communication Facilities

Any Wireless Communication Facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the City of Geneseo, at its election, may require the Wireless Communication Facility owner to remove the Wireless Communication Facility within 90 days after notice from the City of Geneseo to remove the Wireless Communication Facility. If the abandoned Wireless Communication Facility is not removed within 90 days, the City of Geneseo may remove it and recover its costs from the Wireless Communication Facility owner.

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If there are two or more users of a single Wireless Communication Facility, this provision shall not become effective until all providers cease to use the Wireless Communication Facility. If the owner of an abandoned Wireless Communication Facility cannot be located or is no longer in business, the requirements of this Section shall be the responsibility of the landowner on whose property the Wireless Communication Facility is located.

9-9-10: Nonconforming Wireless Communication Facilities

Wireless Communication Facilities in existence on the date of the adoption of this ordinance which do not comply with the requirements of this ordinance (nonconforming Wireless Communication Facility) are subject to the following provisions:

- A. Expansion. Nonconforming Wireless Communication Facilities may continue in use for the purpose now used, but may not be expanded without complying with this ordinance except as further provided in this Section.
- B. Additions. Nonconforming Wireless Communication Facilities may add additional antennas (belonging to the same provider or other providers) subject to administrative review under this ordinance.

Repairs or Reconstruction. Nonconforming Wireless Communication Facilities which become damaged due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to the provisions of this ordinance; provided however, that if the damage to the Wireless Communication Facility exceeds 50% of replacement cost, said Wireless Communication Facility may only be reconstructed or repaired in compliance with this ordinance.

- C. Any Wireless Communication Facility not in use for six months shall be deemed abandoned and all rights as a nonconforming use shall cease.

9-9-11: Revocation of Tower Use Permits

Any Tower Use Permit issued pursuant to this ordinance may be revoked after a hearing as provided hereinafter. If the Zoning Administrator finds that any permit holder has violated any provision of this ordinance or has failed to make good faith reasonable efforts to provide or seek collocation, the Zoning Administrator shall notify the permit holder in writing that the TUP is revocable due to the permit holder's noncompliance with the conditions of the permit and the Zoning Administrator shall convene a meeting with the permit holder no later than 30 days from the date of the letter. The Zoning Administrator may require the permit holder to correct the violation within a reasonable amount of time or the Zoning Administrator may recommend to the Tax Increment Finance (TIF) and Community Development Board that the Tower Use Permit be revoked. After the appropriate public hearing, the Mayor and Tax Increment Finance (TIF) and Community Development Board may revoke the Tower Use Permit (TUP) upon such terms and conditions, if any, that the Mayor and Tax Increment Finance (TIF) and Community Development Board determine. Prior to initiation of revocation proceedings, the Zoning

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Administrator shall notify the permit holder, in writing, of the specific areas of noncompliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed 60 days. The permit holder shall provide the Zoning Administrator with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the Mayor and Tax Increment Finance (TIF) and Community Development Board shall convene a public hearing to consider revocation of the Tower Use Permit. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the City of Geneseo not less than 10 days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The Mayor and Tax Increment Finance (TIF) and Community Development Board may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, that stenographic services, if desired, shall be provided by the requesting party at that party's expense.

9-9-12: Penalty

The fine or penalty for violating any provisions of this ordinance shall, upon conviction in the municipal court, not exceed seven hundred fifty dollars (\$750.00) for any one specified offense or violation. Further, that if a thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in violation of this ordinance shall not exceed one hundred dollars (\$100.00) for each day that it may be unlawfully continued.

9-9-13: Annual Review

The Mayor and City Council may review this ordinance on an annual basis and shall alter or amend the same as required in the manner provided by law.

9-9-14: Jurisdiction

This agreement shall be interpreted and enforceable under the laws of the State of Illinois.

9-9-15 Annual Inspection Fee

All wireless communication facilities with support structures shall be required to have an annual inspection for continued compliance with safety and zoning requirement. The inspection fee assess will be \$250 per year.

The structures which are located on City property will have the annual inspection required but the inspection fee will be waived.

Any violation discovered in the annual inspection must be corrected within ninety (90) days. Violations not corrected within ninety (90) days shall be subject to the penalties set forth in Section 9-9-12 of this Ordinance, including but not limited to the per day fine of \$100.

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Exhibit A: Wireless Communication Facility Sites

| Site # | Field Site Name | Recommended WCF Use |
|--------|-------------------------|----------------------|
| 697 | Richmond Hill Park | 150' Galvanized pole |
| 699 | Street Department | 150' Galvanized pole |
| 700 | Treatment Plant | 150' Galvanized pole |
| 701 | Water Tower | Attachment |
| 703 | Edwards Commercial Park | 150' Galvanized pole |
| 704 | Prairie Park | 150' Galvanized pole |
| 691 | Water Standpipe | Attachment |
| | Wind Turbine Site | 150' Galvanized pole |

OTHER SUITABLE SITES - NON-MUNICIPAL

| | |
|-----------------------------|----------------------|
| Southwest Elementary School | 150' Galvanized pole |
| Cole Cabin | 150' Galvanized pole |

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Chapter 10

NONCONFORMING USES (BUILDINGS AND LAND)

9-10-1: Nonconforming Uses Are Regulated

9-10-1: Nonconforming Uses Are Regulated

A. Nonconforming Use of Land.

In the "F" and "R" districts where open land is being used as a nonconforming use and such use or uses is the principal use or uses and not accessory to the main use conducted in a building, such use shall be discontinued not later than five (5) years from the date of passage of this Title. During the five (5) year period, such nonconforming use or uses shall not be extended or enlarged either on the same or adjoining property. Any building incident and subordinate to such use or uses of land, such as a shed, tool house, storage building, office, or trailer, shall be removed at the end of the five (5) year period, or, if such building is so constructed as to permit the issuance of a permit for a use not excluded from the district, such building may remain as a conforming use; thereafter, both land and building shall be used only as conforming uses. Such nonconforming uses of open land shall specifically include, but not be limited to, billboards, poster boards, automobile wrecking yards, scrap from and junk storage, trailer camps (unless they receive a conditional use permit), auction yards, contractor's yards, race tracks, stockyards, golf driving ranges, and miniature golf courses.

B. Nonconforming Use of Buildings.

Except as otherwise provided herein, the lawful use of a building existing at the effective date of this Title may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this Title.

C. Discontinuance of Nonconforming Uses.

No building or portion thereof used in whole or in part for a nonconforming use in an "R" district which remains idle or unused for a continuous period of two (2) years, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the "R" district in which it is located.

D. Destruction of a Nonconforming Use.

No building which has been damaged by any cause whatsoever shall be restored except in conformity with the regulations of this Title. If a building is damaged it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction

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be substantially completed within twelve (12) months of the date of such damage.

E. Intermittent Use.

The casual intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use on a part of a lot or tract and shall not be construed to establish a nonconforming use on the entire lot or tract.

F. Existence of a Nonconforming Use.

Whether a conforming use exists shall be a question of fact and shall be decided by the Zoning Board of Appeals after public notice and hearing and in accordance with the rules of the Board.

G. Nonconforming Uses Not Validated.

A nonconforming use in violation of a provision of ordinance which this Title repeals shall not be validated by the adoption of this Title.

H. Nonconforming uses may be extended or expanded only after public hearing before the Zoning Board of Appeals and where such expansion would result in a nonconforming use being sought closer to conformance. Such expansions or extensions would include the addition to a building to provide accessory storage, where said storage was unenclosed on the premises and off street parking either on the same lot or adjoining lots, where such off street parking would meet the parking requirements of this Chapter for said nonconforming use if it were conforming and where such off street parking would eliminate, or reduce substantially, a serious traffic hazard in the streets abutting such nonconforming use. Expansion or extension of a nonconforming use shall not be granted if the only reason for such extension or expansion is for the sole purpose of perpetuating the nonconforming use.

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Chapter 11

ZONING BOARD OF APPEALS

| | |
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| 9-11-1: | Board Created |
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9-11-1: Board Created

There is hereby created and established and shall hereafter be maintained and recognized in and for the City of Geneseo a Zoning Board of Appeals, and said Board shall be under the jurisdiction of the City Council.

9-11-2: Members; Term of Office

The Board shall consist of seven (7) members as stated below:

A. The seven (7) members of the Board shall be citizens of the City who are not members of the City Council. The seven (7) citizen members shall be appointed by the Mayor and approved by the City Council. Said members shall serve for a term of five (5) years each from the first City Council meeting in April of the year they are appointed or until such time as their successors take office. The term for which each said member is appointed shall be designated in his appointment. At the April Council meeting of each year, the member shall be appointed for a five-year term to succeed the member whose term expired in said month.

B. Members shall be eligible for reappointment and it is desirable that members rendering good service be reappointed in order that the Zoning Board of Appeals may have the benefit of their experience and that there may be a continuity policy. If any member should during the term of his office die, move from the City, or for any reason be unable to act, the vacancy so created shall be filled in the same manner as an original appointment and shall be for the remainder of the unexpired term.

9-11-3: Oath

All citizen members of the Board do not have to take any oaths.

9-11-4: Organization

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The Board shall organize as soon as practicable after the appointment and qualification of its members, by the election of one of its members as chairman, said chairman to be elected yearly by a majority of said Board members.

All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions. Findings of Fact shall be included in the minutes of each case, and the reasons for recommending approval or denial of the request shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed within ten (10) days in the office of the City Clerk and shall be a public record. The Board shall adopt its own rules and procedures not in conflict with the ordinances or with the Illinois Statutes in such case made and provided.

9-11-5: Duties

A. The powers and duties of the Board are:

1. To hold public hearings and recommend to the City Council approval of conditional use permits.
2. To hold public hearings and grant variances and expansions of nonconforming uses.
3. To hold public hearings and decide upon requests for determination of the existence of a nonconforming use and request for the extension of a nonconforming use.
4. To hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by the Building Inspector in the enforcement of the Zoning Ordinance or the Building Code and fee schedule.
5. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of passage of the Zoning Ordinance.
6. To interpret the provisions of the Zoning Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this Chapter where the street layout on the ground varies from the layout as shown on the map aforesaid.

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B. The Board may grant the following variances:

1. Vary the yard regulations where there is an exception or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this Title would prevent a reasonable or sensible arrangement of buildings on the lot. Applicants for a side or rear yard variance must be able to show the distance of the proposed improvement from the lot line by way of lot corner stakes in the neighborhood. Notwithstanding the foregoing, a variance may be granted for the parking or storage of recreational vehicles in side yards. Before granting such a variance, the Board shall consider such factors as the closeness of neighboring buildings, adequate light, sunshine and airspace, and fire hazard potential.
2. Vary the parking regulations where an applicant demonstrated conclusively that the specific use of a building would make unnecessary the parking spaces required by this ordinance, but providing that such a reduction not be more than fifty percent (50%) of the usual requirement.
3. Use of the premises for public utilities and railroad purposes (other than track right of way) or for radio and television tower or broadcasting station.
4. Vary the parking regulations for parking in "R" districts for churches, temples, public schools, public libraries, community centers, public parks, and public playgrounds. In the "R" districts twenty percent (20%) of the required front yard shall be reserved and devoted to permanent landscaping and no off street parking spaces or off street loading spaces shall be permitted within this landscaping area.

C. Conditional Use Permits.

The Zoning Board of Appeals shall conduct public hearings and make recommendations to the City Council upon applications for conditional use permits, specifically listed in the district regulations of this ordinance. Conditional uses of areas to be annexed shall be detailed in an annexation agreement. A public hearing on the conditional use and annexation agreement shall be conducted by the Community Development Board. In such cases it shall be the Community Development Board rather than the Zoning Board of Appeals which shall make recommendation to the City Council. No recommendation for a conditional use permit shall be forwarded to the City Council within the same week as the public hearing is completed. Before recommending approval of such a conditional use permit, the Board shall satisfy itself that the conditional use requested will meet conditions that will, with the Board's judgment, insure that:

1. The establishment, maintenance, or operation of a conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. The conditional use will not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.

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3. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property uses permitted in the district.
4. Adequate utilities, access roads, drainage, and other necessary facilities will be provided.
5. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestions in the public streets.
6. Duration of conditional uses shall be for that period of time as set forth.

D. Appeals to the Board.

An appeal may be taken to the Zoning Board of Appeals by a person or by an officer, department, board or bureau of the City affected by a decision of the Building Inspector.

An appeal shall state all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Building Inspector, and on due cause shown.

The Board shall select a reasonable time and place for the hearing of the appeal and give fifteen (15) days notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appeal and testify at the hearing, either in person or by duly authorized agent or attorney.

E. Appeals From Decision of the Board.

Any review of the decisions of the Zoning Board of Appeals as set forth in this Section B. shall be subject to the Illinois Administrative Review Act.

9-11-6: Duties of the City Clerk's Office

For conditional uses, variances, and extension or expansions of nonconforming uses, or for the determination of the existence of a nonconforming use, the City Clerk's office shall:

- A. Obtain the name of the property owners within a radius of 250 feet of the property of the stated case and notify each property owner of the public hearing by a letter.
- B. Have the legal notice published in the official newspaper fifteen (15) days prior to the public hearing.
- C. Have recorded in the Henry County Recorder's Office all conditional uses, variances, and expansions of nonconforming uses, including any restrictions thereof.

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D. The City Clerk's office shall receive a fee of one hundred fifty dollars (\$150.00) with applications for conditional uses, variances, and expansions of nonconforming uses. No fee shall be received with applications for other meetings or hearings of the Zoning Board of Appeals.

9-11-7: Minutes and Records Kept

The Board shall keep full and accurate minutes of its proceedings. The City Clerk shall designate a member of his staff to be present to take full and accurate minutes. All records of the Board shall be kept at City Hall and shall be open to the public.

9-11-8: Compensation

Each citizen member of the Board shall serve without compensation for his service.

9-11-9: Conflict of Interest by Members

No member of the Board shall be interested, directly or indirectly, in any contract or job for work, or material or any work for himself or family, or the profits therefrom, or services to be furnished or performed in the carrying out of the Geneseo Zoning Ordinance.

9-11-10: Removal

Any member of the Board may be removed at any time by the Council by a two-thirds vote of Council members present whenever, in the opinion of the Council, the interest of the City requires such removal.

Also, the Board may recommend to the City Council the removal of any member of the Board for excessive absenteeism at any regularly scheduled Board meeting. Excessive absenteeism shall be the missing of any three (3) of the last four (4) regularly scheduled Board meetings.

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Chapter 12

ENFORCEMENT OF TITLE

- 9-12-1: Enforcement: Administrative Officer
- 9-12-2: Appeals: General
- 9-12-3: Appeals: Historic Preservation District

9-12-1: Administrative Officer

The Administrative Officer shall enforce this Title in accordance with the penalties and remedies set forth in this Title.

9-12-2: Appeals: General

Any appeals which may be made from the actions of the Administrative Officer shall be taken to the Zoning Board of Appeals in accordance with Chapter 11 of this Title.

9-12-3: Appeals: Historic Preservation District

Any appeals which may be made from the actions of the Administrative Officer pertaining to the Historic Preservation District shall be taken to the Community Development Board in accordance with Chapter 11 of the Geneseo Zoning Ordinance.

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Chapter 13

AMENDMENTS

9-13-1:Amendment of Zoning Regulations

9-13-2:Administrative or Procedural Changes

9-13-1:Amendment of Zoning Regulations

A. The Council may from time to time amend this Title in the manner prescribed by the statutes of the State. No such amendment shall be made until it shall have been referred to the Community Development Board and a report received from said Board of the effect of said amendment upon the City and the welfare of the inhabitants thereof. The Board shall hold one public hearing upon such amendments as required by law and is hereby designated as the body to hold such hearings. If no report is received from the Board in sixty (60) days, said board has approved the amendment. No report for an amendment shall be forwarded to the City Council within the same week as the public hearing is completed.

B. Meetings of the Board. All meetings of the Community Development Board shall be at the call of the Chairman and at such other times as such Board may determine. An application of any type of amendment to this Title must be submitted to the City Clerk's office three (3) weeks prior to the scheduled Community Development Board meeting.

C. Duties of the City Clerk's office. For amendments to the zoning district boundaries, the City Clerk's office shall:

1. Obtain the names of property owners within a radius of two hundred fifty feet (250') of the property of the stated case and notify each property owner of the public hearing by letter.
2. Have the legal notice published in the official newspaper fifteen (15) days prior to the public hearing.

D. The City Clerk's office shall receive a fee of one hundred fifty dollars (\$150.00) from the party or parties proposing or recommending a change in the district regulations or district boundaries.

9-13-2:Administrative or Procedural Changes

The City Council of the City of Geneseo, Illinois shall have the power to make any administrative or procedural changes to the Geneseo Zoning Ordinance without first submitting such change to a public hearing held by the Community Development Board.

"Administrative or procedural change" as set forth in the above paragraph shall mean any of the following changes:

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- A. The name of any board, committee, commission, or individual.
- B. The composition of any board, committee, commission, or position including, but not limited to, the number of members, length of term or proportionment by residential location or other category.
- c. The transfer of duties between board, committees, or commissions.

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Chapter 14

VIOLATION AND PENALTY

9-14-1: Zoning Violations and Penalty

9-14-2: Remedies

9-14-1: Zoning Violations and Penalty

The owner or agent of a building or premises in or upon which a violation of any provision of this Title has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part in, or assists in any violation or who maintains any building or premises in or upon which such violation shall exist shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one hundred dollars (\$100.00). Each and every day that such violation continues may constitute a separate offense.

9-14-2: Remedies

In the event that any building or structure is or is sought to be erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is sought to be used in violation of this Title, the Building Inspector or the City Council, in addition to other remedies, shall have the power to withhold or revoke any necessary permit and shall institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.