

CHAPTER 4: CONDITIONAL USES AND REGULATIONS

ARTICLE 1: CONDITIONAL USE REGULATIONS

4-1.1. CONDITIONAL USES

- A. Definition. Conditional uses are those type of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where the product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Within the various zoning districts, conditional uses specifically listed in the district regulation, may be permitted only after additional requirements are complied with as established within this section.
- B. Procedure. The consideration of a conditional use permit application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.
- C. Minimum Requirements. A conditional use permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:
1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.
 2. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public.
 3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
 4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of buildings, structures, walls, and fences on the site, and
 - b. The nature and extent of landscaping and screening on the site.
 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
 7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
- D. Additional Requirements. In granting a conditional use, the Village Board may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to reduce or minimize any potential injurious effect of such conditional uses upon other property purpose and intent of these regulations.
- E. Kennels – Breeding and Boarding. All kennels must comply with the following minimum requirements for a conditional use permit:
1. All kennels shall be located at least one thousand three hundred twenty (1,320)-feet from a residential district.
 2. The maximum lot size is one (1)-acre.

3. No kennel buildings or runs shall be located nearer than seventy-five (75)-feet to any property line.
 4. The kennel shall be completely enclosed by fencing of sufficient height to retain the dogs kept within said kennel. If necessary, fencing may be required across the top of any such kennel in order to retain a dog within the kennel. An enclosed ground area of 48 sq. ft. per dog shall be provided.
- F. Auto Wrecking Yards, Junk Yards, Salvage Yards, and Scrap Processing Yards. All Auto wrecking yards, junk yards, salvage yards, and scrap processing yards must comply with the following minimum requirements for a conditional use permit:
1. Shall be located at least one thousand three hundred twenty (1,320)-feet from a residential district zone.
 2. The operation shall be conducted wholly within a non-combustible building or within an area completely enclosed by a fence or wall at least eight (8) feet high. The fence or wall shall be of uniform height, color, and texture, and shall be maintained by the proprietor as to insure maximum safety to the public, and preserve the general welfare of the neighborhood. No scrap, junk, or other salvaged materials may be piled so as to exceed the height of this enclosing fence or wall.
 3. No junk or salvaged material shall be loaded, unloaded, or stored either temporarily or permanently, outside the enclosing building, fence, or wall.
- G. Earth-Sheltered Residences. All earth-sheltered residences may be constructed as a conditional use providing the following minimum requirements are met:
1. The living area shall be provided with exterior windows or sky lights which have a glassed area of not less than ten percent (10%) of the floor area and give direct visual access to natural light and open space.
 2. Lot areas, lot widths and setbacks for underground dwellings shall conform to those established by the zoning district.
 3. An outdoor space of no less than 500 square feet shall be provided immediately outside one wall of the dwelling. The minimum width of the space shall be twenty (20) feet and the average grade elevation shall be no more than two (2) feet above or below the grade elevation of the floor of the dwelling.
 4. All earth-covered structures shall be designed by a structural engineer and plans shall be submitted signed and sealed by a licensed structural engineer.
 5. A site plan, elevations, cross sections, and other necessary drawings shall be submitted to ensure that the proposed structure is compatible with the adjacent residents and the topography of the area. No site plan will be approved that creates a storm drainage or runoff problem for an adjacent property.
- H. Restricted (Adult Entertainment) Businesses. All adult entertainment businesses shall be subject to the following restrictions, and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:
1. **Proximity of Similar Use.** No adult entertainment business shall be allowed within one thousand (1,000) feet of another existing adult entertainment business.
 2. **Proximity of Other Uses.** No adult entertainment business shall be located within five hundred (500) feet of any residentially-zoned district or one thousand (1,000) feet of a pre-existing school, public park, or place of worship.
 3. **Provisions.** The provisions of this chapter shall apply to any adult entertainment businesses in existence at the time the ordinance codified in this chapter takes effect. All nonconformance shall come into compliance on or before January 1, 2017, and no such nonconforming use shall be permitted to expand in size or scope and the rights granted in this chapter shall terminate upon cessation of business, sale, or transfer of ownership of the adult entertainment business.

4. **Measurement of distances.** For the purpose of this chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park, or areas zoned for residential use which is closest to the said main entrance of such adult entertainment business.

ARTICLE 2: OFF-STREET PARKING REGULATIONS

4-2.1. APPLICABILITY

Off-street parking and loading space, as required in this article, shall be provided for all new buildings and structures. Existing parking area previously required shall not be used to satisfy required off street parking for any new structures or additions to existing buildings, structures or use of land. Such existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this article. Except that no off-street parking or loading space shall be required for any use in the "C-1" General Commercial District. Any off-street parking facility constructed in the "C-1" District after the effective date of this ordinance must comply with the design standards set forth in this section.

4-2.2. GENERAL PROVISIONS

- A. **Utilization.** Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, residents, occupants, or employees of such use.
- B. **Residential Districts.** Spaces shall be provided in other than the front yard in all residential districts. Parking spaces for residential uses may include a garage, carport, or parking pad. At least one (1) of the parking spaces shall be behind the front or side yard building setback lines when two (2) spaces are required. Parking is allowed in the rear yard.
- C. **Accessory Use.** Off-street parking shall be considered as an accessory use to the use for which the parking is provided. Off-street parking shall be located on the same lot or site as the use.
- D. **Repair Service.** In the Districts of "R-1", "M-U", and "LLR" motor vehicle repair work or service of any kind shall not be permitted in association with any unenclosed off-street parking facility.
- E. **Computation.** When determination of the number of off- street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of one-half ($\frac{1}{2}$) or less may be disregarded, and a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one parking space.
- F. **Mixed Uses.** When a building or development contains mixed uses, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of individual parking requirements.

4-2.3. LAYOUT AND DESIGN REQUIREMENTS

- A. **Area.** A required off-street parking space shall be at least eight (8)-feet six (6)-inches in width and at least nineteen (19)-feet in length, exclusive of access drives or aisles, ramps, and columns.
- B. **Access.** Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- C. **Design.** Off-street parking spaces shall comply with the design standard relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as contained in the Off-Street Parking Standards of this article.
- D. **Surfacing.** All open off-street parking and loading areas, including driveways and aisles, shall be graded and paved with asphalt, concrete, or asphalt concrete.
- E. **Lighting.** Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

F. Landscaping. Unless otherwise noted, each off-street parking facility of over six thousand (6,000) square feet shall comply with the following regulations:

1. Each off-street parking facility shall provide a minimum five (5)-foot landscaped buffer along any street property line.
2. Each parking facility that abuts a residential district shall provide a ten (10)-foot landscaped buffer along its common property line with the residential district.

4-2.4. PLANS AND APPROVAL REQUIRED

Plans showing the layout of all required off-street parking and loading areas shall be submitted to and approved by the Zoning Administrator prior to issuance of a building permit. Before approving any parking layout, the Zoning Administrator shall satisfy him/herself that the spaces provided are usable and meet standard design criteria contained herein. All required off-street parking spaces shall be clearly marked.

4-2.5. MINIMUM OFF-STREET PARKING REQUIREMENTS

See table below.

USES	PARKING REQUIREMENTS	LOADING REQUIREMENTS
<i>Commercial/Office Uses including, but not limited to:</i>		
Agricultural Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Auditoriums/Stadiums/Arenas	1 space/4 seats in main assembly area	None required
Automotive Rental/Sales	1 space/500 s.f. of gross floor area	1 space/establishment
Automotive Servicing	4 spaces/repair stall	None required
Boarding Houses/Bed & Breakfasts	1 space/rental units	None required
Body Repair	5 spaces/repair stall	None required
Bowling Alleys	4 spaces/alley + 1 space per 2 employees	1 space/establishment
Campground	1 space/camping unit	None required
Child Care Centers	1 space/employee + 1 space or loading stall/each 5 persons of licensed capacity	None required
Churches/Synagogues/ Temples	1 space/4 seats in main worship area	None required
Clubs, including Fraternal Organizations	1 space/500 s.f. of gross floor area	None required
Commercial Recreation	1 space/2 persons of licensed capacity	1 space/establishment
Communication Services	1 space/500 s.f. of gross floor area	1 space/establishment
Construction Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Dance Hall/Skating Rink	1 space/100 square feet of floor area + 1 space/2 employees	None required
Educational Uses, Primary Facilities	2 spaces/classroom	2 spaces/structure
Educational Uses, Secondary Facilities	8 spaces/classroom + 1 space/employee on largest shift	2 spaces/structure
Equipment Rental/Sales	1 space/500 s.f. of gross floor area	1 Space/establishment
Food Sales (Limited)	1 space/300 s.f. of gross floor area	1 space/establishment
Food Sales (General)	1 space/200 s.f. of gross floor area	2 spaces/establishment
Funeral Homes/Mortuaries/Chapels	8 spaces/reposing room	2 spaces/establishment
General Retail Sales Establishments	1 space/200 s.f. of gross floor area	1 space/establishment
Guidance Services	1 space/300 s.f. of gross floor area	None required
Hospitals	1 space/2 licensed beds	3 spaces/structure
Hotels/Motels	1 space/rental unit + 1 space/each 200 s.f. of public meeting area	1 space/establishment
Laundry Services	1 space/200 s.f. of gross floor area	None required

USES	PARKING REQUIREMENTS	LOADING REQUIREMENTS
Libraries	1 space/400 s.f. of gross floor area + 1 space/ 2 employees	1 space/structure
Medical Clinics	5 spaces/staff doctor, dentist, chiropractor	None required
Offices/Office Buildings	1 space/300 s.f. of gross floor area + 1 space/2 employees	None required
Restaurants (with Drive-Thru)	Greater of the two: 1 space/40 s.f. of dining area, or 1 space/150 s.f. of gross floor area	1 space/establishment
Restaurants (General)	30% of licensed capacity	2 spaces/establishment
Roadside Stands	4 spaces/establishment	None required
Service Oriented Establishments	1 space/200 s.f. of gross floor area	1 space/establishment
Theaters/Auditoriums/ Places of Assembly	1 space/4 persons of licensed capacity	1 space/establishment
Veterinary Establishments	1 spaces/500 square feet/staff doctor	None required
<i>Residential/Housing Uses including, but not limited to:</i>		
Assisted-Living Facilities	0.5 space/dwelling unit	1 space/structure
Convalescent/Nursing Home Services	1 space/4 beds + 1/employee on the largest shift	2 space/structure
Duplex	2 spaces per dwelling unit	None required
Group Care Facility	1 space/4 persons of licensed capacity	2 space/structure
Group Home	1 space/4 persons of licensed capacity	2 space/structure
Multi-Family/Apartments	1 space/sleeping unit (spaces to be sited in the general proximity of sleeping units' location)	None required
Mobile Home Park	2/dwelling unit	None required
Residential, Single-Family (Attached or Detached)	2 spaces/dwelling unit (1 may be enclosed or semi-enclosed)	None required
<i>Industrial Uses including, but not limited to:</i>		
Adult Entertainment Establishments	1 space/2 persons of licensed capacity	None required
General Manufacturing	0.75 times the maximum number of employees during the largest shift	2 spaces/establishment
Wholesale/Distribution Operations	1 space/2 employees on the largest shift	spaces/establishment

Parking for people with disabilities. Each off-street parking facility shall provide the number of parking spaces shown in the table below and shall be designed and designated for use by people with disabilities. Every eighth (8th) accessible parking space shall be van-accessible. Design criteria and dimensions shall be in compliance with the standards of the Americans with Disabilities Act (ADA). Parking facilities for single-family, duplex, two-family, and mobile home residential uses are exempt from this requirement.

NUMBER OF STALLS	NUMBER OF REQUIRED ACCESSIBLE SPACES	NUMBER OF STALLS	NUMBER OF REQUIRED ACCESSIBLE SPACES
1-25	1	201-300	7
26-50	2	301-400	8
51-75	3	401-500	9
76-100	4	501-1,000	2% of total
101-150	5	1,001 and over	20, plus 1 for each 100
151-200	6		stalls over 1,000

4-2.6. OFF-STREET LOADING REQUIREMENTS

At the time of construction, alteration or enlargement of any structure or building except residences, churches, and farms having an aggregate gross area of 5,000 square feet or more, off-street loading areas shall be provided and maintained for all uses as follows:

	NUMBER	LOADING AREA	GROSS FLOOR AREA
1.	One	500 square feet	For every 5,000 to 20,000 square feet
2.	One	500 square feet	For every 20,000 square feet or fraction thereof