

CITY OF LEBANON

ST. CLAIR COUNTY STATE OF ILLINOIS

ZONING ORDINANCE NO. 1151-Amended

Adopted by the City of Lebanon, St. Clair County, Illinois,
the ____ day of _____, 2017.

Approved by the Mayor the _____ day of _____, 2017.

Amending Ordinances included in this document:

Ord_1216 – An ordinance amending the Lebanon Zoning Code with regard to “MR” Multi-Family Residential Districts

Ord_1233 – An Ordinance Amending Article 2 (Definitions), Article 4(Regulations for specific districts), Article 8 (Additional Supplementary Regulations) and Article 10 (Administration and Enforcement) of Ordinance No. 1151 (Zoning Ordinance)

Ord_1268 – An Ordinance Amending Section 4-2.3 (Minimum Zoning District Regulations: Single Family Residential) of Ordinance No. 1151 of the City of Lebanon, St. Clair County, Illinois

Ord_1271 – An Ordinance Amending Section 11-4.1 and 11.4.2 of Article 11 (Special Permits and Procedures) of Ordinance No. 1151 being the Zoning Ordinance of the City of Lebanon, St. Clair County, Illinois

Ord_1272 – An Ordinance Amending Article 2 (Definitions), Section 2-2 (Selected Definitions) and Adding under Article 8 (Additional Supplementary Regulations), Section 8-9.1 (Semi Cabs and Trailers) of Ordinance 1151 (Zoning Ordinance).

Ord_1291 – An Ordinance Amending Section 11-4.1 and 11.4.2 of Article 11 (Special Permits and Procedures) of Ordinance No. 1151 Being the Zoning Ordinance of the City of Lebanon, St. Clair County, Illinois

Ord_1380 – An Ordinance Amending Section 4-6.4 of Zoning Ordinance 1151 to remove game and video arcades from prohibited uses in the “C-2” Historic Shopping District

Ord_1397 – Amending Zoning Ordinance No 1151 to Restore Provisions Concerning “SR-3” Single-Family Residential Districts and “E-1” Educational Districts that had been part of preceding Zoning Ordinance No. 875 (As Amended by Ordinance No 990), and that should have been carried forward into, but were mistakenly omitted from, Zoning Ordinance No. 1151.

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ZONING ORDINANCE

LEBANON, ILLINOIS

Be it ordained by the Mayor and City Council of the City of Lebanon, Illinois:

ARTICLE 1 - GENERAL PROVISIONS

Section 1-1 PURPOSE

In accordance with State law (65 ILCS, 5/11-13-1 to 5/11-13-20) this Ordinance regulates lots, structures, and uses in order to preserve, protect, and promote the public health, safety, and welfare and to implement the City of Lebanon Community Development Plan. More specifically, this Ordinance is intended to assist in achieving the following objectives:

- (a) to encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;
- (b) to protect and enhance the character and stability of sound existing residential, commercial, and industrial areas, and to gradually eliminate nonconforming uses and structures;
- (c) to conserve and increase the value of taxable property throughout the City;
- (d) to ensure the provision of adequate light, air, and privacy for the occupants of all buildings;
- (e) to protect the public from property damage caused by fire, flooding, poorly controlled storm water runoff, mine subsidence, and adverse soil and topographical conditions;
- (f) to provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;
- (g) to ensure the proper design and improvement of manufactured home parks;
- (h) to promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen;
- (i) to authorize and regulate the design of planned unit developments; and
- (j) to provide for the efficient administration and fair enforcement of all the regulations in this Ordinance.

Section 1-2 JURISDICTION

- (a) Within Corporate Limits. This Ordinance shall be applicable within the corporate limits of the City.
- (b) Outside Corporate Limits. St. Clair County has enacted a County Zoning Ordinance pursuant to 55 ILCS, 5/5-12001. Therefore, in the unincorporated territory within one and one-half miles of the City limits, the St. Clair County Zoning Ordinance is controlling. Consequently, if proper application is made to St. Clair County for interpretation of the Zoning Administrator of the County, or for a variance, special use permit, text or map amendment, similar proceedings need not be initiated with the City. However, in such cases the City is entitled to notice from St. Clair County.

Section 1-3 INTERPRETATION, CONFLICT WITH OTHER ORDINANCES

Every provision of this Ordinance shall be construed liberally in favor of the City, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Ordinance differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed, restriction, or covenant, the more stringent requirement shall prevail.

Section 1-4 DISCLAIMER OF LIABILITY

- (a) Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in discharge of his duties under this Ordinance. (See “Local Governmental and Governmental Employees Tort Immunity Act, “745 ILCS, 10/1-101 to 10/10-101.)
- (b) Any suit brought against any official, board member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this Ordinance, shall be defended by the City Attorney until the final determination of the legal proceedings.

Section 1-5 SEPARABILITY

If any provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Ordinance.

Section 1-6 REPEALER

Ordinance No. 524, 584 and Ordinance No. 635 directly conflict with the provisions of this Ordinance, and therefore are hereby repealed.

Section 1-7 REVIEW AND EXPIRATION

This Ordinance shall be subject to review within ten (10) years after the date of its enactment and, following comprehensive review, it may be reenacted in its entirety or updated by decision of the City Council.

Section 1-8 WHEN EFFECTIVE

This Ordinance shall take effect ten (10) days after its final passage, approval, and publication as provided by law. (See 65 ILCS, 5/1-2-4.)

Passed by the City Council this 25 day of July, 2005.

AYE 6

NAY _____

ABSENT 2

/s/ Pamela A. Koshko
City Clerk

Approved by the Mayor this 25 day of July, 2005.

/s/ Scott Abner
Mayor

ATTEST:

Effective Date: August 4, 2005

/s/ Pamela A. Koshko
City Clerk

July 25, 2005.

ARTICLE 2 - DEFINITIONS

Section 2-1 CONSTRUCTION OF TERMS

In construing the intended meaning of terminology used in this Ordinance, the following rules shall be observed:

- (a) Words and phrases shall have the meanings respectively ascribed to in Section 2-2 unless the context clearly indicates otherwise; terms not defined in Section 2-2 shall have their standard English dictionary meanings.
- (b) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- (c) Words used in the present tense shall include the future tense.
- (d) Words used in the singular number shall include the plural number, and the plural the singular.
- (e) The term “shall” is mandatory; the term “may” is discretionary.
- (f) All distances shall be measured to the nearest integral foot; six (6) inches or more shall be deemed one (1) foot.
- (g) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.
- (h) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

Section 2-2 SELECTED DEFINITIONS

Abandonment: An action to give up one’s rights of interest of property.

Abutting: Having a common lot line or district line. Synonym for “adjacent.”

Access Way: A curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking or loading area.

Accessory Use: Any structure or use that is:

- (a) subordinate in size or purpose to the principal structure or use which it serves;
- (b) necessary or contributing to the comfort and convenience of the occupants of the principal structure or use served; and
- (c) located on the same lot as the principal structure or use served.

Agricultural Use: Any one or any combination of the following: the growing of farm or truck

garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. This term shall include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds. The term “agriculture” encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

Aisle: A vehicular traffic way within an off-street parking area, and used as a means of access/egress from parking spaces.

Alley: A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Alter: To change the size, shape, height, use, or other similar characteristics of a sign or structure.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by horizontal extensions or by increasing in height, or the moving from one location or position or another.

Alterations, Structural: A change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Amendments: The change by established procedures in Zone District classification, commonly referred to as rezoning.

Amendment, Map: Means an amendment to the map of this Zoning Ordinance which affects an individual parcel or parcels of land.

Amendment, Text: Means an amendment to the text of this Zoning Ordinance which affects the whole municipality.

Amortize: To eliminate over time in accordance with an established schedule; applies herein to nonconforming signs.

Ancillary: A structure or use that is subordinate, auxiliary and supplementary to the principal structure or use.

Anchor: Any approved device to which a manufactured home is tied down to keep it firmly attached to the stand on which it is placed.

Animal, Domestic: A domesticated animal is one which has extensively and historically been a part of a family or household for pleasure, companionship and protection. Domesticated animals are household pets and are inclusive of animals, fowl, reptiles and fish, such as dogs, cats, parakeets, goldfish and painted turtles.

Animal, Farm: Farm animals are those which have historically been bred, reared and utilized for production of meat, leather, milk, eggs and similar products. This definition is inclusive of all farm animals, fowl, reptiles and fish, such as horses, cattle, hogs, sheep, geese, chickens, ducks,

snakes, and catfish.

Animal Hospital: Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

Animal, Wild: Wild animals are those animals, fowl, reptiles, and fish of the North American Continent not domesticated such as bears, raccoons, squirrels, alligators, and Gila monster; animals, fowl, reptiles and fish from other continents shall automatically be considered wild.

Antenna: A metallic device or structure for radiating or receiving radio waves.

Apartment: A suite of rooms or a room in a building arranged and intended for a place of residence or a single family or a group of individuals living together as a single housekeeping unit.

Apartment House: A multi-family dwelling used or occupied by four or more families living independently of each other in dwelling units, such as dwelling units normally rented or used other than by the day, by the same occupant for a continuous period ordinarily of six months or more.

Appeal: A procedure whereby any person aggrieved by any decision of the City Building/Zoning Official in any matter related to the interpretation or enforcement of this Ordinance may seek relief from the Zoning Board of Appeals.

Area, Gross: The entire area within the lot line of a parcel of property including, in the case of a subdivision, the areas to be dedicated for street and alley rights-of-way and for public uses.

Area, Net: The entire area within the lot lines of a parcel of property, minus any area to be dedicated for street and alley right-of-way and for public uses.

Area of Zoning Lots: The total horizontal area (square footage) within the property lines of a lot, excluding public streets and alleys, meeting the district requirement of this Ordinance.

Asphaltic Concrete: A mixture of petroleum by-products and gravel used for paving to form a smooth, permanent surface. "Asphaltic concrete" does not mean "oil and chip."

Attached: As applied to buildings, "attached" means having a common wall and/or a common roof.

Attached Building: A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and a common roof.

Auditorium: A room, hall or building made a part of a church, theater, school recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations.

Automobile Parking Area: A lot or part thereof used for the storage of motor vehicles with or without the payment of rent or charges.

Automobile Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair, and painting of vehicles.

Automobile Repair, Minor: Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operations specified under Automobile Repair, Major.

Automobile Sales Area: A parcel of land used for the display and sale of new or used automobiles, where repair work is permitted.

Automobile Wrecking Yard: Any place where two or more vehicles, not in running condition or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating conditions, and including the commercial salvaging of any other goods, articles or merchandise.

Awning: Any roof-like structure made of cloth, metal, or other material attached to a building or erected over a window, doorway, etc., in such a manner as to permit its being raised or retracted to a position against the building when not in use.

Barrier (Natural or Artificial): Any street, highway, river, pond, canal, railroad, levee, embankment, screening by a fence or hedge, or similar obstruction.

Basement: A story having more than one-half (1/2) its height below the average level of the adjoining ground.

Billboard: Any single or double-faced sign displaying messages or advertising not associated with the premises on which said sign is located or to which it is affixed. A billboard typically has provision for changing message/advertising thereon.

Block: An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Boarding House: A building other than a hotel or restaurant where meals are provided for compensation to three or more persons, but not more than ten who are not members of the keeper's family, but not open on a daily, overnight or per-meal basis to transient guests.

Buffer Strip: An area of land--undeveloped except for landscaping, fences, etc., used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

Buildable Area: The space remaining on a zoning lot after the minimum setback requirements of this Ordinance have been complied with.

Building: Any structure, whether temporary, semi-permanent, or permanent, designed or

intended to provide security and shelter of persons, property, animals, or substances of any kind and functional places in which to live, play, and work. A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank in order that such tanks will be constructed to the same flood damage protection standards. The term includes a manufactured home or prefabricated building which is affixed on a permanent site and connected to the required utilities. The term does not include recreational vehicles or travel trailers.

Building Height: The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers and similar projections shall not be included in calculating building height.

Building Line: The line, parallel to the front line, measured between side lot lines through that part of the building, structure or construction site where the lot is narrowest.

Building Setback Line: The line nearest the front of and across a lot delineating the minimum open space required between the front of a structure and the street right-of-way line.

Building/Zoning Official: The official appointed by the Mayor with the advice and consent of the City Council to administer the provisions of this Ordinance.

Bulk: Any one or any combination of the following structural or site design characteristics:

- (a) size or height of structure;
- (b) location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (c) lot area;
- (d) yards or setbacks.

Camping Trailers: Also referred to as travel trailers as opposed to a manufactured home. Generally is designed for temporary occupancy as a vacation dwelling, generally does not have self contained sanitary facilities, can be operated independently of utility connections, is limited in width to approximately eight (8) feet and in length to approximately thirty-two (32) feet, and is designed to be moved by a motorized vehicle.

Canopy: A structure, other than an awning, made of cloth, metal, or other material with frames attached to a building, and carried by a frame supported by the ground or sidewalks.

Centerline:

- (a) the centerline of any right-of-way having a uniform width;
- (b) the original centerline, where a right-of-way has been widened irregularly;
- (c) the new centerline, whenever a road has been relocated.

Certificate of Appropriateness: A permit issued by the Building/Zoning Official to allow any change in the outward appearance of any building or structure in the Historic Shopping District.

Church: A religious association providing worship services on a regular schedule.

Changeable Copy Sign: A sign whereon provision is made for letters or characters to be placed in or upon the surface area either manually or electronically to provide a message or picture.

City: City of Lebanon, Illinois.

City Council: The corporate authority and elected body of the City of Lebanon, Illinois.

Clinic: An establishment where licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club/Lodge: A nonprofit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Use/Establishment: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Common Open Space: Land unoccupied by structures, buildings, streets, right-of-way and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned unit development. Common open space may contain structures for recreational use. No area within thirty (30) feet of any building or structure except a structure used for recreational use shall be includable as common open space.

Community Development Plan: The comprehensive, long range plan for the City made for the general purpose of guiding and accomplishing coordinated and harmonious physical development, public improvements and utilities therein that best meet the present and future needs of the City and promote health, safety, morals, order, convenience, prosperity, efficiency and economy and general welfare. The latest version is the first amended comprehensive plan proposed by the Lebanon Plan Commission and adopted by the City Council with passage of City Ordinance No. 835 on March 11, 1991.

Community Residence: A group home or specialized residential care home serving unrelated persons who are developmentally disabled which is licensed, certified, or accredited by appropriate local, state, or federal governmental entities.

Community Residence, Large: A community residence serving six (6) or more persons with disabilities.

Community Residence, Small: A community residence serving five (5) or fewer persons with disabilities in a family-like atmosphere.

Condominium: The ownership of individual dwelling units in a multi-dwelling unit structure on a single parcel of land with common ownership of all portions of the property except the dwelling units.

Conforming: In compliance with the applicable provisions of this Ordinance.

Convalescent Homes: A licensed public or private home or institution for the gradual recovery of health and strength by persons suffering from sickness or weakness.

Convenient Store: A small retail establishment offering goods/services primarily for the convenience needs of residential areas.

Corrective Action Order: A legally binding order issued in accordance with the procedure set forth herein to effect compliance with this Ordinance.

Coverage: Total square footage of ground floor area expressed as square footage.

Dairy: Any premises where three or more dairy animals are kept, milked, and maintained; the term "dairy animal" meaning either cows or goats.

Day Care Center: An establishment for the part-time care and/or instruction at any time of day of four (4) or more unrelated children of pre-elementary school age.

Dedication: The transfer of ownership and/or maintenance responsibility for a street or other facility to the City or other public entity by the landowner on whose property said facility is located.

Density, Gross: The ratio between the total number of dwelling units of a given tract of land and the total area in acres including all land use areas and all public and private right-of-way.

Density, Gross Residential: The ratio between the total number of dwelling units by dwelling unit type on the land area designated for that type of residential use and the total residential land area by dwelling unit type in acres, including all public and private right-of-way.

Density, Net Residential: The ratio between the total number of dwelling units by dwelling unit type on the land area designated for that type of residential use and the total residential land area by dwelling unit type in acres, exclusive of all public and private right-of-way and other non-residential uses.

Design: The arrangement of uses on the land and use of land for easements, lots and right-of-way, including materials, alignment grade and width of these elements.

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefore.

Development: Any man-made change to improved or unimproved real estate, including but not limited to construction of or substantial improvements to building or other structures, the placement of manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operation.

Developmentally Disabled: A physical or mental impairment which substantially limits one or

more of such person's major life activities, impairs their ability to live independently or a record of having such an impairment, but does not include current use or addiction to a controlled substance.

Dimensions: Refers to both lot depth and lot width.

Dish, Satellite: A thin, flat, circular plate type object that is placed on private property and/or business property to be used to receive satellite images. These can be placed on a building or separate from a building.

District, Zoning: A portion of the territory of the City wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of this Ordinance.

Driveway: A minor access way commonly providing vehicular access to a garage or off-street parking area.

Drive-In Restaurant: An establishment principally used for the sale of fast order food. Fast order food means food that is:

- (a) primarily intended for immediate consumption;
- (b) available after a short waiting time; and
- (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Drive-In Theater: A tract of land developed with facilities for projecting motion pictures on an outdoor screen for viewing from the patrons' automobiles parked on the premises.

Dry Cleaner, Retail: A retail limited processing dry cleaner primarily serving individual public consumers.

Dry Cleaner, Wholesale: A business primarily processing dry cleaning for other businesses as opposed to the individual public.

Dwelling: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, or other accommodations for the transient public.

Dwelling, Multi-Family: A building or portion thereof containing three (3) or more dwelling units.

Dwelling, Single-Family: A dwelling containing one dwelling unit and intended for the occupancy of one family.

Dwelling, Two-Family: A dwelling containing two (2) dwelling units. Also "duplex."

Dwelling Unit: One or more rooms designed or used as living quarters by one family. A "dwelling unit" always includes a bathroom and a kitchen.

Easement: A right to use another person's real property or portion thereof for certain limited

purposes.

Enclosed: As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors. As applied to a fence, wall, or buffer strip, "enclosed" means open to the sky but surrounded on all sides by the fence, wall or buffer strip.

Encroachment Lines: The limits of obstruction to flood flows. These lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. The stream channel and adjoining flood plains between these lines will be maintained as open space and will be adequate to convey the regional flood without adversely increasing flood heights.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect: To build, construct.

Escrow Agent: The person or persons identified as escrow agent(s) by the City of Lebanon Subdivision Regulations.

Establishment: Either of the following:

- (a) an institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or
- (b) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:
 - 1. the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and
 - 2. the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Excavation: Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Existing: Actually constructed or in operation prior to the effective date of this Ordinance.

Existing Grade: The vertical location of the existing ground surface prior to excavation or filling.

Family:

- (a) Two or more persons, each related to the other by blood, marriage, or adoption, together with usual domestic servants and not more than one bona fide guest, all living together as a single housekeeping unit and using common kitchen facilities (that is, a related family); or
- (b) three or fewer persons, all of whom are not necessarily related each of the others by blood, marriage, or adoption, all living together as a single housekeeping unit and using common kitchen facilities (that is, an unrelated family). For purposes of this Zoning Ordinance, however, an unrelated family shall not include persons living together in a Community Residence or

Nursing Home.

Fast Food Restaurant: See "Drive-in Restaurant."

Federal Manufactured Home Construction and Safety Standards: Since June 15, 1976 this has been the national building code for all manufactured homes. This Code, written and administered by the U.S. Department of Housing and Urban Development (HUD), stated that "Federal Manufactured Home Construction and Safety Standards means a reasonable standard for the construction, design, and performance of a manufactured home which meets the needs of the public including the need for quality, durability, and safety, (U.S. Public Law 93-383).

Fence: A structural enclosure or barrier consisting of wood, wire, or metal that partly or fully obscures vision, light, or air that is intended to visually screen, mark property boundaries, and/or prevent escape or intrusion but does not include a hedge, buffer strip, or natural growth.

Fence, Open: A fence including any gates in said fence which permits direct vision through at least ninety (90) percent of the vertical surface area, e.g., chain link or open wire without slats.

Fence, Protective: A fence including any gates in said fence that encloses an "attractive" facility posing a potential hazard to unsupervised persons, e.g./, swimming pool.

Fence, Safety: A solid and substantially built accessory structure placed between pedestrian or vehicular right-of-way and a site containing any hazardous, noxious, or toxic condition.

Flammable: As distinguished from "non-flammable," the term "flammable" refers to any material which, once ignited, will continue to burn even after the material is no longer in direct contact with flame.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; and enclosed porches.

Floor Area Ratio: The total floor area of the building or buildings by type of residential use divided by the total net residential land area for the type of residential use.

Freight Car: A railway car or truck trailer designed for carrying freight. In the case of this Ordinance, this is also a structure that cannot be used, as a storage building in any designated area within the Ordinance. This structure/vehicle shall not be considered as a residential structure.

Frontage: The lineal extent of the lot abutting a street or public roadway or the lineal extent of the lot abutting a public parking area of the lot has no street frontage.

Full Perimeter Permanent Foundation. A below grade formation, or a substructure formation below the tier of beams nearest to grade in compliance with IBC, consisting of materials such as concrete, mortared concrete block or mortared brick. This formation is used to transmit the loads of a structure to firm substrata extending into the ground below the frost line (at least 30 inches in depth) or to solid rock.

Garage, Repair: A service business whose primary function is the repair and service of vehicles or boats.

Garage, Bus: Any building used or intended to be used for the storage of three (3) or more passenger motor buses or motor coaches used in public transportation, including school buses.

Garage, Private: An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicle of the family or families resident upon the premises. Such a garage shall not be used for more than one (1) commercial vehicle and the load capacity of such vehicle shall not exceed one and one-half (1 1/2) tons.

Garage, Public Parking: A public or private structure built for off-street public parking.

Garden Apartment: A multi-story apartment building, not to exceed four (4) stories, usually grouped around a usable open space (public) with off-street parking provided on the periphery of the site.

Gasoline Service Station: A building or premises or portion thereof used for the retail sales of gasoline, oil or other fuel, automotive parts, supplies, or accessories for motor vehicles and which may include as an incidental use only, facilities used for polishing, greasing, washing, or otherwise cleaning or light servicing of motor vehicles, but not including liquefied petroleum gas distribution facilities.

Grading: Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Grandfathered: A nonconforming lot, structure, or use that exists on the effective date of this Ordinance. Once removed, the nonconforming lot, structure, or use is no longer grandfathered.

Greenhouse: A glassed enclosure used for the cultivation or protection of young or tender plants.

Hereafter: Any time after the effective date of this Ordinance.

Home Occupation: Any part-time or full-time, permanent or semi-permanent business, profession, or occupation conducted for gain entirely within a limited portion of a dwelling in conformity with the provisions of this Ordinance.

Hospital: An institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment, or care of members of the general public suffering from disease, injury, or other abnormal physical conditions.

Hotel: A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least six guest rooms, where a general kitchen and dining room may be provided but where no cooking facilities are provided in any guest room.

Illinois Compiled Statutes (ILCS)-1992: Pursuant to P.A. 87-1005, effective January 1993 the Illinois Compiled Statutes represent the systematic codification for the statutory laws of Illinois.

Illinois Manufactured Housing and Manufactured Home Safety Act: An Act to provide for the establishment of safety standards for construction for modular residences and commercial mobile structures. P.A. 78-929, certified November 14, 1973, effective July 1, 1974; amended by P. A. 79-731, effective October 1, 1975. The Act is regulated by the Illinois Department of Public Health.

Illinois Revised Statutes: See Illinois Compiled Statutes (ILCS)-1992. The former system for codifying statutory law in Illinois.

Immobilize: As applied to a manufactured home, "immobilize" means to remove the wheels, tongue, and hitch.

Improvement: Refers to site grading, street work and utilities (including water, sewer, electric, gas and storm water) to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision.

Improvement Plans: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in, or in conjunction with, the subdivision.

Industrial Park: A tract of land, under single ownership, planned as an entire area for industrial and business uses or purposes.

International Building Code: The code adopted by the City for the purpose of establishing rules and regulations regarding the erection, construction, enlargement, alterations, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance, of buildings and structures including permits as recommended by the American Insurance Association.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Junk: Deteriorated, dilapidated, or, and discarded manufactured goods, appliances, fixtures, furniture, machinery, vehicles, personal property or any other thing or part thereof that is in a condition as to be generally unusable and/or inoperable in its existing state and is stored outdoors. Such articles shall include materials made out of glass, metals, paper, plastics, rags, rubber and wood.

Junk Yard: A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastics, rags, and rubber tires. A lot on which two (2) or more inoperable vehicles are stored shall be deemed a junk yard. A "junk yard" includes an automobile wrecking yard.

Kennel: Any structure or premises or portion thereof on which more than three (3) dogs, cats, or other household domestic animals over four (4) months of age are kept.

Kennel, Commercial: Any structure or lot upon which domesticated animals are either bred for sale or are kept for periods of time while their owners are away, and money is exchanged for same. These are areas where there is both inside and outside keeping of domesticated animals within confined areas.

Kennel, Farm: Any structure or lot on which not more than four (4) domesticated or farm animals over four (4) months of age are kept.

Kennel, Residential: Any structure or lot on which not more than three (3) domesticated animals over four (4) months of age are kept.

Laundries:

(a) Laundromat -- a business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises.

(b) Commercial Industrial Laundry -- a business that provides washing, drying and ironing services operated by the employees on the premises.

Loading Space: An off-street parking or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

Lodging or Rooming House: A building with more than three guest spaces where lodging is provided for compensation pursuant to previous arrangement but not on a daily, overnight or per-meal basis to transient guests.

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A "lot" may or may not coincide with a "lot of record."

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

Lot, Corner: A lot having at least two (2) adjacent sides that abut for their full length upon streets.

Lot Coverage: The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line: The surveyed boundaries of a parcel of real property.

Lot Line, Front: The lot boundary abutting the street. On a corner lot, the front lot line shall be the street lot line having the least dimension.

Lot Line, Rear: An interior lot line which is most distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded with the Recorder of Deeds of St. Clair County, Illinois, in accordance with State law.

Lot Size Requirement: Refers to the lot area, width, and depth requirements of the applicable district.

Lot, Through: A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets.

Lot Width: The mean horizontal width of a lot measured at right angles to the side lot lines.

Maintenance: The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

Manufactured Dwelling Unit: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufacturing, Housing Construction, and Safety Standards Act of 1974 (42USC5401, at sequence), which became effective June 15, 1976, or the building codes adopted by the City 9 (IBC) and is certified by the Illinois Department of Public Health. For purposes of placement in the City of Lebanon, these structures must be new or demonstration units, must have the permanent towing equipment (wheels and "tongue") removed, and must meet all the other requirements specifically mentioned in site-built dwellings/buildings.

Marquee: A permanent canopy usually of metal or glass projecting from a wall of a building but not supported by the ground or sidewalk over an entrance to a commercial establishment (as of a hotel or theater).

Materially: As applied to the impact of one thing on another, "materially" means significantly or substantially.

Message: Visual communication of identification or advertising information through words, abbreviations, geometric shapes, numbers, pictures, signals or symbols, etc.

Manufactured Home: A movable or portable unit bearing a red metal label on the exterior of the home located near the floor level at the end opposite the normal location of a towing hitch.

Manufactured Home, Dependent: A term used to describe a "manufactured home" which does not have toilet and bath or shower facilities. A "dependent manufactured home" is considered a recreational vehicle under this Ordinance.

Manufactured Home Park: A parcel not less than five (5) acres in area in single ownership/control, developed with facilities for accommodating occupied manufactured homes in accordance with the requirements of this Ordinance.

Manufactured Home Space: A portion of a Manufactured home park designed and improved for

the placement of one manufactured home and the private use of the occupants thereof.

Manufactured Home Skirting: The covering affixed to the bottom of the exterior walls of a manufactured home to conceal the underside thereof.

Manufactured Home Stand: The part of a Manufactured home space beneath the manufactured home that includes the concrete slab or runners on which the home is placed and to which it is anchored.

Manufactured or Portable Marquee: A term used to describe any sign designed to be moved from place to place, including (but not limited to) signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

Manufactured Structures: Those units defined in the Illinois Manufactured Housing and Manufactured Home Safety Act as "manufactured homes. " The term shall include units designed for the purpose of housing more than one family, commercial units, industrial units and educational units. Single family units constructed in accordance with the Federal Manufactured Home Construction and Safety Standard (42 U.S.C. 5401) are not considered " Manufactured structures."

Modular Building Unit: A factory fabricated, transportable building unit designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential, commercial, or industrial purposes.

Motel or Motor Hotel: A series of attached, semi-attached or detached sleeping or living units, for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Motor Freight Terminals: A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

National Building Code: The national code adopted by the City for the purpose of establishing rules and regulations regarding the erection, construction, enlargement, alterations, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance, of buildings and structures including permits as recommended by the American Insurance Association.

National Register of Historic Places: Is the authoritative guide to be used by federal, state, and local governments, private groups, and citizens to identify the nation's cultural resources and to indicate what properties should be considered for protection from demolition, destruction, or inappropriate alterations. Listing in the National Register also provides limited protection through federal and state resource protection programs.

Net Residential Land Area: Total residential land area less all public and private right-of-way and other nonresidential uses.

Noisome and Injurious Substances:

Conditions and Operations:

- (a) creation of unreasonable physical hazard by fire, explosion, radiation or other cause to persons or property;
- (b) discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground so as to contaminate any water supply including underground water supply;
- (c) maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin;
- (d) emission of smoke, measured at the point of emission which constitutes an unreasonable hazard to the health, safety or welfare of any persons;
- (e) fly ash or dust which can cause damage to the health of persons, animals or plant life or to other forms of property or excessive solid, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused;
- (f) creation or causation of any unreasonable offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused;
- (g) creation or maintenance of any unreasonable reflection or direct glare by any process, lighting or reflection material at or beyond any property line of the premises on which the aforesaid reflection or direct glare is created or caused;
- (h) creation or maintenance of any unreasonable distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.

Nonconforming: As applied to a lot, sign, structure, or use, "nonconforming" means

- (a) lawfully existing on the effective date of this Ordinance, but
- (b) not in compliance with the applicable provisions thereof.

Nuisance: Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Nursery: A tract of land on which trees, shrubs, and other plants are raised for transplanting and/or sale, and including any structure in which said activities are conducted.

Nursery School: See "Day Care Center."

Nursing Home: A licensed public or private home or institute which provides maintenance, personal care, and nursing for three (3) or more persons who by reason of physical illness or infirmity are incapable of maintaining a private, independent residence.

Obstruction: Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, bridge conduit, culvert, building, wire, fence, rock gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, water course, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Occupancy Permit: A permit issued by the Building/Zoning Official indicating that, after

inspection, a lot or newly completed structure complies with all pertinent requirements of this Ordinance and may, therefore, be occupied or used.

Office, Professional: An office (other than a service office and other than an office for care and/or treatment of, or medical attention to, animals as distinguished from persons) for the practice of professionals, such as the office of urban planners, physicians, dentists, attorneys-at-law, architects, engineers, artists, musicians, teachers, accountants and others who through training are qualified to perform services of a professional nature, or the offices of a governmental agency, and where there is no storage, sale or display of merchandise on the premises.

Office, Service: An office in which are offered services by real estate agents, insurance agents, public stenographers, brokers, or others who through training are duly qualified to perform services of an executive nature (as distinguished from a professional office) and where there is no storage, sale or display of merchandise on the premises.

Parking Lot, Off-Street: Land that is improved in accordance with this Ordinance and used primarily for the storage of passenger motor vehicles free of charge or for compensation. An "off-street parking area," depending on the circumstances of its use, may be either a principal use or an accessory use. A driveway is not a "parking lot."

Parking Space, Off-Street: An area at least twenty (20) feet long and ten (10) feet wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

Permitted Use: Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

Person: Any individual, firm, association, organization, or corporate body.

Pet: A domesticated animal kept for pleasure rather than utility or sale.

Plan Commission: The Plan Commission of the City of Lebanon, Illinois whose members are appointed by the Mayor and affirmed by the City Council to oversee the long-term planning of the community and thus are charged with administering various duties of this Ordinance to implement the Community Development Plan.

Planned Development Projects: A residential, commercial or industrial development of a parcel of land in single ownership. Examples include residential subdivisions, manufactured home parks, strip and shopping malls, professional offices, and industrial parks.

Planned Unit Development: A unified development the density of which is calculated on a project basis rather than on a lot basis, wherein there may be a variety of mixed uses and which will provide amenities not otherwise required by law, including, but not limited to, provisions for common open space, recreational facilities, or specific design, engineering, architectural, site planning or landscaping features, with some or all of the buildings intended for immediate or future use.

Plat, Final: The final engineering and architectural detail maps, drawings, and supportive

material on which the developer's plan of the project area is presented, and if approved, will be submitted to the County Recorder of Deeds for recording.

Plat, Preliminary: Preliminary engineering and architectural maps, drawings, charts, and supportive material indicating the proposed layout of the project area.

Plot: A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

Power Supply Assembly: The conductors, including the grounding conductors, insulated from one another, the connectors, attachment plug caps, and all other fittings, grommets, or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the manufactured home.

Prehistoric, Stone Artifacts: Any object pertaining to or belonging to the era before recorded history.

Premises: Any lot and all the structures and uses thereon.

Primary Highway: Any highway, other than an interstate highway, designated by the Illinois Department of Transportation and approved by the United States Department of Transportation as a part of the Federal-Aid Primary System on July 1, 1972, or thereafter.

Principal Building/Structure Use: The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Private Street: Any street providing access to abutting property that is not maintained by and dedicated to a local governmental unit.

Property Line: The surveyed lines demarking the boundaries of real property.

Public Open Spaces: Any area indicated on the Zoning Map as "PS", such as a public park, recreation area, public school site, cemetery or other similar open space, shall not be used for any other purpose than that designated; and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district.

Public System (Water or Sewer): A system which is owned and operated by a local governmental authority or by an established public utility company. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of this State.

Public Utilities: Utilities which are either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

Qualified Manufactured Dwelling Unit: A dwelling unit as defined above which is a new or demonstration unit, has the permanent towing equipment (wheels and "tongue") removed, and meets all the other requirements specifically mentioned in site-built dwellings/buildings definition.

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after damage or destruction.

Recreational Vehicle: A vehicle for non-commercial, recreational use, including a motor home (including Class A, B and C), travel trailer, camper shell, cab-over camper, fifth wheel, horse trailer, or trailers mounted with recreational vehicle such as a water craft or off-road vehicle.

Recreational Vehicle Park: A lot developed with facilities to support the temporary parking of recreational vehicles for less than thirty (30) days.

Refuse: Garbage (food wastes) and trash, but not sewage or industrial wastes.

Regional Pollution Control Facility: Includes any waste storage site, sanitary landfill, waste disposal site, waste transportation, waste incinerator, or treatment facility that serves more than one municipality.

Relocate: To move to another portion of a lot or to a different lot.

Renovate: To restore and renew a building or structure to a former better state.

Repair: To restore to sound condition, but not to reconstruct.

Replace: To substitute building materials or structures thereon.

Residence: A stationary detached principal building designed for or used as a dwelling as distinguished from a mobile (dwelling) home.

Residential District: Residential district means any street, alleyway, drive, lot, or any other tract or parcel of land whether publicly or privately owned, within the City, which is an area zoned as a residential district.

Restrictive: Tending to keep within prescribed limits.

Retail: Refers to the sale of goods or services directly to the consumer rather than to another business.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to this municipality or to another unit or government for streets and alleys.

Roof Line: A horizontal line parallel to the average ground level of a building along the front thereof, which line delineates the highest point of a flat roof; or where the flat surface area of a gable, hip, mansard, or gambrel roof is in view from the ground level, the line of demarcation between the flat surface and the vertically structured facade; or the line along the front of a building delimiting the roof line between eaves and ridge for gable, hip, and gambrel roofs.

Row House: Three or more attached dwelling units designed for occupancy by one family, each on its own plot of ground and joined to one (end unit) or two other dwellings by fire walls which comply with standards specified in the adopted Building Code. Each dwelling unit shall occupy the internal space from the ground to the roof.

Screening: Trees, shrubs, walls, solid fences, etc. used as a means of visual and noise control.

Service Building: A structure within a manufactured home park or travel trailer park that contains toilet facilities, clothes washers and dryers, and, in some instances, a convenience store.

Service Station: A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

Service Use/Establishment: Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

Setback: The horizontal distance from the lot line in question to the side of the structure facing that lot line or to the edge of the area of operation of the principal use (in the case of a use which does not involve a structure).

Shopping Center: An enclosed building or group of buildings under single ownership or control occupied by two or more establishments that provide common off-street parking facilities.

Sign: Any object, device, display, or structure, or part thereof, used to advertise, identify, display or attract attention to a person, establishment, product, service, or event by any means including words, letters, figures, designs, symbols, fixtures, colors illumination, etc. The term "sign" includes but is not limited to every projection sign, freestanding sign, window sign, awning, canopy, marquee sign, changeable copy sign, illuminated sign, moving sign, temporary sign, portable sign, pennants, banners, streamers or any other attention-getting device or other display whether affixed to a building or erected elsewhere on the premises. The term "sign" excludes features of a building which are an integral part of the building's design (e.g., the "castle-look" of a White Castle restaurant).

Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of the message and the background thereof, calculated in accordance with the provisions of this Ordinance.

Sign Area Allowance: The maximum total sign area of all signs that an establishment is permitted to display.

Sign, Canopy/Marquee: Any sign affixed to, painted on, or suspended from an awning, canopy, marquee or similar overhang.

Sign Combination: A sign incorporating any combination of the features of freestanding, projecting, or roof signs.

Sign, Flush Mounted: Any sign attached to or erected against a wall of a structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not projecting more than eighteen (18) inches. A flush-mounted sign displays only messages associated with the building to which said sign is attached.

Sign, Freestanding: Any sign supported by one or more uprights, poles, or braces placed in or

upon the ground; or any sign supported by any structure erected primarily for the display and support of the sign; provided that a freestanding sign displays only messages associated with the premises on which said sign is situated.

Sign, Projecting: Any sign which is suspended from or supported by a wall, awning, canopy, marquee, etc., and which is approximately perpendicular thereto. A projecting sign displays only messages associated with the structure to which it is attached.

Sign, Real Estate: A sign indicating the availability for sale, rent, or lease of a specific lot and/or building upon which the sign is erected or displayed.

Sign, Roof-Mounted: Any sign erected or maintained on a roof of any building.

Sign, Shopping Center Identification: Any sign(s) identifying a building or group of buildings under single ownership or control, that provides common off-street parking facilities and is occupied by two or more retail sales establishments.

Sign, Subdivision: A sign advertising the general development, sale, and/or subdivision tract of land and displayed or erected upon the subject property, as distinguished from a real estate sign.

Sign, Window: Any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing the passer-by of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

Site: A parcel of land consisting of one or more lots or portions thereon which is described by reference to a recorded plat or by metes and bounds.

Site-Built Dwelling Unit: A permanent structure, placed on a permanent foundation, having one or more rooms with provisions for living, sanitary, and sleeping facilities, arranged for the use of one or more individuals. These dwellings shall include site-built and qualified manufactured dwellings/buildings. Such a dwelling/building may involve the use of individual prefabricated structural units (such as a beam, girder, plank, strut, column, or truss). The term shall include dwellings/buildings designed and intended for use as a dwelling, business, educational, or industrial use occupancy. The following are required:

- (a) Placed on a permanent foundation.
- (b) Minimum of 1,000 square feet.
- (c) Average length to width of the living area (excluding garages, carports, porches, or attachments) shall not exceed 3 to 1.
- (d) All building setbacks, parking, coverage, height, width and sign requirements for the base district shall apply.
- (e) The pitch of the main roof shall not be less than 3 feet of vertical rise for each 12 feet of horizontal run, and consist of shingles made of asphalt, architectural or fiberglass shingles.
- (f) Be placed so that the apparent entrance or front of the building faces or parallels the principal street frontage (except for when the lot size exceeds one acre).
- (g) Minimum of 12" eave overhang.
- (h) Exterior siding of brick, wood, stucco, plaster, concrete or other material must be non-

- reflective in nature and compatible with the surrounding neighborhood.
- (i) Not more than 18" of foundation showing above the ground level.

Site Plan: Maps, charts, drawings, architectural renderings, photographs and other visual media showing proposed development of physical facilities to be constructed within planned development and planned unit development projects.

Slope: The degree of natural inclination of the existing ground.

Slope, Steep: Lands with a slope of twelve (12) percent or greater and those lands with a seven (7) to twelve (12) percent slope which are especially susceptible to soil erosion.

Special Use: Generally, uses which may have a unique, special or unusual impact upon the use or enjoyment of neighboring property. The following specific uses are hereby declared special uses in the City of Lebanon:

- (a) Planned Development Projects
- (b) Planned Unit Development
- (c) Shopping Centers
- (d) Industrial Parks
- (e) Apartment Complexes
- (f) Manufactured Home Parks

Special Use Permit: Permission granted to an applicant by the Lebanon City Council to establish a Special Use in a given zone district. (See Section 11-2.)

Stable: A structure, situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

Stable, Riding: Any building, other than a private stable, designed, arranged, used or intended to be used or intended to be used for the storage of horses and horse-drawn livery or both.

Stand, Roadside: A structure for the display and sale of only farm products which are produced on the premises.

Stop Order: A type of corrective action order used by the Building/Zoning Official to halt work in progress that is in violation of this Ordinance.

Street: A public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as: a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, or as otherwise designated, but excludes alley or a way for pedestrian use only.

Street, Area Service Highway: Area service highway interconnect collectors and land access streets with the principal system and vice versa, bring all developed areas within a reasonable distance of principal streets, connect and provide communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

Street, Butt or Stub: A street that is temporarily terminated, but is planned for future continuation.

Street, Collector: Collector streets interconnect the principal street system with land access streets; provide internal circulation with residential, commercial, and industrial areas; provide access to abutting properties; and have a moderate volume design capacity and travel speeds.

Street, Cul-De-Sac: A short, land access street, having only one end open for vehicular traffic, and the other permanently terminated by a turn around for vehicles.

Street, Dead End: Land access streets similar to cul-de-sacs, except that they provide no turn around circle at their closed end.

Street, Land Access: Land access streets provide access to abutting properties, have a relatively short travel distance, and have a low volume design capacity and travel speeds.

Street, Looped: Land access streets having two open ends, each end generally connected with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

Street, Marginal Access or Service Road: A land access street parallel and adjacent to area service highways providing access to abutting properties.

Stringent: Binding, exacting.

Structure: Anything constructed or erected which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground but not including poles, lines, cables, and other transmission.

Subdivision, Land: The division of land into more lots and parcels in accordance with the Plats Act, 765 ILCS 205.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or the structure has been damaged and is being restored before the damage occurred. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure or site documented as deserving preservation by the State of Illinois Department of Conservation or listed on the National Register of Historic Places.

Tavern or Lounge: A building where liquors are sold to be consumed on the premises, but not including restaurants, where the principal business is serving food.

Temporary Housing: On the same lot while the owner is building a permanent dwelling on the lot or tract. Also, may be for the occupancy by a family member to serve as custodian providing continuing care to the lot owner/resident.

Temporary Structure: A temporary structure used for shelter, security, or a function during a temporary event or for a temporary use permitted by the City Council.

Temporary Use: An event, enterprise, and/or structure used in the City for a limited time. Temporary uses include, but are not limited to: arts and crafts shows, carnivals and circuses, Christmas tree sales, for construction activities, emergency and temporary housing, halloween haunted houses, live entertainment events, parades and marches, street fair and festivals, and swap meets.

Topography: The relief features or surface configuration of an area.

Tower: An exceptionally tall building or superstructure that is used for either residential or business related purposes. An exceptionally tall structure that is used to place equipment used in the transmission of images and/or sound.

Town House: Three or more attached dwelling units designed for occupancy by one family, each on its own plot of ground and joined to one (end unit).

Travel Trailer: See "Recreational Vehicle."

Travel Trailer Park: See "Recreational Vehicle Park."

Unified Control: The combination of two or more tracts of land wherein each owner has agreed that his tract of land shall be developed as a part of a planned unit development and shall be subject to the control of this Ordinance applicable to the planned development.

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

Utility Permit, Temporary: A thirty (30) day permit allowing for utility connection only (not occupancy) of a structure while it is under alteration, renovation, or remodeling.

Utility Substation: A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

Utility Trailer: A trailer not defined as a recreational vehicle that has an axle and a frame that can be used to haul any type of material or equipment.

Vacant: As applied to a lot, "vacant" means that no structure is situated thereon.

Variation: A relaxation of the strict application of the regulations of this Ordinance related to the use, lot size, setbacks, or other bulk requirements applicable to a particular lot or structure that would otherwise cause practical difficulty and particular hardship if complied with.

Wall: An obscuring barrier or enclosure that partly or completely surrounds a zoning lot to prevent escape or intrusion or marks boundaries and whose vertical surface is closed, thus preventing the passage of light, air, or vision in a horizontal plane and which may be constructed of brick, concrete, masonry, metal or similar materials.

Wholesale: Refers to the sale of goods or services by one business to another business.

Yard: Open space that is unobstructed except as specifically permitted in this Ordinance and that is located on the same lot as the principal building.

Yard, Front: A yard which is bounded by the side lot lines, front lot lines, and the building line.

Yard Rear: A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.

Yard, Side: A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

Yard Line: A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

Zoning Board of Appeals: The Zoning Board of Appeals of the City of Lebanon, Illinois appointed by the Mayor and affirmed by the City Council to serve in a quasi judicial manner relating to appeals, interpretations, and aggrievances of this Ordinance or decisions by the Building/Zoning Official in zoning matters.

Zoning Compliance Permit: A permit issued by the Building/Zoning Official indicating a proposed lot, structure, or use is in conformity with the requirements of this Ordinance and may, therefore, proceed.

Zoning Map: The map(s) and any amendments thereto designating zoning districts, and incorporated into this Ordinance by reference.

Zoning Ordinance: This document and code regulating the use of land and location of structures and the procedures therein within the corporate boundaries of the City of Lebanon, Illinois.

ARTICLE 3 -
GENERAL ZONING DISTRICT REGULATIONS

Section 3-1 ZONING INTENT AND PURPOSE:

For the purposes of this Ordinance, the entire City is hereby divided into zoning districts:

<i>Letter and Number Designation</i>	<i>Agricultural District</i>	<i>Minimum District Area</i>
A-1	Agricultural District	5 acres
	<i>Residential Districts</i>	
SR-1	Single-Family Residential District	5 acres
SR-2	Single-Family Residential District	3 acres
SR-3	Single-Family Residential District	3 acres
MH-1	Manufactured Home Residential District	5 acres
MR-1	Multi-Family Residential District	2 acres
	<i>Business Districts</i>	
C-1	Commercial District	2 acres
C-2	Historic Shopping District	2 acres
	<i>Industrial District</i>	
I-1	Industrial District	5 acres
	<i>Special Districts</i>	
F-1	Flood Plain District	No limit
E-1	Educational District	No limit

Section 3-2 ZONING MAP AND DISTRICT BOUNDARIES

The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of Lebanon. This map, including all notations and other information thereon, is hereby made a part of this Ordinance by reference. The official zoning map shall be kept on file in the Building/Zoning Official's office.

3-2.1 ANNUAL PUBLICATION:

In accordance with State law, (65 ILCS, 5/11-13-19), if any changes are made in the zoning districts or regulations during a calendar year, the City Clerk shall publish the official zoning map of the City not later than March 31st of the following year.

3-2.2 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION:

In determining with precision what territory is actually included within any zoning district, the Building/Zoning Official shall apply the following rules:

- (a) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding features on the right shall

be deemed the district boundary:

1.	Centerline of any street, alley, or highway	such centerline.
2.	Lot line	such lot line.
3.	Railroad tracks	right-of-way line of such tracks.
4.	Stream	center of such stream.
5.	Section, fractional, or survey lines.	such lines.

(b) Whenever any street, alley, or other public way is legally vacated, the zoning districts adjoining each side of the vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

3-2.3 ANNEXED TERRITORY:

Any territory hereafter annexed to the City shall be given the zoning district designation most similar to its classification prior to annexation; unless, the property owner of the proposed territory for annexation makes a specific request for a different classification, at which time, after a recommendation by the Plan Commission, the City Council may annex any territory as any other zoning district or districts herein if all legal requirements for a zoning map amendment are met (Section 11.3).

Section 3-3 GENERAL PROHIBITION

Hereafter, within the City of Lebanon it shall be unlawful to:

- (a) erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;
- (b) to create any lot; or
- (c) to use, occupy, or develop any lot or part thereof,

except in conformity with the provisions of this Ordinance.

Section 3-4 UNLISTED USES PROHIBITED

Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the City Council determines, after a public hearing has been held before the Plan Commission, that the consultation with the Building/Zoning Official finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use by amending this Ordinance in accordance with Section 11-3. The City Council's decision shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

Section 3-5 MEETING MINIMUM REQUIREMENTS

Except as specifically provided otherwise elsewhere in this Ordinance, every lot must meet the minimum area, minimum dimensions, and minimum setback requirements of

the district in which it is located independently; that is, without any portion of an abutting lot.

Section 3-6 ACCESS REQUIRED

No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public or a private street.

Section 3-7 FRONT SETBACKS - CORNER/THROUGH LOTS

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

Section 3-8 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS

Except as specifically provided otherwise, in any built-up portion of any residential zoning district, where lots having fifty percent (50%) or more of the frontage of one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ more than ten (10) feet, the minimum required front setback on that block shall be the average of the existing front setbacks; provided, however, that no front setback less than fifteen (15) feet shall be permitted nor shall any front setback greater than fifty (50) feet be required.

Section 3-9 INTRUSIONS INTO YARDS

To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<i>FEATURES</i>	<i>MAXIMUM INTRUSION</i>
(a) Cornices, chimneys, planters, or similar architectural features	Two (2) feet
(b) Fire escapes	Four (4) feet
(c) Patios	No limit
(d) Porches, if unenclosed and at ground level	Six (6) feet
(e) Canopies, roof overhangs	Four (4) feet
(f) Balconies	Four (4) feet

Section 3-10 EXCEPTIONS TO HEIGHT LIMITS

(a) Necessary Appurtenances. Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, and other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the City.

(b) Intersections. On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points thirty (30) feet from the point of intersection, no obstruction whether man-made, shall extend more than two

(2) feet above the level of the adjacent street. (See Appendix 1).

Section 3-11 SEWERS, SEPTIC TANKS

In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(a) When Public Sewers are Available. Whenever the public sanitary sewerage system is reasonably available, (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed two hundred (200) feet, all sewerage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.

(b) Sewers Required in New Subdivisions. Every new subdivision within the City 's jurisdiction shall be connected to and served by the public sanitary sewer system. Meeting the requirements of paragraph (c) does not satisfy the requirements of this paragraph.

(c) When Public Sewers Are Not Available. Whenever the public sewer is not reasonably available, a private sewer shall be installed and used. All private sewer systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

1. Illinois Private Sewage Disposal Licensing Act, 225 ILCS, 225/1 through 225/24, as amended from time to time; and
2. Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time; and
3. pertinent, current regulations issued by the Illinois Environmental Protection Agency; and
4. applicable codes and Ordinances of the City or County, particularly the St. Clair County On-Site Sewage Disposal Ordinance.

The Building/Zoning Official shall not issue any zoning compliance permit unless he is satisfied that these requirements will be met.

Section 3-12 ACCESSORY USES

Any accessory use (see Section 2-2, "Selected Definitions") shall be deemed permitted in a particular zoning district if such accessory use is:

(a) accessory to a principal structure or use that is allowed in that zoning district as of right (permitted uses) or by virtue of the fact that a special use permit has been granted; and

(b) in compliance with restrictions set forth in Subsection 3-12.1. 3-12.1

Section 3-13 ACCESSORY USE RESTRICTIONS:

(a) Height. No accessory use shall be higher than:

1. fifteen (15) feet in any residential district; or
2. twenty-five (25) feet in any other zoning district except the Agricultural District where, due to the needs of farmers there shall be no height limit on accessory structures.

(b) Setbacks.

1. In any Commercial District or in the Industrial District no accessory use shall encroach into any part of any yard (front, side, or rear) which is required by the minimum setback regulations of the particular district.
2. In the SR-1 Residential District or in the Agricultural District any accessory use is prohibited in any required front yard, but is permitted in any side yard or rear yard provided such accessory uses shall not be closer than five (5) feet to any side or rear lot line.

(c) Yard Coverage. In any residential district, accessory uses shall not cover more than thirty percent (30%) of a required rear yard.

(d) Use as a Dwelling. Use of any accessory structure as a dwelling is strictly prohibited throughout the City.

(e) Distance from the Principal Structure. No accessory structure shall be located closer than ten (10) feet from the principal structure.

Section 3-14 TEMPORARY USES

No temporary structure or housing shall be occupied or temporary use permitted, whether for profit or not-for-profit, unless permission to do so has been granted by majority approval of the City Council.

ARTICLE 4 - REGULATIONS FOR SPECIFIC DISTRICTS

Section 4-1 "A-1" AGRICULTURAL DISTRICT

The Agricultural District within the jurisdiction of the City contains areas where soil, water, crop, wooded, and topographical resources generally provide conditions well suited to the raising of crops and farm animals. The district is designed to prevent the intrusion of non-agricultural land use and development which would hinder agricultural pursuits by reason of congestion on public roads, chemical and biological pollution of air and water, environmental conditions, soil erosion, and the depletion of natural cover causing excessive runoff of storm water onto and across agricultural land. The district is designed to protect and preserve the areas of agricultural productivity and is intended to preserve conditions suitable to agricultural pursuits.

4-1.1 LOT AND BUILDING REQUIREMENTS:

Every principal building erected in the "A-1", Agricultural District shall conform to the following requirements:

(a)	Minimum Lot Area:	Two (2) acres.
(b)	Minimum Lot Width:	Two hundred and fifty (250) feet at the established building line.
(c)	Minimum Lot Depth:	Two hundred and fifty (250) feet.
(d)	Minimum Setbacks:	
1.	From front lot line:	Seventy-five (75) feet.
2.	From either side lot line:	Twenty-five (25) feet.
3.	From rear lot line:	Fifty (50) feet.

4-1.2 ONE DWELLING ON ONE LOT:

In the "A-1" District, only one dwelling shall be erected on any lot.

4-1.3 PERMITTED USES: (See Section 3-4).

Agriculture (Section 8-2).

Fishing lakes, including fee fishing, or clubs provided that no building, parking lot, or other intense use activity is located nearer than five hundred (500) feet to any dwelling on another zoning lot.

Greenhouses including plant nurseries (Section 8-5).

Living quarters for persons employed in agricultural or related activities that are conducted on the premises.

Non-commercial recreational activities.

Site-built dwelling unit.

Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and that major traffic congestion or hazard would not be created in conjunction with the location or access thereto.

4-1.4 PERMITTED ACCESSORY USES (see Section 3-12)

Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.

Boats: Storage of pleasure boats.

Cabanas, pool houses.

Camping trailer: The storage of not more than one unoccupied storage camp trailer.

Construction: Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations. Provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or one year, whichever is greater.

However, such time limit may be extended for one year by the Building/Zoning Official.

Fences, walls, and buffer strips (Section 8-4).

Garages or carports (private).

Gazebos.

Greenhouses (non-commercial).

Guest houses (non-commercial): For the temporary accommodation of visiting friends or relatives.

Patios (private).

Pets: Keeping of household pets, provided commercial kennels are not maintained, and provided no animal, reptile, bird, or similar classification or species normally considered wild, as opposed to domesticated, is maintained or kept.

Satellite Dish or T.V. antennae.

Servants accommodations for professional servants, caretakers, watchmen, or custodians, but not as a separate detached single-family dwelling on the same lot.

Stables (Section 8-22).

Swimming pools private. (Section 8-11). Tennis courts (private).

Tool and/or storage sheds (private).

4-1.5 SPECIAL USES (see Section 11-2)

Agricultural implement sales.

Airports.

Animal hospitals provided that all animals are kept in a completely enclosed soundproofed building and further provided that adequate safeguards (structural, mechanical, and locational) shall be provided to protect adjacent properties from the effects of noisome and injurious substances, conditions, and operations.

Animal wastewater lagoon.

Any dwelling unit less than seven hundred and fifty (750) square feet.

Bed and Breakfast Inns.

Carnivals, circuses, and similar temporary transient amusement enterprises.

Cemeteries and mausoleums in conjunction therewith.

Churches and other places of worship, but not including funeral chapels or mortuary chapels (Section 8-13).

Commercial production and storage of explosive materials.

Commercial recreational activities including golf courses of regulation size, "par 3" golf courses, and driving ranges.

Convalescent or nursing homes (Section 8-7).

Governmental facilities and other uses other than for the City.

Gun clubs or firing ranges if properly protected and located not nearer than one thousand (1,000) feet from any residence other than that of the owner or lessee of the site.
Home occupations (Section 8-6).
Hospitals, clinics, and sanitariums.
Kennels, commercial (Section 8-8).
Manufactured homes.
Mineral and soil extraction development.
Park and Ride lots.
Private clubs, lodges, or camps.
Public service uses including filtration plants, pump stations, water reservoirs, police and fire stations, or other governmental uses of the City.
Radio or television transmission towers.
Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, or maintenance facilities.
Regional Pollution Control Facilities (Section 8-21).
Schools and colleges for academic instruction (Section 8-10).
Stockyards, commercial livestock or poultry feeding, or agricultural processing plants.
Travel trailer parks (Section 8-9).
Utilities: Electrical substations, gas regulator stations, or other public utility distribution facilities (Section 8-12).

4-1.6 PROHIBITED USES:

Freight car storage.
Junk yards.
Manufacturing.
Outside storage of goods or materials not in working condition or not intended for use or consumption on the premises.

4-1.7 ADDITIONAL REQUIREMENTS:

The applicant should refer to the pertinent sections in this Ordinance for additional requirements regarding: Parking, Signs, Fences, Slope, and Sewers.

Driveways in the Agricultural District need not be paved, however, they must be connected to existing pavement or streets with concrete or asphalt from the street edge to the edge of the right-of-way and property line.

Section 4-2 "SR-1 THROUGH SR-3" SINGLE-FAMILY RESIDENTIAL DISTRICTS

The SR-1, SR-2 and SR-3 Single-Family Residential Districts, land is principally used for, or is best suited for, detached single-family dwellings and related educational, religious, and recreational facilities. The regulations applicable to each single-family residential district are intended to stabilize and preserve sound existing neighborhoods developed at varying densities. The differing regulations are also intended to promote the development of a range of new single-family housing that is appropriate for persons having different social needs and income levels.

4-2.1 ONE PRINCIPAL BUILDING ON ONE LOT:

In the SR-1, SR-2 and SR-3 Districts, not more than one principal building shall be erected on any lot.

4-2.2 LOT AND BUILDING REQUIREMENTS:

Every principal building erected in the SR-1, SR-2 and SR-3 Districts shall conform to the applicable requirements indicated in tabular form below.

4-2.3 MINIMUM ZONING DISTRICT REGULATIONS:

SINGLE FAMILY RESIDENTIAL

	SR -1	SR -2	SR-3	MH -1
Minimum District Area (in acres)	5	3	3	5
Minimum Lot Standards				
Area (in sq. ft)	15,000	10,000	5,000	5,000
Width (in ft.)	80	65	45	50
Depth (in ft.)	100	100	90	100
Setbacks of Bldg. From Lot Lines				
Front Yard (in ft.)	25	25	25	25
Side Yard (in ft.)	10	10	10	10
Side Yard Abutting a Street	25	25	25	25
Rear Yard	25	25	25	25
Maximum Height				
Principal Bldg.	35	35	35	35
Accessory Bldg.	15	15	15	15
Minimum Sq. Ft. Living Space				
One-Story	1,500	1230		
Two-Story	2,100	1,800		
First floor	1,300	1,000		
Max. Lot Coverage (%)	30	40	40	30
Max. # of Dwelling Units	1	1	1	1

One-family dwelling structures must have a two-car attached garage with paved driveway from the property line to the garage.

One-family dwelling structures shall have a total floor area of not less than one thousand feet (1,000), for each dwelling unit measured from outside walls including sleeping areas.

4-2.4 LOT REQUIREMENTS:

All lots in a subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which said subdivision is located; land that is under water or reserved for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance

with the District's front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for required off-street parking and loading.

4-2.5 PERMITTED USES: (See Section 3-4.)

Churches and other places of worship, but not including funeral chapels or mortuary chapels (Section 8-13).
Golf courses but not including miniature or "putt-putt" golf courses; provided that no clubhouse, parking lot or accessory building shall be located nearer than five hundred (500) feet to any dwelling unit or other zoning lot.
Government uses, facilities and buildings of the City.
Planned developments limited to the density and permitted uses of this District.
Playgrounds, parks, recreational or community centers or grounds.
Single-family dwellings
Site-built dwelling unit.

4-2.6 PERMITTED ACCESSORY USES: (See Section 3-12)

Any permitted accessory use in the "A-1" district, except stables.

4-2.7 SPECIAL USES: (See Section 11-2.)

Agricultural purposes (Section 8-2).
Bed and Breakfast Inns.
Cemeteries and mausoleums in conjunction therewith.
Day care or nursery schools
Non-residential private parking lots.
Government uses other than the City.
Home occupations (Section 8-6).
Hospitals, clinics and sanitariums (Section 8-10).
Medical and dental, but not including any retail drug sales.
Planned unit developments, limited to the density and permitted uses of the district (Article 7).
Private lodges, clubs or camps.
Public libraries, and museums.
Private sewage facilities.
Public, private, or parochial schools (Section 8-10).
Residential care facility including nursing homes and convalescent homes.
Small community residences.
Two-family dwellings.
Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities (Section 8-12).

4-2.8 PROHIBITED USES:

Junk yards.
Manufacturing.

Regional Pollution Control Facilities.

Vehicles, being automobiles, buses and trucks that do not bear a current set of license plates; or are not in running conditions; or are in such a condition that they are inoperable on public streets shall not be permitted.

Outside storage goods or materials not in working condition or not intended for use or consumption on premises within 180 days of initial storage.

Freight car storage.

4-2.9 PROHIBITION ON ESTABLISHING ANY NEW "SR-3" SINGLE-FAMILY RESIDENTIAL DISTRICTS:

After the effective date of this ordinance, no other "SR-3" Single-Family Residential Districts - besides those now shown on the official zoning map of the City of Lebanon - shall be established.

Section 4-3 "MH-1" MANUFACTURED HOME RESIDENTIAL DISTRICT

The "MH-1" District is created to meet the unique needs of many persons living in manufactured homes as single-family dwelling units and to provide for special uses such as manufactured home parks. In this district, single-family dwellings and manufactured homes may be permitted, subject to the requirements herein. Manufactured homes, double-wide manufactured homes, manufactured homes parks and manufactured home courts shall be permitted only in the "MH-1" District.

4-3.1 INDIVIDUAL MANUFACTURED HOME LOTS:

- (a) All manufactured homes shall meet the tie down requirements of Section 4-3.8 and pad requirements of Section 4-3.6 and 7.
- (b) All manufactured homes shall be equipped with towing device and operational wheels. Units incapable of being moved shall be considered permanent structures and shall be meet the zoning and construction requirements of the next higher residential zoning category.
- (c) Each manufactured home shall be furnished with flush toilet, and shower or bath for connection with a public or private sewage treatment system.
- (d) Approved manufactured homes shall have a red metal label permanently affixed to the rear of each towable unit. Each manufactured home brought into the City for placement in the District for use shall be no greater than ten (10) years old.

4-3.2 SETBACK, LOT SIZE, BUILDING HEIGHT:

In the "MH-1" district the establishment of such accommodations shall be subject to the following requirements:

- (a) Minimum Lot Size and Minimum Yard Dimensions. The following regulations relative to the minimum lot size and minimum yard dimensions shall apply to the entire tract of land on which the manufactured home district is situated:

1. A manufactured home district shall be located on a tract of land not less than five (5) acres in area, with minimum width and depth dimensions of two hundred (200) feet.
2. Any building, structure, or manufactured home in the district or in a manufactured

home park shall be located at least twenty-five (25) feet from any front or rear lot line or any side lot line adjacent to a street and at least ten (10) feet from the side yard lot lines.

(b) Individual Manufactured Home Lots. The minimum individual area, width and depth requirements for manufactured home lots shall be as follows:

	Area	Width	Depth
Manufactured Home Space	5,000 sq. ft.	50 feet	100 feet

(c) The individual Manufactured Home shall contain not less than seven-hundred-twenty (720) square feet of living space for a one unit (single wide) and not less than 900 square feet for two units (double wide).

(d) No building or Manufactured Home within the manufactured home park will exceed the height of twenty-five (25) feet.

4-3.3 OUTDOOR LIVING AREA:

Each manufactured home space or lot shall be provided with an outdoor living and service area. Such area shall be improved as necessary to assure reasonable privacy and comfort. Spaces shall be arranged and manufactured homes parked in such manner that there is an open area of at least three hundred (300) square feet at the rear of and as a part of each manufactured home space.

4-3.4 ACCESSORY STRUCTURES, ALTERATIONS, AND ADDITIONS:

No permanent additions shall be built onto or become part of any manufactured home.

No more than one separate accessory building, with no more than 400 square feet of space shall be permitted.

Temporary structures shall be permitted in accordance with the following provisions and requirements:

(a) Accessory structures shall be designed in a manner that will enhance the appearance of the manufactured home development.

(b) Cabanas, patios or porches of which at least one side must be open except for screening for insects.

(c) Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the manufactured home.

(d) Skirting of a manufactured home shall be required, but such skirting shall not attach the manufactured home permanently to the ground, provide a harborage for rodents, or create a fire hazard. Such skirting so installed shall be of fire resistant materials and shall be equipped with an inspection door(s).

(e) Structures having an area not exceeding ten (10) percent of the square foot floor area of the manufactured home may be entirely enclosed if utilized for storage purposes only.

4-3.5 JACKS AND STABILIZERS:

Jacks and/or stabilizers shall be placed under the frame of the manufactured home to prevent movement on the springs while the manufactured home is parked and occupied and shall be located on approved concrete footing.

4-3.6 MANUFACTURED HOME PAD:

The manufactured home pad shall be improved to provide adequate support for the placement and tie-down of the manufactured home. The pad shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure.

4-3.7 MANUFACTURED HOME PAD REQUIREMENTS:

All manufactured homes shall be placed on a manufactured home pad constructed of portland cement concrete not less than six (6) inches in thickness. In addition, all manufactured home pads shall be at least ten (10) feet wide by, forty (40) feet in length, or manufactured homes may be placed on concrete piers on a solid concrete footing and shall be of a size and kind approved by the Building/Zoning Official and shall be exactly as approved. Expandable units shall be provided with approved piers or their equivalent at each corner of the unit.

4-3.8 TIE-DOWN ANCHORAGE REQUIREMENTS:

All manufactured homes shall meet the tie-down requirements of the following table.

10 and 12 Feet Wide Manufactured Homes				12 and 14 Feet Wide Manufactured Homes	
30 to 50 feet long		50 to 60 feet long		60 to 70 feet long	
No. of Frame Ties	No. of Over-the-top Ties	No. of Frame Ties	No. of Over-the-top Ties	No. of Frame Ties	No. of Over-the-top Ties
4	3	5	3	5	3

Tie-down components used, including anchor systems, must be able to withstand at least four thousand eight hundred (4,800) pounds without failure. The holding power of ground anchors can be determined by conducting pullout tests or by consulting with your anchor dealer. He should be able to provide you with data on anchor holding power for various kinds of soils.

4-3.9 MANUFACTURED HOME PARKS:

In addition to the preceding regulations of the "MH-1" zoning district proposed manufactured home parks shall conform to the minimum following requirements:

- (a) "An Act to provide for, license, and regulate manufactured homes and manufactured home parks" (210 ILCS, 115/1), as amended from time to time; and
- (b) "Rules and Regulations for Manufactured home Parks," Illinois Department of Public Health, Consumer Protection Division, as amended from time to time.

4-3.10 SALE OF A PARK LOT:

Nothing contained in this section shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home space and connected to the pertinent utilities, provided that any manufactured home in a manufactured home park shall not be sold with the lot upon which the manufactured home is placed unless said lot is:

- (a) 5,000 square feet minimum, or
- (b) the zoning lot is a part of a planned unit development with common land(s) and
- (c) that the rights to the enjoyment of said common land is transferred to the person purchasing the lot.

4-3.11 SITE REQUIREMENTS:

Any manufactured home park shall be located on a well-drained site, and shall be located so that its drainage will not constitute an unreasonable hazard or nuisance to persons, property or water supply in the immediate vicinity of the site. Manufactured home parks shall not be potential breeding places for insects or rodents. Park sites shall not be subject to flooding or ponding, fire or safety hazards, and shall not be exposed to nuisances, such as undue noise, smoke, fumes or odors.

4-3.12 BUFFER STRIPS:

All manufactured home parks shall be provided with a planting screen of at least twenty (20) feet in depth and height along the property boundary line separating the development and any adjacent zoning district or as approved by the Building/Zoning Official.

4-3.13 STREETS AND UTILITIES:

All streets and utilities (water, sewer, electricity, etc.) in any manufactured home park shall conform to the requirements of the Subdivision Ordinance.

4-3.14 ENTRANCE AND EXIT STREETS:

Entrances to and exit from manufactured home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets.

4-3.15 PARKING:

No parking shall be permitted on the entrance street of the development for a distance of one hundred (100) feet from its point of beginning. Each manufactured home space in a manufactured home park shall have two, (2) off-street parking spaces.

4-3.16 ACCESS PROXIMITY:

Each manufactured home space shall be located within two hundred (200) feet of a drive or access way of not less than twenty (20) feet in width which provides access to entrance and exit streets. All streets, drives and access ways shall be paved with an oil and chip, asphalt, concrete or comparable material and site graded so as to drain off all surface water to prevent flooding of home sites and access.

4-3.17 SIDEWALKS:

All manufactured home parks shall be provided with safe, convenient, all-season pedestrian access. Sidewalks shall meet the requirements of the City.

4-3.18 PERMITTED USES: (See Section 3-4.)

Churches and other places of formal worship (Section 8-13).

Golf courses but not including miniature or "putt-putt" golf courses; provided that no clubhouse, parking lot or accessory building shall be located nearer than five hundred (500) feet to any dwelling or other zoning lot.

Governmental uses, facilities, and buildings of the City.

Manufactured home on a permanent foundation.

Planned developments limited to the density and permitted uses of the District.

Public libraries, playgrounds, parks, recreational or community centers or grounds.

Railroad right-of-way and trackage only.

Single-family dwellings.

Site-built dwelling units.

4-3.19 PERMITTED ACCESSORY USES (See Section 3-12):

Accessory uses clearly associated with the principal use of the lot or tract of land, such as the following accessory uses:

Boats: Storage of pleasure boats.

Camping Trailer: The storage of not more than one unoccupied camp trailer in rear yard only.

Construction: Temporary construction sheds, trailers, and building(s) for sale, rental, construction or show, for use during construction operations.

Fences, walls, and buffer strips (Section 8-4).

Pets: Keeping of household pets, provided kennels are not maintained, and provided no

animal, reptile, bird or similar classification or species normally considered wild, as opposed to domesticated, is maintained or kept.

Private: Greenhouses (Section 8-5), tool sheds, garages, carports, tennis courts, patios, swimming pools (Section 8-11).

4-3.20 SPECIAL USES (See Section 11-2):

Agriculture, including all uses commonly classified as such (Section 8-2)

Cemeteries and mausoleum in conjunction therewith.

Day care or nursery schools.

Home occupations (Section 8-6).

Medical and dental offices, excluding retail drug sales.

Planned unit developments limited to the density and permitted uses of the district (Article 7).

Private lodges, clubs, or camps.

Private sewage treatment plant.

Public, private and parochial schools (Section 8-10).

Small community residences.

Two-family dwellings.

Utilities: Electrical substations, gas regulator stations, other public utility distribution and/or transmission facilities (Section 8-12).

Section 4-4 "MR-1" MULTI-FAMILY RESIDENTIAL DISTRICT

The "MR" Multi-Family Residential District designation and the District locations as shown on the Zone District Map reflect the variety of physical and social characteristics found in the City. It is the purpose of these districts to encourage the creation and maintenance of the stable and enduring multiple family residential districts by establishing limitations on the use, character and density of development of land so as . to take advantage of, or to avoid conflicts with natural topography, existing development, arrangement and location of existing or planned community facilities and the social needs of the community. These districts may also be utilized for the appropriate use of redevelopment areas where obsolescence and social-economic demands would suggest higher densities as necessary to encourage the reuse of such areas.

On the effective date of this ordinance, all existing "MR-1" lots within multi-family districts are reclassified according to the structure (either existing or proposed) approved for the lot as follows:

MR-1 (Duplex)

MR-2 (Triplex)

MR-3 (Four or more attached dwelling units each designed for occupancy by one family).

Existing unimproved MR (formerly MR-1) lots with no pre-approved proposed structure are hereby designated MR-1 (duplex) until reclassified through zoning action prescribed for district boundary changes and approval of the City

Council. MR lots in developments must be classified according to the three categories above. Lots may not be combined or otherwise changed except by zoning action prescribed for district boundary changes as defined in Section 11-3 "Zoning Map and Text Amendments" page 101 and approval of the City Council.

4-4.1 LOT AND BUILDING REQUIREMENTS

Every principal building erected in the "MR" Multi-Family Residential District shall conform to the following requirements:

(a)	Minimum Lot Area:	Every lot or tract of land shall have a minimum area of ten thousand (10,000) square feet or four (4) or less units, and two thousand five hundred (2,500) square feet for each additional over four (4).
(b)	Minimum Lot Width:	Every lot shall be not less than eighty (80) feet in width at the established building line.
(c)	Minimum Lot Depth:	Every lot shall be not less than one hundred (100) feet in depth.
(d)	Minimum Setbacks:	
	1. From front lot line:	Twenty-five (25) feet.
	2. From either side lot line:	Ten (10) feet.
	3. From side yard abutting a street:	Twenty-five (25) feet.
	4. From rear lot line:	Twenty-five (25) feet.
e)	Height Restrictions:	No building shall exceed forty-five (45) feet in height.

4-4.2 PERMITTED USES: (See Section 3-4.)

Same as in "SR" Districts.

Site-built dwelling units.

Multi-family residential dwellings-to include apartments, duplexes, triplexes, condominiums, row houses and town houses according to assigned category in paragraph 4.4.

4-4.3 PERMITTED ACCESSORY USES: (See Section 3-12.)

Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.

Same as in "SR" Districts except guest houses and horse stables.

4-4.4 SPECIAL USES (See Section 11-2)

Same as in "SR" Districts except Bed and Breakfast Inns.

Boarding and rooming houses.

Dormitories or similar uses.

Large community residences.

Section 4-5 "C-1" COMMERCIAL DISTRICT

The Commercial District encompasses areas suitable for both wholesale and retail business establishments. Businesses in this district can be distinguished from those in the "C-2" District in that they are usually larger, more intensive, more automobile (as opposed to pedestrian) oriented, and less compatible with residential uses.

4-5.1 LOT AND BUILDING REQUIREMENTS:

Every principal building erected in the Commercial District shall conform indicated below:

(a)	Minimum Lot Area:	Ten Thousand (10,000) square feet.
(b)	Minimum Lot Width:	Seventy-five (75) feet (at the established building line).
(c)	Minimum Lot Depth:	One hundred (100) feet.
(d)	Minimum Setbacks:	
	1. From front lot line:	Twenty-five (25) feet.
	2. From either side lot line:	Ten (10) feet.
	3. From rear lot line:	Twenty-five (25) feet.
	(Setback areas may be used as off-street parking.	
(e)	Maximum Building Height:	Thirty-five (35) feet.

4-5.2 PERMITTED USES (See Section 3-4)

- Abstracting, accounting, and bookkeeping services.
- Advertising services.
- Air conditioning, refrigerated equipment, and supplies--sales and service.
- Alterations, pressing, and garment repair.
- Animal hospital services.
- Apparel and accessories-retail.
- Appliances (household)--sales and services.
- Architectural, engineering, and planning services.
- Automobile and other motor vehicle repair services and body shops.
- Automobile and other motor vehicle - retail.
- Automobile parking lots and garages - public or private.
- Automobile parts and supplies - retail.
- Automobile wash services.
- Bait shops.
- Bakeries.
- Banking services.
- Barber and beauty services.

Bicycles - retail.
Blueprinting and photocopying services.
Books, magazines, or newspaper printing and publishing.
Books - retail.
Bowling alleys.
Building materials - retail.
Business and management consulting services.
Bus passenger terminals.
Cameras and other photographic equipment -sales and services.
Candy, nut, and confectionery - retail.
Carpet, rugs - sales, repair and services.
China, glassware, and metalware - retail.
Chiropractors, optometrist, and other similar health services.
Civic, social, and fraternal associations.
Clock, watch, and jewelry - sales and services.
Construction contracting services.
Convenience stores.
Day care centers.
Dental laboratories and services.
Department stores.
Discount and variety stores.
Drug stores.
Dry cleaning - retail.
Eating and drinking establishments including drive-in and "fast-food" restaurants.
Electronic equipment, parts, and supplies-sales and services.
Farm machinery, equipment, feed and grain - retail.
Fish and seafood - retail.
Florist - retail.
Food stores, including groceries; delicatessens, dairy, fruit, meat, fish, vegetables, and health foods.
Funeral chapels, and homes.
Furniture, home furnishing and appliance stores-sales and service.
Garden supply and landscape nurseries.
Gasoline service stations - retail.
Gift, novelty, and card shops.
Golf courses, including miniature golf courses and driving ranges.
Hardware stores.
Health and exercise gyms or clubs.
Hobby shops.
Hospital services.
Hotel, motels.
Ice Cream, and frozen desserts - retail.
Insurance agents, brokers, and carriers.
Landscape and lawn care contracting services.
Laundries.
Leather and luggage.
Legal services.
Libraries and museums.

Liquor - retail.
Locksmith services.
Lumber yards - retail.
Medical clinics and laboratories.
Meeting halls and theaters.
Musical instruments and supplies.
Nursing homes, including convalescent homes.
Paint, wallpaper - retail.
Pet shops and pet grooming services, including animal hospitals.
Photographic studios and services.
Physician's services.
Planned developments limited to the density and uses permitted in the district.
Places of amusement or recreation, such as drive-in theaters, auditoriums or bowling alleys.
Plumbing, heating equipment and supplies - retail.
Postal services including express parcel services.
Radio and television broadcast antennas and stations.
Real estate agents, brokers and sales.
Restaurants--family, fast-food, sit-down, etc.
Second-hand stores, and rummage shops.
Shoe stores--sales and repair.
Sporting goods stores.
Tailors, alterer, and repair--sales and services.
Taverns.
Travel agencies.
Tobacco and newsstands.
Warehousing/Storage
Utility regulating substations.
Variety stores.
Other stores and shops.

4-5.3 PERMITTED ACCESSORY USES: (See Sec. 3-12.)

Accommodations for caretakers, watchmen, or custodians.
Storage of merchandise or inventory usually carried in stock provided that such storage shall be located on the lot with the retail, service, or commercial use and shall be within a completely enclosed building.
Smokehouses, barbecue grills.

4-5.4 USE RESTRICTIONS:

(a) Preparation and manufacture of goods or products for retail sale on the premises only, provided that such manufacture process or treatment shall be clearly incidental and essential to the retail business conducted on the premises and further provided that not more than five (5) persons (exclusive of manager) shall be engaged in said manufacture, processing, or treatment of products, and that all such operations create no undue noise, odor, dust, smoke, vibration, or other similar nuisance.

- (b) Unenclosed Activities. In this district, a special use permit is required to conduct any commercial service or storage activities outside a completely enclosed building.
- (c) Refuse Containers. All refuse generated by any establishment located within this district shall be stored in tightly covered containers placed in a visually screened area
- (d) Screening. Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely planted shrubbery) of sufficient density shall be provided to completely block any noisome and injurious conditions or operations from adjacent residential property.
- (e) All parking lots, loading spaces and drives must be paved in accordance with Article 5.

4-5.5 SPECIAL USES: (See Section 11-2.)

Bed and Breakfast Inns.

Home occupations (Section 8-6).

Multi-family dwellings.

Planned Unit Development Projects, limited to the density and permitted uses of the district. (See Article 7.)

Unenclosed commercial activities (see 4-5.4(b)).

4-5.6 PROHIBITED USES:

Freight car storage.

Junk yard.

Outside storage of goods or materials not in working condition or not intended for use or consumption on premises within 180 days.

Wholesale industrial manufacturing.

Vehicles, being automobiles, buses and trucks that do not bear a current set of license plates; or are not in running condition; or are in such a condition that they are inoperable on public streets shall not be permitted.

Section 4-6 "C-2" HISTORIC SHOPPING DISTRICT

The boundaries of the "C-2" Historic Shopping District shall be established for those lots and properties along St. Louis Street between Monroe and Fritz Streets. The purpose for creating a separate zone district is to preserve the historic significance of the buildings embodying distinctive characteristics of a type and period, that have warranted the area to be listed as a district on the National Register of Historic Places since October 4, 1978*, as well as accommodating the ongoing business interests of owners and shopkeepers.

For properties facing St. Louis St. and located throughout the boundaries of the "C-2" Historic Shopping District, awnings, canopies, balconies, porches, rooftops, etc. will be used only for emergency escape. To maintain the historical integrity of the district, no items shall be placed on awnings, canopies, balconies, porches, rooftops, etc. that do not conform to the historic period.

Through the "C-2" zone district regulations, special attention is focused on maintaining the historical and architectural integrity of structures in this area and by doing so, stewardship of these cultural resources ultimately contributes to the quality of life and local economy in the City of Lebanon. By stipulating the appropriate kinds of activities that may occur, the zone district regulations are designed to achieve a desired mix of business and cultural activities that complement its historic appeal.

The boundaries of the "C-2" Historic Shopping District may be changed to include other areas, buildings, structures, places, or other objects of historic, cultural, or architectural significance on, or to be nominated, to the National Register of Historic Places upon petition by owners of contiguous property.

4-6.1 MINIMUM REQUIREMENTS:

a) Minimum Setbacks: Generally none required except as necessary to achieve compliance with applicable off-street parking and loading requirements (See Article 5), however any lot abutting a residential district shall conform to the front and side setback requirements of such district.

b) Maximum Building Height: Forty-five (45) feet.

4-6.2 PERMITTED USES (See Section 3-4)

Abstracting, accounting and bookkeeping services
Antiques - retail
Apparel and accessories - retail
Appliances - retail
Architectural, engineering and planning services
Art galleries
Auditoriums
Bakeries - retail
Banking services
Barber shops, and hair beauty services
Bed and Breakfast Inns
Bicycle shops
Blueprinting and photocopying services
Books - retail
Business and management consulting services
Candy, nut and other confectionery products
China, Glassware, and metalware - retail
Coffee, tea houses.
Dental services
Drug Stores
Dwelling units and apartments provided a business occupies the ground floor.
Floral shops
General stores - retail
Gifts and souvenirs

Governmental uses of City
Hardware - retail
Historic and monument sites
Hobby supplies - retail
Ice cream shops and frozen dairy desserts - retail
Insurance agents and brokers services
Jewelry - retail
Legal services
Libraries
Mortuaries including funeral chapels
Museums
Newspapers, publishing and printing
Parks, public
Pattern shops
Photographic studios and services
Photographic supplies and cameras
Physicians' offices
Postal services
Restaurants without drive-through facilities
Single-family dwellings
Site-built dwelling units.
Taverns

4-6.3 PERMITTED ACCESSORY USES (See Section 3-12):

Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.
Fences, walls, and buffer strips (Section 8-4).
Historical markers.
Public restrooms.
Storage of merchandise or inventory usually carried in stock, provided that such storage shall be located on the same lot with the business and shall be within a completely enclosed building.
Telephone booths.
Water fountains.

4-6.4 PROHIBITED USES:

Same as in "C-1" District.
Automobile parts, automobile repair, and service stations.
Convenience stores - retail.
Drive-in or "fast food restaurant establishments.
Dry cleaning and laundromats.
Massage parlors.
Regional Pollution Control Facilities.

4-6.5 ADDITIONAL RESTRICTIONS:

All permitted uses and accessory uses shall meet the following requirements:

(a) Acts Prohibited. No person shall be permitted to build, erect, construct, alter, destroy or remove buildings and structures, or in any way change the outward appearance of any building or structure in the Historic Shopping District causing loss of historical integrity or diminishing the qualities that qualified the building or structure to be listed or in a way that jeopardizes said building or structure from meeting the criteria for placement on the National Register of Historic Places. For such action that does not alter this status, a Certificate of Appropriateness is hereby required before a building permit or certificate of occupancy can be issued.

(b) Certificate of Appropriateness Required (Section 11-4). Both the state and federal governments have rules regulating the protection of registered historical properties. At the municipal level, the certificate of appropriateness procedure in the City is designed to be administered as a planning tool to review proposed changes to any buildings, signs, or structures in the district in order to mitigate any adverse impact such changes a project might have on these historic properties. The certificate of appropriateness is issued by the Building/Zoning Official after recommendation for approval is made by the Plan Commission.

A certificate of, appropriateness shall be issued before any of the following:

1. Demolition of a building or structure within the Historic Shopping District.
2. Moving a building or structure out of, into, or within the Historic Shopping District.
3. Material change in the exterior appearance of existing buildings or structures within the Historic Shopping District by additions, reconstruction, alteration, or maintenance involving exterior color change, if subject to view from a public street.
4. Any new construction within the Historic Shopping District subject to view from a public street.
5. Demolition, construction, or material change of any street, sidewalk, fence, wall, sign, or ornamentation within the Historic Shopping District, if subject to view from a public street.

(c) Matters to be Considered. The Plan Commission shall not consider interior arrangement or features not subject to any public view, and shall not make any requirements, except for the purpose of preventing developments incongruous to the aesthetic and historic status of the surroundings.

The Plan Commission shall consider the following in passing on the appropriateness of exterior architectural features:

1. All exterior architectural features, including any signs (Section 6-11) which are subject to public view from a public street or sidewalk, and any fences, outbuildings, paving, and substantial grading of soil levels.
2. General design and arrangement.
3. Texture, material and color.
4. The relation of the factors in paragraphs 1, 2, and 3 to similar features of buildings and structures in the immediate surroundings.
5. The extent to which the building or structure would be harmonious with or incongruous to the aesthetic, cultural, or historic status of the surroundings.
6. The extent to which the building or structure will promote the general welfare of the City and its citizens.
7. Signs (Section 6-11).

Section 4-7 "I-1" INDUSTRIAL DISTRICT

The "I-1" Industrial District is intended to provide for areas where any type of manufacturing, processing or production can occur so as to build upon the tax base, and economic situation of the City but not at the detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

4-7.1 USE RESTRICTIONS:

- (a) No Nuisances. No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials, or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.
- (b) Activities Enclosed. All production, processing, cleaning, servicing, testing, or repair activities shall be conducted within completely enclosed walls or fences (whether solid or chain-link), including gates, at least eight (8) feet high.
- (c) Buffer Strips. Wherever any industrial use located in this district abuts any residential district, a sufficient buffer strip to control noisome and injurious substances, conditions, and operations shall be installed to protect neighboring properties from such nuisances,.

4-7.2 LOT AND STRUCTURE REQUIREMENTS:

(a)	Minimum Lot Area:	Five thousand (5,000) square feet.
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(b)	Minimum Lot Width:	Fifty (50) feet at the established building line.
(c)	Minimum Lot Depth	One hundred (100) feet.
(d)	Minimum Setback:	
	1. From front lot line	Twenty-five (25) feet.
	2. From either side lot	Minimum: Ten (10) feet. Maximum: Twenty-five (25) feet.
	3. From rear lot line	Twenty-five feet.
(e)	Maximum Building Height:	Thirty-five (35) feet, unless standpipe is provided.
(f)	Maximum Lot Coverage:	Fifty (50) percent.

4-7.3 PERMITTED USES: (See Section 3-4.)

Assembly, manufacturing, or processing of any commodity from semi-finished materials, provided explosive, or flammable gases or liquids are not involved.

Government uses of the City.

Motor freight and bus terminals, and related mass transportation facilities.

Planned developments limited to the density and uses permitted in this district.

Research and development facilities not involving explosives, or flammable gases or liquids.

Vehicular service stations. (Section 8-13.)

Warehousing or wholesaling of goods except explosives, flammable gases or liquids, or live animals.

4-7.4 PERMITTED ACCESSORY USES: (See Section 3-12.)

Any accessory use permitted and as regulated in the C-1 District.

4-7.5 SPECIAL USES: (See Section 11-2.)

Provided all the use restrictions of this district (Subsection 4-7.1) are observed, the following uses may be allowed by special use permit:

Assembly, manufacturing, processing, warehousing, or wholesaling involving explosives, flammable gases or liquids.

Government uses other than those of the City.

Planned unit development, limited to the density and permitted uses of the district.

(Article 7.)

Regional Pollution Control Facilities (Section 8-21).

Research and development facilities involving explosives, or flammable liquids or gases.

Utility substations. (Section 8-12.)

Section 4-8 "F-1" FLOOD PLAIN DISTRICT

The Flood Plain District within the jurisdiction of the City delineates areas which are subject to flooding and pose immediate or potential threats to life and property. This area shall be restricted for all but agricultural, parks, open space, and other similar uses.

4-8.1 SPECIAL CONDITIONS:

While the frequency, duration and extent of flooding may vary, flooding hazards are such that buildings should not be located upon them in most cases. In a few cases buildings can be built safely if fill is at least one (1) foot above the 100-year flood boundary or engineering works such as dikes or levees are constructed. Additional limitations upon the use of these soils are unsuitability for the operation of sub-soil sewage disposal facilities and unsuitable structural-bearing characteristics.

4-9 E-1 EDUCATIONAL DISTRICTS

As shown on the official zoning map of the City of Lebanon, areas designated as Educational ("E-1") shall consist of private and/or public educational facilities.

4-9.1 GENERAL REQUIREMENTS

(a) The educational institution has the right to remodel, erect, extend, renovate, and repair existing facilities that have either been damaged or fallen into a state of disrepair.

(b) Existing educational institutions may build, construct, and erect additional buildings to be used in a manner consistent and compatible with their existing facilities. Such buildings shall be used for educational instruction or other allied purposes.

(c) Building set-back lines must conform to those specified in the adjacent zoning district.

(d) Construction or alteration of a building or structure shall require a building permit. No building permit shall be required, however, for ordinary maintenance or repair of a building or structure. All construction shall be in compliance with the building, sanitation, electrical and plumbing codes of the City of Lebanon.

(e) The Zoning/Building Official may require building drawings and/or site drawings to be submitted by the educational institution showing that the proposed construction is in compliance with the codes mentioned in paragraph (d) above. The Zoning/Building Official shall require a storm water drainage plan to be submitted by the educational institution, if he/she determines that the proposed construction may have an adverse impact on the water drainage system of the City of Lebanon.

(f) In the event that an educational institution proposes to build a facility to be used for public events or accommodation, a parking facilities plan shall be submitted to the Zoning/Building Official by the institution.

ARTICLE 5 - OFF-STREET PARKING AND LOADING

Section 5-1 APPLICABILITY OF ARTICLE

Off-street parking shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Ordinance.

5-1.1 EXISTING PARKING/LOADING FACILITIES:

- (a) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced--or if already less than, shall not be further reduced--below the requirements and standards for similar new structures or uses.
- (b) When an existing structure or use is damaged or destroyed 75 percent or more and subsequently repaired or rebuilt, except in the C-2 District, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/loading spaces need not be provided.
- (c) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area or greater seating capacity, etc., additional off-street parking and loading spaces commensurate with such increases in use-intensity shall be provided.
- (d) Whenever the existing use of a structure is changed to a different use, off-street parking or loading facilities shall be provided as required herein for such new use.

Section 5-2 PARKING LOT DESIGN STANDARDS

All off-street parking lots shall conform to the standards indicated in the subsections below:

5-2.1 SPACES:

- (a) Every off-street parking shall be at least ten (10) feet wide and twenty (20) feet long, and shall have at least seven (7) feet of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.
- (b) Markings shall be laid and restored as often as necessary to clearly delineate each parking space.

5-2.2 INTERIOR AISLES:

Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least twenty-two (22) feet wide. One-way aisles designed for sixty degree (60) parking shall be at least eighteen (18) feet wide.

5-2.3 ACCESS WAYS:

- (a) Parking lots shall be designed so that ingress to or egress from a parking space is from an

aisle or driveway, not directly from the public right-of-way.

(b) No access way to any parking lot shall be located within thirty (30) feet of any corner formed by the intersection of the right-of-way of two or more streets. At intersections where traffic control devices are installed, the Building/Zoning Official may increase this requirement as necessary to prevent hazards.

(c) Parking lot access ways (as well as residential driveways) and public streets shall be aligned to form--as closely as feasible--right angles.

(d) The access way to every parking lot located in any business district or in the Industrial District shall be at least twenty-four (24) feet wide unless two one-way drives, each twelve (12) feet wide, are provided.

(e) The access way to every parking lot located in any residential district or in the Agricultural District shall be at least ten (10) feet wide; but if the parking area contains more than eight (8) parking spaces or if the access way is longer than one hundred (100) feet, access shall be provided either by one two-way drive at least twenty (20) feet wide or by two one-way drives, each at least ten (10) feet wide.

5-2.4 SURFACING:

Parking lots shall be graded and improved with a compacted stone base at least four (4) inches thick, surfaced with at least two (2) inches of asphaltic concrete or approved comparable material. Crushed rock or "oil and chip" surfacing is not acceptable. All multi-family residential areas must provide paved parking spaces in conformance with this Ordinance. All surface areas shall be maintained to prevent deteriorated surfaces and shall provide adequate drainage for surface run-off.

5-2.5 LIGHTING:

Any light(s) used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent practicable. In instances where commercial properties are adjacent to residential uses, special consideration shall be given that such lighting does not pose a nuisance to nearby residents. All commercial parking lots shall have approved lighting as well as any multi-family parking lot with six (6) or more parking spaces.

5-2.6 LANDSCAPING:

In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains twenty (20) or more parking spaces.

(a) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for an initial certificate of zoning compliance to develop any parking lot that will contain twenty (20) or more spaces.

- (b) The landscaping plan shall include the following information:
 1. proposed type, amount, size and spacing of plantings, including trees, shrubbery, and ground cover;
 2. proposed size, construction materials, and drainage of landscaped islands; and
 3. sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation and pedestrian movement.
- (c) Plantings shall not exceed two (2) feet in height in those locations governed by Section 3-10(b).

Section 5-3 LOCATION OF PARKING

All off-street parking shall be located in conformity with the following requirements:

- (a) For Dwellings. Parking spaces accessory to dwellings shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard but may be located in side or rear yards. Each parking space accessory to a multi-family dwelling shall be constructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area. (NOTE: As provided in Section 3-7, any yard that faces a street is considered a front yard.)
- (b) For Commercial/Industrial Uses.
 1. Every off-street parking space accessory to any commercial or industrial use shall be located within five hundred (500) feet of the use served; provided, that no portion of any parking lot for non-residential uses shall extend into any 01 residential district or into the Agricultural District except by written permission of the Building/Zoning Official.
 2. In any business district or in the Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all other pertinent regulations are observed.

Section 5-4 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES

All off-street loading facilities shall conform to the minimum standards indicated below:

5-4.1 SIZE OF SPACE:

Every off-street loading space shall be at least twelve (12) feet wide and forty-five (45) feet long exclusive of aisle and maneuver space, and shall have vertical clearance of at least fourteen (14) feet. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

5-4.2 ACCESS WAY:

Every off-street loading space shall have a safe means of vehicular access to a street or alley.

Such access way shall be at least twelve (12) feet wide.

5-4.3 SURFACING:

Every off-street loading area shall be improved with a compacted stone base at least seven (7) inches thick, surfaced with at least two (2) inches of asphaltic concrete, crushed rock, oil and chip, reinforced concrete or other comparable material as approved by the Building/Zoning Official.

5-4.4 BUFFER STRIPS:

No loading space or area for vehicles over two (2) ton cargo capacity shall be developed closer than fifty (50) feet to the lot line of any lot located in any residential district. Unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least ten (10) feet in height and of sufficient density to block the view from the residential property.

5-4.5 LOCATION:

Every off-street loading space shall be located on the same parcel of land as use served, and not closer than fifty (50) feet to the intersection of the right-of-way of two or more streets, and not on any required front yard. For state and county maintained highways, thoroughfares, etc., the appropriate departments of highways or transportation will be contacted to receive necessary access permits and approval.

Section 5-5 COMPUTATION OF REQUIRED PARKING/LOADING SPACES

In computing the number of parking spaces required by this Ordinance, the Building/Zoning Official shall apply the following rule:

- (a) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means "one parking space shall be required per one and one-half (1.5) employees," unless otherwise stated.
- (b) In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.
- (c) Whenever it is necessary to translate gross parking lot area into number of parking spaces, three hundred fifty (350) square feet of gross area shall be deemed one parking space.
- (d) If computation of the number' of parking or loading spaces required by this Ordinance results in a fractional space, any fraction of one-half or more shall be counted' as one space.
- (e) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

Section 5-6 NUMBER OF PARKING AND LOADING SPACES REQUIRED

Off-street parking spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same number of parking spaces shall be provided as is required for the most similar listed use. The Building/Zoning Official shall make the determination of similarity.

	<i>Use</i>	<i>Minimum Number of Parking Spaces Required</i>	<i>Minimum Number of Loading Spaces Required (if any)</i>
(a)	Dwellings, Lodgings		
	Motels, boarding houses	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
	Manufactured homes	2 spaces per manufactured home	Not applicable
	Multiple-family dwellings		
	One or more bedrooms	2 spaces per dwelling unit plus 1 space (visitor) per 3 units	Not applicable
	Single-family dwelling	2 spaces	Not applicable
	Two-family dwelling unit	1 space per sleeping unit, minimum of 2 spaces	Not applicable
(b)	Educational, Institutional, Recreational		
	Churches, auditoriums	1 space per 4 seats in the largest seating area	Not applicable
	Hospitals	1 space per 2 beds, plus employee parking	To 50,000 sq.ft. of floor area...1 space; 50,001 - 100,000 sq.ft. ... 2 spaces. 100,001 - 200,000 sq.ft. ... 3 spaces.
	Libraries, museums	1 space per 500 sq.ft. of floor space	On review by the Building/Zoning Official
	Nursing homes	1 space per 5 beds	To 50,000 sq.ft. of floor area ... 1 space; 50,001 - 100,000 sq.ft. ... 2 spaces.
	Schools		On review of the Building/Zoning Official
	Elementary and Junior High	1 space for every 20 students that the building is designed to accommodate, plus 1 space per employee.	
	Senior High	1 space for every 4	

		students over 16 years old that the building is designed to accommodate, plus 1 space per employee	
(c)	Commercial, Office, Service:		
	Note: All commercial and service uses, unless specifically indicated otherwise below.	1 space per 300 sq.ft. of floor space.	To 15,000 sq.ft. of floor area... 1 space; more than 15,000 sq.ft. ... 1 space plus 1 additional space per 25,000 sq.ft. of floor area in excess of 15,000 sq.ft.
	Banks, Savings and Loan		
	Walk in	1 space per 300 sq.ft. of floor area, plus employee parking	(Both walk-in and drive-in) To 30,000 sq.ft. of floor area ... none required; 30,000 - 100,000 sq.ft....1 space.
	Drive in	5 spaces per teller window	
	Beauty and barber shops	2 spaces per chair, plus employee parking	Not applicable
	Bowling alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns.	Not applicable, except as required for affiliated uses
	Car Wash	5 spaces per wash lane	Not applicable
	Furniture and appliance stores	1 space per 600 sq.ft. of floor spaces	To 25,000 sq.ft. of floor area ... 2 spaces; more than 25,000 sq.ft. of floor area...2 spaces plus 1 additional space per 25,000 sq.ft. of floor area in excess of 25,000 sq.ft.
	Home occupations	1 space per 300 sq.ft. of floor devoted to the occupation in addition to the parking requirements for the dwelling	Not applicable
	Offices generally, but not medical/dental offices.	1 space per 300 sq.ft. of floor area or 3 spaces per professional whichever is greater.	Not applicable
	Office, medical/dental	1 space per 200 sq.ft. of floor space or 3 spaces per professional whichever is greater	
	Mortuaries	1 space per 5 seats plus 1	1 space per 10,000 sq.ft. or

		space per funeral vehicle, but not less than 20 spaces per chapel or state room.	more of floor area.
	Restaurants, refreshment stands		Both sit-down and drive in: 1 space per structure having 10,000 sq.ft. or more of floor area.
	Sit-down	1 space per 4 seats or 1 space per 50 sq.ft. of floor space, whichever is greater	
	Drive-in	1 space per 25 sq.ft. of floor area	
	Service stations	2 spaces per service stall, plus employees	Not applicable
	Taverns	1 space per 4 seats or 1 space per 50 sq.ft. of floor area, whichever is greater.	1 space per structure having 10,000 sq.ft. or more of floor area.
	Theatres		
	Indoor	1 space per 4 seats in the largest seating area.	
	Drive-in	On review by the Building/Zoning Official	
	Vehicle sales (autos, boats, trailers, etc.)	1 space per 600 sq.ft. of enclosed floor area, plus: Up to 10,000 sq.ft. of open lot area devoted to sale/display of vehicles... 1 space per 2,500 sq.ft. of open area. Above 10,000 sq.ft....4 spaces plus 1 additional space per 5,000 sq.ft. of open lot area in excess of 10,000 sq.ft.	To 25,000 sq.ft. of floor area and open lot area...2 spaces. More than 25,000 sq.ft. of floor area and open lot area...2 spaces plus 1 additional space per 25,000 sq.ft. in excess of 25,000 sq.ft.
(d)	Industrial:		
	Any manufacturing, warehousing, or other industrial use.	1 parking space for every 50 sq.ft. of office space and 1 parking space for every 1,000 sq.ft. of gross floor area.	To 20,000 sq.ft. of floor area...1 space; 20,001 - 50,000 sq.ft....2 spaces; 50,001 - 90,000 sq.ft....3 spaces; above 90,000 sq.ft....3 spaces plus 1 additional space per 50,000 sq.ft. of floor area in excess of 90,000 sq.ft.

ARTICLE 6 - SIGN REGULATIONS

Section 6-1 GENERAL REGULATIONS

No signs shall be erected in the City without a permit issued by the Building/Zoning Official to confirm compliance with the following regulations. Any sign not expressly permitted in this Article shall be deemed prohibited.

Section 6-2 COMPUTATION OF SIGN AREA ALLOWANCE

Within the limitations and restrictions as further provided in this Article, the total of the areas of all signs which a person is permitted to display shall not be more than 200 square feet of signs on any street front.

6-2.1 DEFINITION OF SIGN AREA:

As used in this Article, the term "sign area" means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign not including the base structure. (See Appendix 1.)

6-2.2 SPECIAL SITUATIONS:

Section 6-3 SIGNS TO BE NON-HAZARDOUS, WELL MAINTAINED

- (a) No sign shall be erected, relocated, or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.
- (b) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic sign, signal, or device.
- (c) Every sign shall be built and maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

Section 6-4 ILLUMINATION

Illumination of signs is permitted, subject to the following requirements:

- (a) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.
- (b) No sign other than electronic message signs shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color. Beacon lights and illumination by flame are prohibited.
- (c) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness creates neither a nuisance to adjacent property nor a traffic hazard.

Section 6-5 MOVEMENT PROHIBITED

Every sign that revolves, rotates, or mechanically moves in any manner is prohibited.

Section 6-6 NONCONFORMING SIGNS

A "nonconforming sign" means any lawfully erected sign that does not conform to one or more provisions of this Article or any amendment thereto.

6-6.1 RESTRICTIONS:

Any nonconforming sign that does not pose an imminent peril to life or property may lawfully remain until the amortization period has elapsed, subject to all the restrictions on the enlargement, alteration, relocation, or reconstruction of nonconforming structures set forth in Article 9 of this Ordinance; provided as follows:

- (a) merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration; and
- (b) whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural District or in any residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any commercial district or in the Industrial District.

6-6.2 AMORTIZATION:

- (a) Any sign that is nonconforming on the effective date of this Ordinance because it violates one or more of the following sections shall either be removed or made to comply with said section within one (1) year after effective date of this Ordinance. Provided, that any sign which would be conforming but for the fact that it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural or in any residential district shall be exempt from amortization.
- (b) Any sign that becomes nonconforming because of any amendment to this Ordinance shall either be removed or made to comply with the provisions of this amendment within five (5) years after its effective date.

Section 6-7 STRICTLY PROHIBITED SIGNS

Except as specifically noted otherwise, the following signs and street graphics are strictly prohibited throughout the City of Lebanon:

- (a) Mobile/Portable Marquees displayed for more than 72 hours.
- (b) Pennants, streamers, strings of light bulbs, spinners, or similar devices, except City banners, and holiday lights erected for observed holidays.
- (c) Signs attached to trees, fences, or public utility poles, other than warning signs issued by

government officials or public utilities.

(d) Defunct signs, including the posts or other supports therefore, that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located. Said materials must be removed within 30 days of closing of business.

(e) Business mounted signs except in industrial districts or as allowed in "C-2" Historic District.

(f) Home occupation signs.

(g) Billboards, except those owned by the City of Lebanon.

Section 6-8 SIGNS PERMITTED IN ANY DISTRICT

Any sign enumerated below that complies with the indicated requirements is permitted in any district of the City if the use to which it pertains is allowed in that district. Such signs shall not be debited against the displaying person's sign area allowance (see Sec. 6-2).

(a) Construction Signs identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall not exceed sixteen (16) square feet in area, shall be confined to the site of the construction, and shall be removed once construction is complete.

(b) City Decorative or Commemorative street-light banners may be erected subject to approval by City Council.

(c) Development Signs identifying the subdivision, purpose, zoning requirements, layout of lots etc., individuals and phone numbers to contact in regards to the subdivision. This sign shall not exceed thirty-two (32) feet and shall be removed when fifty percent (50%) of the proposed development is developed at which time individual real estate signs may be placed on lots (see Sec. 6-8(1)).

(d) Directional and Information Signs erected for the convenience of the public, providing directional markers for Educational, Medical, or Religious institutions; or such as signs identifying entrances, exits, parking areas, no-parking areas, restrooms, public telephones, walkways and similar features or facilities. Such signs shall not exceed three (3) square feet.

(e) House Numbers and/or Name of Occupant Signs located on the lot to which the sign applies. Such signs shall not exceed three (3) square feet for single-family dwellings nor six (6) square feet for multiple-family dwellings.

(f) Garage Sale Signs advertising a garage or yard sale on private residential property. Such signs shall not exceed four (4) square feet and shall not be posted for longer than five (5) days before the sale and be removed at the close of the day of the sale.

(g) Governmental or Public Signs such as traffic control signs, railroad crossing signs, legal

notices, signs indicating the location of underground cables, no-trespassing signs, etc.

(h) Institutional Signs for a public, charitable, or religious institution. Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed fifty (50) square feet.

(i) Integral Signs carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(j) Political Signs announcing candidates seeking public political office and/or political issues and other pertinent information. Such signs shall be confined to private property. In any residential district, political signs shall not exceed sixteen (16) square feet. Political signs shall be removed within three (3) days after the election to which they pertain, by the party(s) responsible for their public display. No political sign shall be displayed sooner than thirty (30) days prior to the date of the election to which the sign represents.

(k) Public Interest Signs publicizing a charitable or non-profit event of general public interest. Such signs shall be erected only on private property. Such signs shall not exceed thirty-two (32) square feet. Public interest signs shall be permitted only for fourteen (14) days before and three (3) days after the event.

(l) Real Estate Signs indicating the sale, rental, or lease of the premises on which they are located. Such signs on residential property shall not exceed six (6) square feet; on other property such signs shall not exceed sixteen (16) square feet. Not more than one real estate sign per 500 feet of street frontage shall be erected on any lot. Such signs shall be removed within seven (7) days of the sale, rental, or lease.

(m) Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

(n) Street banners advertising a public entertainment or event. Such banners may be displayed only during the period fourteen (14) days before and three (3) days after the event.

(o) Subdivision Entrance Signs identifying a residential subdivision or apartment complex. Such signs shall contain no commercial advertising, and shall not exceed forty (40) square feet.

Section 6-9 AGRICULTURAL, RESIDENTIAL DISTRICTS

On or after the effective date of this Ordinance, no sign other than those listed in Section 6-8 shall be erected in the Agricultural District or in any residential district.

Section 6-10 "C-1" COMMERCIAL AND INDUSTRIAL DISTRICTS

No person located in the "C-1" Commercial District or in the Industrial District shall display a total area of signs in excess of the allowance derived by application of the formula set forth in Section 6-2. Additionally, signs in the "C-1" Commercial District or in the Industrial District shall conform to the requirements indicated in the subsection below.

6-10.1 FLUSH-MOUNTED SIGNS:

No flush-mounted (wall) sign shall:

- (a) project more than eighteen (18) inches from the wall or surface to which it is attached. If such wall or surface is not vertical, the projection shall be measured from the closest point of the wall or surface to the sign; or
- (b) extend above the roof line of the building to which it is attached.

6-10.2 WINDOW SIGNS:

Signs permanently (i.e., longer than thirty (30) days) mounted in display windows shall be debited against the sign area allowance of the particular establishment. Temporary window signs (for periods less than 30 days) shall not be debited against the sign area allowance.

6-10.3 PROJECTING SIGNS:

No establishment shall display more than one (1) projecting sign on any street front. No projecting sign shall:

- (a) extend more than five (5) feet in the "C-1" Commercial District and fifteen (15) feet in the Industrial District above the roof line of the building to which it is attached; or
- (b) extend below a point eight (8) feet above the ground or pavement; or
- (c) project over a driveway or any public street right-of-way; or
- (d) project more than eight (8) feet from the building to which it is attached; or
- (e) exceed sixteen (16) square feet in area.

6-10.4 CANOPY OR MARQUEE SIGNS:

Signs mounted flush on any canopy or marquee shall be considered flush mounted (wall) signs, and shall meet the requirements of Subsection 6-10.1. Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of Subsection 6-10.3.

6-10.5 FREESTANDING SIGNS:

No person, or organization, or business shall display more than two (2) freestanding signs on any street fronts or abutting lot(s) under its ownership or permitted use. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:

- (a) No part of any freestanding sign shall intrude into any public right-of-way. The structural supports of any freestanding sign shall be situated at least seven (7) feet from the edge of the road.
- (b) The area of any freestanding sign, shall not exceed one hundred fifty (150) square feet.

- (c) When attached to its structural supports, no part of any freestanding sign shall extend more than fifteen (15) feet above the ground or pavement.
- (d) The length or width of any freestanding sign shall not exceed sixteen (16) feet.
- (e) No sign shall be constructed nearer to an abutting lot than the minimum side setback line of the zoning district in which the sign is placed, except in no case shall a sign be nearer than fifteen (15) feet to an abutting lot.

6-10.6 PUBLIC INTEREST AND OFF-PREMISES SIGNS:

Freestanding off-premises advertising signs are strictly prohibited in every district except in the "C-1" Commercial and Industrial District. In each zoning district:

- (a) **Permanent Public Interest Signs:** Community public interest signs are considered off-premise signs and are permitted as long as they are in accordance with section 6-10.5 - Freestanding Signs above.
- (b) Temporary freestanding off premise signs promoting public events or sales may not exceed four (4) locations, sixteen (16) square feet in area, be placed no closer than seven (7) feet to the edge of the public right of way. For sales the signs will be removed daily at the close of business. For events, signs may be posted fourteen (14) days before the event and be removed three (3) days after the event. These signs will be approved by the Building and Zoning Official.
- (c) **Temporary Free Standing Signs -** Signs for not for profit organizations may be located at the public square for public events fourteen (14) days before the event and removed three (3) days after the event. Signs will not exceed thirty-two square feet and will be approved by the Building and Zoning Official

Section 6-11 "C-2" HISTORIC SHOPPING DISTRICT

Signage shall be permitted in the Historic Shopping District zone district according to the following additional provisions.

- (a) **Purpose.** The purpose of this section is to provide for an aesthetically pleasing environment, to maintain the historical heritage of the City of Lebanon Historic Shopping District, to protect against erosion of property values, and to provide for the general welfare and safety of the property owners, residents, and merchants of that district.
- (b) **Permit.** No sign permit shall be issued by the Building/Zoning Official unless such applicant shall furnish a copy of certificate of appropriateness as reviewed/recommended by the Plan Commission (see Section 11-4).
- (c) **Wall and Porch Roof Signs.**
 1. Each building within the district shall be allowed one wall or porch roof sign per business that is located within the building. Additionally, buildings with rear entryways shall be

allowed one additional wall or porch roof sign on the rear wall of the building.

2. Wall or porch roof signs allowed under this section shall be subject to the following provisions:

A building wall or porch roof facing St. Louis Street shall have no more than one wall or porch roof sign per business. The maximum size shall be no more than one hundred twenty (120) square inches per lineal foot of building frontage, provided that the maximum size of the wall and porch roof sign shall not exceed two thousand four hundred (2,400) square inches. When more than one wall and porch roof sign is erected on a building wall or porch roof the aggregate size of all signs combined shall not exceed two thousand four hundred (2,400) square inches.

3. Signs on building walls or porch roofs not facing St. Louis Street shall be limited in aggregate size to one hundred twenty (120) square inches per lineal foot of building wall or porch roof.
4. Wall and porch roof signs for and advertising of businesses or products shall not be painted on the exterior walls of buildings or structures. This provision is not to be construed as prohibiting decorative wall murals for public and community appreciation subject to Plan Commission recommendation and City Council approval.

- (d) Hanging and permanent freestanding signs:

1. Each building within the district shall be allowed one hanging sign per business that is located within the building; provided that hanging signs shall not be allowed on buildings which have a wall or porch roof sign erected on a building wall facing St. Louis Street. The sign shall not exceed 1300 sq. inches.
2. Freestanding signs shall be allowed a maximum of sixty-five square inches of sign per lineal foot of building frontage, provided that the maximum size of the face of any freestanding sign shall not exceed one thousand eight hundred (1,800) square inches.
3. Overhead clearance requirements: Any hanging sign displayed over a public walkway must be at least eight (8) feet above the walkway.
4. Hanging and freestanding signs in store windows shall be of a permanent nature.

- (e) Nonconforming signs. See Section 6-6.2.

- (f) Window signs.

1. Temporary signs shall not be painted or attached to windows with removable letters.
2. Signs painted on windows shall be of a permanent nature.
3. Only one sign per business per window shall be permitted not to exceed one quarter (1/a) of the area of the window pane.

(g) Sandwich Board and Sidewalk Signs. Each business is authorized one sign board which can be placed on the sidewalk in front of its business. The sign will not exceed 1,152 square inches total area per side and will be placed in a location not to cause a safety hazard. The sign can only be on the sidewalk during open business hours. The design and colors will be compatible with the historic district motif. The size of this sign will not be considered as part of the overall size sign limitations.

(h) Temporary signs. The following regulations shall control temporary signs:

1. Handbills for non-profit organizations may be placed in each window in a building for a period not to exceed thirty (30) days.
2. New businesses shall be allowed one temporary "new business" sign not to exceed ten (10) square feet in size, which shall be allowed for a period not to exceed thirty (30) days, provided however, that the Plan Commission may allow one thirty-day extension.
3. "Open" and "closed" signs shall not exceed one square foot in size and must have the approval of the Plan Commission. "Open" and "closed" signs shall be in keeping with the historic character of this district. Fluorescent cardboard "open" and "closed" signs shall be prohibited.
4. Each business shall be allowed no more than one "sale" sign per quarter for a period not to exceed thirty (30) days. Fluorescent cardboard "sale" signs shall be prohibited.

(i) Canopy or awning signs. Canopies and awnings may not contain signs except to identify name or place of business establishment.

(j) Off-premises signs. No person shall erect or maintain any off-premises sign within the district unless special permission is granted by the Plan Commission.

(k) Restaurants. Restaurants shall be allowed to display a house menu.

(l) Multiple businesses. Multiple businesses within one building may have signs indicating their individual locations, and may share the total square footage of signs otherwise allowed under this section to show the location of individual businesses. It shall be up to the building owner to allocate the permitted signage.

(m) Character of signs. All signs shall be so designed as to enhance the historic character of the Historic Shopping District. The Plan Commission shall develop a series of performance-design criteria which shall serve as guidelines for signing of property used for commercial purposes. These guidelines shall be published by the Plan Commission and shall be on file in the office of the City Clerk.

(n) Lighting of signs. Lighting of signs shall be allowed provided that the light source shall be hidden from direct view, and shall not detract from the historical nature of the district.

(o) Banners. City banners, holiday decorations, and banners for civic organizations are

permitted to be affixed to light posts and may be erected subject to approval of the City Council.

(p) Historical flags. Historical flags shall be allowed, but shall not include pennants, balloons or propellers.

(q) Variations.

1. The Plan Commission may grant special permission for the erection of any sign which is proven to be a substantially accurate reproduction of a historic sign which had been previously displayed at the proposed location.

2. The Plan Commission may grant special permission for the erection of any sign when it is demonstrated that physical circumstances exist which are peculiar to the applicant's business or building, and which prohibit adequate signage under these regulations.

(r) Guidelines. Whenever special permission of the Plan Commission is necessary, the following guidelines shall be considered:

1. Pedestrian and vehicular traffic. The proposed sign shall not obstruct pedestrian or vehicular traffic, nor unduly obstruct or hinder a pedestrian's or motorist's view of sidewalk, streets or buildings.

2. Necessity. The proposed sign must be necessitated by a demonstrated inability to provide adequate signage under the regulations imposed by subsections (c) through (s) herein.

3. Design, color, lighting, material and lettering. The design, color, lighting, material of construction, and style of lettering of the proposed sign shall not detract from the historical character of the Historic Shopping District, and shall not contrast with surrounding structures.

(s) Exception. The regulations imposed herein shall not apply to the posting of street numbers on buildings as required by other provisions of the City Ordinances.

ARTICLE 7
PLANNED UNIT DEVELOPMENTS

Section 7-1 PURPOSE

The Planned Unit Developments Article of this Ordinance is intended to provide for developments incorporating a single type or a variety of related uses which are planned and developed as a unit. Such development may consist of conventionally subdivided lots or provide for development by a planned unit development plat in keeping with the purpose of the plan.

The purpose of the planned unit development (PUD) is to permit:

- (a) a maximum choice in the type of environment available to the public by allowing a development that would not be possible under the strict application;
- (b) permanent preservation of common open space and recreation areas and facilities;
- (c) a pattern of development to preserve natural vegetation, topographic, and geologic features;
- (d) a creative approach to the use of land and related physical facilities that results in better development and design and the construction of aesthetic amenities;
- (e) an efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds and buildings, and other facilities;
- (f) a land use which promotes the public health, safety, comfort, morals, and welfare; and
- (g) innovations in residential, commercial, and industrial development so that growing demands of population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings.

7-1.1 COMPLIANCE WITH ORDINANCES GENERALLY REQUIRED.

IMPORTANT: Except as specifically provided otherwise in this section, planned unit developments -- including all structures and uses therein -- shall, at a minimum be built in conformity with all applicable codes and ordinances, including this (zoning) Ordinance, the Subdivision Ordinance; and the adopted Building, Plumbing and Electrical Codes.

7-1.2 DISTRICTS WHERE ALLOWED:

Planned unit developments may be built in the SR-1, SR-2, MH-1, MR-1, C-1, and I-1 zoning districts, but only upon the issuance of a special use permit. The size of the planned unit development and the standards to which it must be built vary in different districts in accordance with Section 7-4.

7-1.3 PERMISSIBLE DEVIATIONS FROM ORDINANCE REQUIREMENTS

The planned unit development (PUD) concept is intended to afford both the developer and the

City considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this subsection, PUDs may deviate from generally applicable ordinance requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(a) **Mixed Uses.** PUDs may include all types of residential structures and any other uses approved by the City Council; provided, that in approving such mixed uses, the City Council may attach any conditions necessary to protect the public welfare.

(b) **Lot and Structure Requirements.** In PUDs, the City Council may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PUD are appropriately interrelated and property abutting the PUD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width, and depth; minimum setbacks; and maximum structure height.

(c) **Accessory Structures and Uses.** In PUDs the City Council may allow the developer to disregard the usual restrictions on accessory structures and uses other than the prohibition against using an accessory structure as a dwelling.

(d) **Location of Parking/Loading Spaces.** By permission of the City Council, off-street parking and loading spaces in PUDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per Article 5.

Section 7-2 PLANNED UNIT DEVELOPMENT PROCEDURES

A planned unit development shall be approved only as a special use in accordance with the procedures and standards of this Article, and may depart from the normal procedures, standards, and other requirements of the other sections of this Ordinance. Applications shall be made on forms provided by the City and shall be accompanied by the required plats and documents.

7-2.1 PRE-APPLICATION PROCEDURES:

Prior to filing an application for approval of a planned unit development, the developer may request an informal meeting with the Mayor to discuss the development of the land in conjunction with the City Community Development Plan. The Mayor may hold said meeting by himself or may request the assistance and advice of any member of the City Council. Any meeting of the City Council may be part of a regularly scheduled meeting, shall be open to the public, and included on the agenda in advance of said meeting. The Pre-Application Conference is not mandatory and does not require formal application, fees, or filing of a planned unit development plat.

7-2.2 PRELIMINARY PLAT PROCEDURES:

A preliminary plat of the planned unit development shall be submitted to the Mayor and City Council, who shall refer the same to the City Plan Commission for a public hearing. The hearing shall be conducted by the Chairman of the Plan Commission. The Chairman of the Plan

Commission shall also be responsible for fixing the date and place of the hearing. At such hearing, all members of the Plan Commission shall have the right to full participation. Upon the conclusion of the hearing, the Plan Commission shall issue a report and recommendation to the Mayor and City Council as to whether the special use permit applied for should be issued. The required procedure for approval of the preliminary plat shall be as follows:

(a) Items to be Submitted:

1. written application for approval of a planned unit development on forms and in the manner prescribed by the City of Lebanon;
2. a filing fee in the amount fixed by the Mayor and City Council from time to time, by ordinance; and
3. the preliminary plat and supporting data in accordance with the provisions of Section 7-3.

(b) Filing Required Information:

1. With Building/Zoning Official. Copies of the preliminary planned unit development plat and supporting data shall be submitted to the Building/Zoning Official for certification as to conformity with these regulations, and with the recommendations and suggestions regarding the overall design.
2. With Plan Commission. Copies of the preliminary planned unit development and supporting data also shall be submitted to the Plan Commission for public hearing, review, and recommendations.
3. With School District. Copies of the preliminary planned unit development plat and supporting data also shall be made available to any school district which might be affected by said development. The Mayor shall notify any such school district concerning the filing of said application.

(c) Public Hearing. The Plan Commission shall hold a public hearing on the application for a planned unit development, giving notice of the time and place not more than thirty (30) nor less than fifteen (15) days before the hearing by publishing a notice thereof at least once in a newspaper published or circulated in the City.

(d) Recommendation of Plan Commission. Following the aforesaid public hearing and review of the preliminary planned unit development plat and supporting data for conformity with these regulations, the Plan Commission shall, within sixty (60) days, recommend approval, modification, or disapproval, and the reasons therefor, or indicate why a report cannot be rendered to the Mayor and City Council.

As a condition to the approval of the preliminary plat, the Plan Commission shall set forth in a separate communication to the Mayor and City Council, findings of fact (as specified in Subsection 7-2.4) indicating the basis for its approval and describing how the proposal meets the standards Section 7-2.

(e) Decision of City Council. The Mayor and City Council, after receipt of the preliminary planned unit development plat from the Plan Commission, shall, within sixty (60) days, approve, modify, or disapprove the preliminary plat. The City Council may require such special conditions in the approval of the preliminary plat as it may deem necessary to ensure conformity with the intent of all plan elements and the stated purposes of the planned unit development.

(f) Effect of Preliminary Plat Approval. Approval of a preliminary planned unit development plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat or, if development is to be staged, of the first stage of the final plat. The final plat shall be submitted by the developer, not later than 180 days (or such additional time as may be authorized by resolution of the City Council from time to time) after approval of the preliminary plat, for approval of the City corporate authorities and subsequent recording upon fulfillment of the requirements of these regulations and any conditions of the preliminary approval. The final plat shall be approved as the final land use if it conforms with the preliminary plat. The preliminary and final plat may be filed and approved simultaneously, if all requirements hereof are met.

IMPORTANT: No building permit shall be issued for any structure until the final plat has been approved.

7-2.3 FINAL PLAT PROCEDURES:

The purpose of the final plat is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open areas and building sites. The preliminary plat shall generally locate buildings, whereas the final plat shall show the exact location of each building. Thus, the final planned unit development plat and, if the development is to be staged, all staged final development plats shall conform substantially to the preliminary plat as approved.

Applications for approval of the final plat may be submitted in stages, with each stage reflecting a portion of the approved preliminary plat which is proposed to be recorded and developed; provided, however, that such portion must conform to all requirements of these regulations. The required procedure for approval of a final plat or any stage thereof shall be as follows:

(a) Filing With Mayor and With Plan Commission.

1. With Mayor. The final plat and supporting data shall be submitted to the Mayor for certification that the final plat is in conformity with these regulations and in agreement with the approved preliminary plat. The report of the Mayor shall be made to the City Council within thirty (30) days after submission by developer.
2. With Plan Commission. A final planned unit development plat or plats and other supporting data required for approval also shall be submitted to the Plan Commission.

(b) Recommendation of Plan Commission. Within thirty (30) days after the developer submits the final plat, the Plan Commission shall complete its review thereof and shall recommend approval or disapproval, and the reasons therefore, to the Mayor and City Council. A public hearing on an application for final approval of a planned unit development shall not be

required except as provided in Subsection 7-2.6(a).

(c) Decision of City Council. The Mayor and City Council, after receipt of the final plat and recommendation from the Plan Commission, shall, within sixty (60) days, approve or disapprove the final plat and, if approved, shall pass an ordinance authorizing the planned unit development as a special use,

7-2.4 CRITERIA FOR MAKING RECOMMENDATIONS:

The Plan Commission shall recommend to the City Council the denial or approval of the proposed planned unit development and shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth with particularity what aspects of the proposal would or would not be in the public interest including, but not limited to findings of fact on the following:

- (a) in what respects the proposed plan is or is not consistent with the stated purposes of the planned unit development regulations;
- (b) the extent to which the proposed plan meets the requirements and standards of the planned unit development regulations;
- (c) the extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimensions, area, bulk, and uses, and the reasons why such departures are or are not deemed to be in the public interest;
- (d) the physical design of the proposed plan and the manner in which said design does or does not make adequate provisions for public services, provide adequate control over vehicular traffic, provide for and protect designated common open space and further the amenities of light and air, recreation, and visual enjoyment;
- (e) the relationship and compatibility, beneficial or adverse, of the proposed plan to the adjacent properties and neighborhood;
- (f) the desirability of the proposed plan to physical development, tax base, and economic well-being of the entire community; and
- (g) the conformity with the recommendations of the City of Lebanon Community Development Plan.

7-2.5 RECORDING OF FINAL PLATS:

The recording of the final plat shall inform all who deal with the planned unit development of the restrictions placed upon the land and act as a zoning control device.

The Ordinance authorizing construction of the planned unit development shall be effective only upon recording of the final planned unit development plat and supporting data with the County Recorder of Deeds. No permit, allowing construction of a building or other development, shall

be issued by the Building/Zoning Official until the required recording of the final plat, approval of the final engineering plans, and the posting by the developer of the required improvement deposits, as set forth in Subsection 7-3.3. All recording costs shall be paid by the developer.

7-2.6 CHANGES IN APPROVED PLANNED UNIT DEVELOPMENTS:

The planned unit development project shall be developed only according to the approved and recorded final plat and all supporting data. The recorded final plat and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns, and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the planned unit development project as set forth therein.

IMPORTANT: All changes to the final plat shall be recorded with the County Recorder of Deeds as amendments to the final plat, or reflected in the recording of a new corrected final plat.

(a) **Major Changes.** Changes which alter the concept or intent of the planned unit development, including increases in density, increases in the height of buildings, reductions of proposed open space, changes in the sequence of development, changes in road standards, or changes in the final governing agreements, provisions, or covenants, may be approved only by submission of a new preliminary plat and supporting data and following the "preliminary approval" steps and subsequent amendment to the final planned unit development plat.

(b) **Minor Changes.** The City Council may approve minor changes in the planned unit development which do not change the concept or intent of the development, without going through the "preliminary approval" steps. Minor changes are defined as any change not defined as a major change.

7-2.7 FAILURE TO CONSTRUCT ON SCHEDULE:

The Mayor and City Council shall consider the planned unit development subject to revocation if construction falls more than two (2) years behind the schedule filed with the final plat, or exceeds ten (10) years. The developer shall be notified in writing at least ninety (90) days prior to any revocation hearing. Extensions of the building schedule, agreed to by the developer at the time of approval, may be granted by the corporate authorities of the City.

Section 7-3 CONTENTS OF PLANNED UNIT DEVELOPMENT PROPOSALS

The planned unit development plats and supporting data shall include at least the information indicated in the following subsections.

7-3.1 PRE-APPLICATION STAGE:

(a) **General Site Information:** Data regarding site conditions, land characteristics, available community facilities and utilities, existing covenants, and other related general information about land uses within one-half (0.5) mile of the proposed site.

(b) **Sketch Plan:** A drawing in simple sketch form showing the proposed location and extent

of the land uses, major streets, lots, and other features as they are related to the City.

(c) Legal Description: A property survey and legal description of the site proposed for development.

7-3.2 PRELIMINARY PLAT STAGE:

(a) Detailed Plan: A drawing of the planned unit development shall be prepared at a scale of not less than 1" = 100' for developments of 200 acres or less; and 1" = 200' for developments over 200 acres, and shall show such designations as proposed streets (public and private), all buildings and their uses, common open space, public service and school lands, recreation facilities, parking areas, service areas, and other facilities indicating the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:

1. boundary lines: bearings and distances;
2. existing easements: locations, width, and purpose;
3. existing streets on and adjacent to the tract: location, size and invert elevation of sanitary, storm, and combined sewers; location and size of water mains, location of gas lines, fire hydrants, electric and telephone lines, and street lights; direction and distance to and size of nearest water mains and sewers adjacent to the tract showing invert elevation of sewers;
4. existing streets on and adjacent to the tract: street name, right-of-way width, existing sidewalks;
5. ground elevations on the tract: for land that shows less than one-half (1/2) percent, at one (1) foot contours; spot elevations at all breaks in grades, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half (1/2) percent, at two (2) foot contours;
6. subsurface conditions on the tract, if required by the Building/Zoning Official: location and results of tests made to ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed;
7. other conditions on the tract: water courses, marshes, rock outcrop, wooded areas, isolated trees one (1) foot or more in diameter, houses, and other significant features;
8. other conditions on adjoining land: approximate direction and gradient of ground slope, including any gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, railroads, power lines, towers, and other nearby non-residential land uses or adverse influences; owners of adjoining unplanned land; for adjoining platted land, subdivision plat by name, recording date and number, and approximate percent built up, typical lot size and dwelling type;
9. zoning: on and adjoining the tract;
10. proposed public improvements: highways or other major improvements planned by

public authorities for future construction on or near the tract;

11. proposed internal general uses: of major buildings or structures, and the specific overall land use of the premises;
 12. title and certificate: present tract designation, if any, according to official records in offices of the County Recorder; title under which proposed development is to be recorded, with names and addresses of owners, and notation stating acreage (owner shall include beneficial owners of any land trust);
 13. names,: the names and addresses of the persons to whom notices of hearings hereunder may be sent, including the subdivider, and the owners and tenants of land within 100 feet of the property in question, excluding all streets and alleys from said computation;
 14. open space: all parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated;
 15. general location. purposes. and height of: each building, other than single-family residences on individually platted lots;
 16. map-data: name of development, north point and scale, and date of preparation; and
 17. miscellaneous: such additional documents as may be required by the Plan Commission or Building/Zoning Official.
- (b) Character: Explanation of the character of the planned unit development and the reasons why the developer chose to take advantage of the flexibility of these regulations.
- (c) Ownership: Statement of present and proposed ownership of all land within the project.
- (d) Schedule: Proposed development schedule indicating:
1. stages in which project will be built with emphasis on area, density, uses, and public facilities such as open space to be developed with each stage (overall design of each stage shall be shown on the plat and through supporting graphic material); and
 2. approximate dates for beginning and completion of each stage.
- (e) Covenants: Proposed agreements, provisions, or covenants which will govern the use, maintenance, development, and continued protection of the planned unit development and any of its common open space.
- (f) Density: Information on the gross density, gross residential density, and net residential density of residential uses.
- (g) Non-residential Uses: Information on the type and amount of ancillary and non-residential uses in a residential development, including the amount of common open space.

(h) Service Facilities: General information on all service facilities and off-street parking facilities.

(i) Architectural Plans: Preliminary sketches and renderings for all primary buildings in sufficient detail to permit an understanding of the style of the development.

Facilities Plans: General feasibility reports for:

1. roads, including classification, width of right-of-way, width of pavement;
2. sidewalks;
3. sanitary sewers; 4. storm drainage;
5. water supply system; and
6. lighting system.

7-3.3 FINAL PLAT STAGE:

(a) Final Detailed Plan. A final land use and zoning plat, suitable for recording with the County Recorder of Deeds, shall be prepared. The purpose of the planned unit development plat is to designate with particularity the land subdivided into conventional lots as well as the division of other lands not so treated into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure as well as of the land in general. The final planned unit development plat shall include, but not be limited to:

1. an accurate legal description of the entire area under immediate development within the planned unit development;
2. if subdivided lands are included in the planned unit development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat;
3. an accurate legal description of each separate unsubdivided use area, including common open space;
4. designation of the exact location of all buildings to be constructed, and a designation of the specific internal uses to which each building shall be put, and a street numbering for each building;
5. construction details, including centerline elevations, pavement type, curbs and gutters, culverts, etc. ;
6. certificate, seals and signatures required for the dedication of land, and recording the document; and
7. tabulations on each separate unsubdivided use area, including land area, number of

buildings, and number of dwelling units per acre.

(b) Common Open Space Documents. The developer shall submit documents indicating to the satisfaction of the City Attorney that, with respect to the agreed-upon common open space, he has complied with either subparagraph 1 or 2.

All common open space, at the election of the City, shall be:

1. conveyed to a municipal or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the planned unit development or adjoining property owners or any one or more of them. All lands conveyed hereunder shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space; or
2. guaranteed by a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the planned unit development or adjoining property owners and/or both.

(c) Construction Schedule. All final plats shall be accompanied by a written construction schedule. Such schedule shall not exceed a period of five (5) years, if the planned unit development land is the subject of a pre-annexation agreement. All other schedules shall not exceed a period of ten (10) years. If the development period in fact exceeds ten (10) years, the City Council may revoke approval of the planned unit development and initiate such zoning changes as it deems necessary to preserve the public interest.

(d) Performance Guarantees. All public facilities and improvements made necessary as a result of the planned unit development shall be either constructed in advance of the approval of the final plat, or, at the election of the City, escrow deposits, irrevocable letter of credit in a form approved by the City Attorney or performance bonds shall be delivered to guarantee construction of the required improvements. Any such guarantee shall be 100% of the estimate approved by the Building/Zoning Official of the cost to construct said improvements.

(e) Maintenance Guarantees. In addition to the deposit provided for in Paragraph (d) above, a deposit shall be made to the City in cash, irrevocable letters of credit (in a form approved by the City Attorney), or maintenance bond equal to fifteen (15%) percent of the estimated cost of public facility installations. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the planned unit development and shall be held by the City for a period of eighteen (18) months after acceptance of such facilities by the City. After such eighteen (18) months, the deposit shall be refunded if no defects have developed. If any defects have developed, then the balance of such deposit shall be refunded after reimbursements for amounts expended in correcting defective facilities. The deposit under this paragraph shall be made immediately upon completion and approval of the construction of said public facilities, and the performance guarantee for the public facilities shall thereupon be released.

(f) Delinquent Taxes: A certificate shall be furnished from the County Collector that he finds no delinquent taxes and that all special assessments constituting a lien on the whole or any part of the property of the planned unit development have been paid.

(g) Covenants. Final agreements, provisions, or covenants governing the use, maintenance, and continued protection of the planned unit development shall be provided.

Section 7-4 DEVELOPMENT STANDARDS

The planned unit development must meet the following standards:

(a) Ownership and Size. The site of the planned unit development must be under single ownership and/or unified control and be not less than five (5) acres in the SR-1, SR-2, and MH-1 Zoning Districts, or two (2) acres in the MR-1 Zoning District, or ten (10) acres in the C-1 and I-1 Zoning Districts.

(b) Compatibility. The uses permitted in a planned unit development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties, and shall be compatible with each other.

(c) Parking Requirements. The individual uses permitted within the planned unit development shall adhere to the parking requirements provided for in other sections of this Ordinance for the particular use or uses proposed.

(d) Height. No building shall exceed fifteen (15) stories or one hundred fifty (150) feet in height.

(e) Floor Area Ratio. The following floor area ratio shall be observed as maximum density controls:

Single-Family Units	Not Applicable
Two-Family Units	Not Applicable
Town Houses and Row Houses	0.4
Garden Apartments	0.6
Elevator Apartments, five or more stories in height	2.0

(f) Additional Density Controls. A maximum of forty (40) units per net acre of residential land shall be permitted. A minimum of 25% of the land area devoted to multi-family residential use shall consist of common open space.

(g) Traffic. Provisions shall be made to provide adequate ingress and egress designed to minimize traffic congestion in the public streets.

Section 7-5 SUPERSEDES OTHER ORDINANCES

The provision herein regarding a planned unit development shall supersede the Subdivision Control Ordinance of the City or any other ordinance or part of an ordinance of the City which in any way conflicts with the provisions herein provided.

ARTICLE 8 - ADDITIONAL SUPPLEMENTARY REGULATIONS

Section 8-1 APPLICABILITY OF ARTICLE

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

Section 8-2 AGRICULTURAL ACTIVITIES

(a) Farm Animals. No barn, stable, shed, or other structure intended to shelter farm animals (including, but not limited to, horses, cattle, hogs, and chickens) shall be erected closer than three hundred (300) feet to any existing dwelling or closer than two hundred (200) feet to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than three hundred (300) feet to any existing dwelling or closer than two hundred (200) feet to any lot line of residential property, whichever distance is greater.

(b) Farm Equipment/Commodities. No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than three hundred (300) feet to any existing dwelling or closer than two hundred (200) feet to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least one hundred (100) feet from any lot line of residential property.

(c) Barbed Wire/Electrical Fences. See Section 8-4(a).

Section 8-3 DRIVE-IN THEATERS

(a) The movie screen of every drive-in theater shall be located at least one hundred (100) feet from all street right-of-way lines and all lot lines, and at least five hundred (500) feet from the boundary of any residential district. The projection surface of the movie screen shall not be visible from any arterial or collector street.

(b) Speakers shall be limited to the type designed to be heard by the occupants of one car only.

(c) The surface of the aisles and parking area of every drive-in theater shall, at a minimum, be treated with a tar/oil based coating to control dust.

(d) Entrances and exits shall connect only to arterial or collector streets, and shall not be located closer than one hundred (100) feet to any intersection.

(e) Stacking (waiting) area for at least twenty-five (25) automobiles shall be provided near the main entrance to prevent traffic tie-ups on adjacent streets.

Section 8-4 FENCES, WALLS AND BUFFER STRIPS

- (a) Barbed Wire/Electric Fences. No barbed wire or electrically charged fence shall be erected or maintained anywhere in the City, except in the Agricultural District.
- (b) In Public Right-of-Way. No fence, wall, or other obstruction shall be erected within any public right-of-way.
- (c) Obstructing Drainage. No fence, wall, or other obstruction shall be erected in violation of the Illinois Drainage Code (70 ILCS, 605/2-1 and 605/2-12, as amended from time to time).
- (d) Near Intersections. Every fence, wall, or other obstruction shall conform to the special height restrictions applicable in areas near intersections. (See Subsec. 3-10(b).)
- (e) Height Restrictions Generally.
 - 1. Side and Rear Yards. Any type of fence (other than barbed wire, electrical, or similar "dangerous" fences) may be erected anywhere in any rear or side yard, including along the lot lines, provided that said fence:
 - does not exceed six (6) feet in height, and
 - does not extend closer to the street than the building line.
 - 2. Front Yards. A fence may be erected anywhere in any front yard, including along the lot lines, provided said fence:
 - is decorative (i.e., not "chain link," "woven wire," etc.), and
 - does not exceed three (3) feet in height.
- (f) Buffer Strips: Whenever a commercial or industrial district abuts a residential district, or is across a street, alley or similar obstacle, from a residential district, a buffer strip of landscaping or similar treatment shall be required as specified in each district.

Section 8-5 GREENHOUSES, NURSERIES

- (a) No fertilizer, compost, manure, or other odor or dust-producing substance shall be stored closer than one hundred (100) feet to any lot line.
- (b) Greenhouse heating plants shall be situated in an enclosed structure, and shall not be closer than fifty (50) feet to any lot line.

Section 8-6 HOME OCCUPATIONS

A "home occupation" means any part-time or full-time, permanent or semi-permanent business, profession, or occupation conducted for gain or support entirely within a limited portion of a dwelling by the resident(s) thereof. Within the City every home occupation shall be considered a special use which may be established or conducted only in conformity with the following regulations:

- (a) Unrelated Employees. A home occupation shall employ not more than one individual

working on the premises who is unrelated to the family residing on the premises.

- (b) Floor Space. A home occupation shall be conducted only within the dwelling. The total area used for a home occupation shall not exceed fifty percent (50%) of the gross floor area of the first or main floor of the dwelling, or three hundred (300) square feet, whichever is less.
- (c) Dwelling Alterations. In any residential district, a dwelling shall not be altered to accommodate a home occupation in such a way as to materially change the residential character of the building.
- (d) Outdoor Storage. In any residential district, unenclosed storage of equipment or materials used in connection with a home occupation is prohibited. Any storage of explosives is prohibited.
- (e) Nuisances. A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the lot lines.
- (f) Parking. In addition to the required off-street parking for the dwelling itself, there shall be at least one (1) off-street parking space per three hundred (300) square feet devoted to a home occupation.
- (g) Signs. There shall be no sign, advertising, display, or other indication that a home occupation is conducted on the premises.
- (h) Prohibited Home Occupations. The business of selling stocks of merchandise, supplies, or products is not a permitted home occupation; provided that incidental retail sales may be made in connection with an approved home occupation. A home occupation shall not include the following: beauty shop, clinic, hospital, mortuary, funeral home, nursing home, tea room, tourist home, antique shop, animal hospital, restaurant, veterinarian's office, or other use similar to any of the foregoing excluded uses.

Section 8-7 HOSPITALS, NURSING HOMES

- (a) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of two hundred (200) feet, and minimum area of five (5) acres.
- (b) The lot on which any nursing home is situated shall have a minimum width and depth of two hundred (200) feet, and a minimum area of two (2) acres.
- (c) The principal building of any hospital, sanitarium, or nursing home shall be located at least twenty-five (25) feet from all lot lines.

Section 8-8 KENNELS

- (a) The lot on which any kennel is situated shall have a minimum area of three (3) acres.
- (b) Every kennel shall be located at least two hundred (200) feet from the nearest dwelling, and at least one hundred (100) feet from any lot line.
- (c) The lot on which any kennel is situated shall be adjoining to the owner's home.

Section 8-9 RECREATIONAL VEHICLES

NOTE: The regulations of this section do not apply to recreational vehicles parked in a permitted travel trailer park or on a permitted recreational vehicles sales lot.

- (a) Not more than two (2) recreational vehicles shall be parked on any lot.
- (b) No recreational vehicle shall be used as a residential dwelling.
- (c) No recreational vehicle shall be used as an office or for any other commercial purposes.
- (d) No recreational vehicle shall be parked on the street or in the front yard of any residential area for more than seventy-two (72) hours. They may be parked on the side and back yards. Non-residents who are guests of current residents may obtain a permit from City Hall allowing for parking of a recreational vehicle for up to ten (10) days, so long as parking does not impede traffic or hinder safety.

Section 8-9.1 SEMI CABS AND TRAILERS

- (a) No motor vehicle designed or regularly used for carrying freight, merchandise, or other property which exceeds seven feet in height or 20 feet in length may be parked in a residential area. This shall include the tractor cab or the trailer of semis.
- (b) Trucks, semi's, or tractor trailers exceeding guidelines will be allowed during daylight hours only for the purposes of delivery, loading or unloading.

Section 8-10 SCHOOLS

- (a) The lot on which any school, either public or private, is situated shall have the minimum area indicated below:

Type of School	Minimum Lot Area
Nursery	20,000 sq. ft., plus at least 100 sq. ft. of fenced outdoor play area per child
Other (Elementary, Junior High, Senior High)	As required by State Law (105 ILCS, 5/35-8) - generally 4 acres, plus 1 additional acre for every 150 students in excess of 200.

- (b) The principal building of every school shall be located at least twenty-five (25) feet from all lot lines.

Section 8-11 SWIMMING POOLS

- (a) No swimming pool, whether public or private, shall be located in any front yard or closer than five (5) feet to any side or rear lot line.
- (b) Every swimming pool including above-ground pools that are more than two (2) feet deep shall be enclosed by a wall or fence at least four (4) feet in height. The passage through such wall or fence shall be equipped with a gate and a lock.

Section 8-12 PUBLIC UTILITY STATIONS, EXCHANGES AND ESSENTIAL SERVICES

Electrical substations, gas regulator stations, telephone exchange facilities, sewage treatment plants, water storage facilities, or similar facilities in any residential zone district shall meet all the following requirements and in other zone districts shall meet all requirements except (a), (e),

and may be required to meet (g). A special use permit shall be required in all zone districts.

(a) No public office, or principal repair or storage facilities shall be maintained in connection with such substations or exchanges.

(b) The building housing any such facility shall be designed and constructed to conform to the general character of the neighborhood.

(c) The area on which the facility is located shall be landscaped and a landscaping plan shall be submitted.

(d) Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot shall be as follows: lot width shall not be less than the total width of the building plus the total of the minimum required side yards; lot depth shall not be less than the depth of the building plus the minimum required front yard plus the five (5) foot minimum rear yard.

(e) Where facilities or equipment are located outside the completely enclosed buildings, no such facilities or equipment shall be located closer than fifteen (15) feet to any side or rear lot line.

(f) If transformers are exposed, there shall be provided an enclosing fence or wall at least eight (8) feet in height.

(g) All parcels or lots on which substations, exchanges, equipment, or transformers are located shall meet the following minimum landscaping standards: a planting screen of at least ten (10) feet in depth and expected to reach a height of at least ten (10) feet shall be provided and maintained.

(h) All utilities shall file a letter of intent for maintenance schedules and procedures at the time of application.

Section 8-13 CHURCHES AND PLACES OF FORMAL WORSHIP

Each principal building shall be located at least twenty-five (25) feet from all property lines or shall meet the zoning district yard and setback requirements, whichever is greater.

Section 8-14 GARAGES, REPAIR

In repair garages, all repair work, servicing and storage of parts and equipment of vehicles or boats shall be done completely within an enclosed building or shall be enclosed by a solid fence at least eight (8) feet in height or a planting screen of at least ten (10) feet in depth and eight (8) feet in height, or as approved by the Building/Zoning Official.

Section 8-15 GASOLINE SERVICE STATIONS AND RETAIL STORES

In districts where gasoline service stations are permitted, the establishment of such uses shall be subject to the following requirements:

- (a) All gasoline pumps, lubricating or similar devices and other service facilities shall be located at least twenty-five (25) feet from any street right-of-way line or side or rear lot line.
- (b) No access drive shall be within two hundred (200) feet of a fire station, school, public library, church, park or playground, and at least thirty (30) feet from any intersection of public streets.
- (c) All devices for dispensing or selling of milk, ice, cold drinks, and the like shall be located within or adjacent to the principal building.
- (d) Whenever a gasoline station has been abandoned, all underground storage tanks shall either be removed or filled with some acceptable material approved by the Building/Zoning Official. A gasoline service station shall be considered abandoned when the owner, tenant, or lessor has not sought to continue the use for a period exceeding twelve (12) months.

Section 8-16 PERFORMANCE STANDARDS, GENERAL

Any lot shall be properly graded for drainage and maintained in good condition free from trash and debris.

- (a) Noise emanating from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property line. Unreasonably offensive noises due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.
- (b) No obnoxious, toxic, or corrosive matter, smoke, fumes or gases shall be discharged into the air or across the boundaries of any lot in such concentrations as to be detrimental or endanger the public health, safety, comfort, or welfare or to cause injury or damage to property or business.

Section 8-17 JUNK YARDS, AUTOMOBILE SALVAGE YARDS AND/OR STORAGE POOLS

Junk yards are not permitted in the City.

Section 8-18 LIGHTING CONTROLS

Any spot or flood light used for the illumination of signs, parking areas, swimming pools, or for any other purposes shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists.

Section 8-19 BUILDING, USE AND BULK

No building, structure, or premises shall be used or occupied and no building or parts thereof or other structures shall be constructed, erected, raised, moved, placed, reconstructed, extended, enlarged, or altered and no building shall be occupied by more families and/or persons than prescribed for such buildings, structure or premises for the district in which it is located and as

otherwise regulated herein, except in conformity with this Ordinance.

Section 8-20 MODULAR HOMES

Section 8-21 REGIONAL POLLUTION CONTROL FACILITIES

In order to site a regional pollution control facility in the City, an applicant shall:

- a) Meet all the standards, procedures, and criteria established in accordance with P.A. 82-682 "An Act Related to the Location of Sanitary Landfills and Hazardous Waste Disposal Sites" for City approval of any new facilities before obtaining Illinois Environmental Protection Agency permits; and
- b) Obtain development and operating permits for said proposed regional pollution control facility from the Illinois Environmental Protection Agency as promulgated by 415 ILCS, 5/1 to 5/56.6.

Section 8-22 STABLES

- (a) In any zoning district where the keeping of horses is permitted (either as a principal or accessory use), at least five (5) acres shall be allocated for the first horse kept, and two (2) acres shall be allocated for each additional horse kept.
- (b) Any stable or other structure housing horses shall be located at least two hundred (200) feet from the nearest existing dwelling, and at least one hundred (100) feet from any lot line.

ARTICLE 9 - NONCONFORMITIES

Section 9-1 PURPOSE OF ARTICLE

The requirements of this Ordinance are designed to guide the use of land and to control development upon it to assure that structures and uses are compatible with the predominant character of each of the various zoning districts. However, certain lots, structures, and uses because they were created prior to the adoption or amendment of this Ordinance may not conform to all the requirements of the district in which they are located.

While the requirements of this Article are intended to encourage the gradual elimination of nonconformities through attrition or at such time when said lots, structures, or uses are subject to being altered, modified, reconstructed, renovated, restored or removed; any lawful but nonconforming lot, structure, or use may continue to remain as "grandfathered" in the City.

"Grandfathering" said nonconforming lots, structures, or uses in the City is the recognition that while potential problems may arise from nonconformities impeding appropriate development, enforcing compliance until and nonconforming lot, structure, or use is altered, modified, reconstructed, renovated, or restored or removed may impose an undue hardship upon the property owner. When nonconforming lots, structures, and uses are either altered, modified, reconstructed, renovated, restored, or removed, they will then meet all applicable regulations of the district in which they are located subject to the requirements of this Article.

Section 9-2 NONCONFORMING LOTS

Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- (a) was recorded in the St. Clair County Recorder of Deeds office prior to the enactment of the 1974 Lebanon Zoning Ordinance (or pertinent amendment thereto); and
- (b) has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the 1974 Lebanon Zoning Ordinance or any other applicable City or County ordinance; and
- (c) is at least thirty (30) feet wide.

9-2.1 TWO OR MORE LOTS IN COMMON OWNERSHIP:

If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Ordinance, and if one or more of those lots does not meet the minimum lot width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Ordinance, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Ordinance.

Section 9-3 NONCONFORMING STRUCTURES

Any otherwise lawful structure which exists on the effective date of this Ordinance but which could not be erected under the terms of this Ordinance because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions:

- (a) **Enlargement. Alterations.** No such structure shall be enlarged or altered in any way which increases its nonconformity.
- (b) **Relocation.** No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.
- (c) **Reconstruction.** An existing nonconforming structure shall not be reconstructed if damaged or destroyed, by any means, beyond fifty percent (50%) of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Building/Zoning Official determines the estimated cost of reconstruction is less than fifty percent (50%) of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within six (6) months from the date the damage occurred and is diligently pursued to completion.

The Building/Zoning Official may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Building/Zoning Official.

Section 9-4 NONCONFORMING USES

Any otherwise lawful use existing on the effective date of this Ordinance that would not be permitted under the terms of this Ordinance may lawfully continue, subject to the following provisions:

- (a) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.
- (b) **Enlargement. Alteration. Reconstruction.** No structure housing a nonconforming use shall be enlarged, structurally altered, or reconstructed unless the use of the structure is changed to a use which is allowed in the district.
- (c) **Extension/Intensification of Use.** No nonconforming use occupying a structure may be extended to any part(s) of the structure not intended or designed for such use, nor shall such nonconforming use be extended to occupy any land outside such structure. Similarly, no nonconforming use of land shall be intensified, or extended to occupy a greater area of land than was occupied by such use on the effective date of this Ordinance.
- (d) **Relocation.** No nonconforming use shall be moved, in whole or in part unless, upon

relocation, it will conform to all pertinent regulations of the district in which it will be located.

(e) Change of Use. A nonconforming use shall not be changed except to a use that is allowed under the applicable district regulations.

(f) Discontinuance. When a nonconforming use is discontinued for a period of twelve (12) consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

Section 9-5 NONCONFORMITIES UNDER PERMIT AUTHORITY

The regulations of this Article shall not affect the terms - of any permit issued prior to the effective date of this Ordinance or any pertinent amendment thereto provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE 10 - ADMINISTRATION AND ENFORCEMENT

Section 10-1 BUILDING/ZONING OFFICIAL

Except as otherwise provided in this Ordinance, the Building/Zoning Official is hereby given the duty, power and authority to enforce the provision of this Ordinance. The Mayor, with the consent of the City Council, shall appoint the Building/Zoning Official and any other employees as they deem necessary to assist in the enforcement of this Ordinance.

10-1.1 DUTIES:

The Building/Zoning Official is hereby authorized and directed to administer and enforce the provision of the Ordinance. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (a) to review applications and issue permits for zoning compliance, building, signs, permits, and certificates of occupancy or temporary occupancy;
- (b) to review and forward to the Plan Commission all subdivision plats and site plans;
- (c) to inspect land, structures, and uses to determine compliance with this Ordinance, and where there are violations, to initiate appropriate corrective action(s) and/or stop orders;
- (d) to review and forward to the Board of Appeals all applications for variations and appeals to zoning decisions;
- (e) to review and forward to the Plan Commission all applications for zoning amendments, special use permits, planned unit developments, and certificates of appropriateness in the Historic Shopping District;
- (f) to maintain up-to-date records of this Ordinance and related matters including, but not limited to, district maps, subdivision plats and site plans, certificates of occupancy, zoning compliance permits, special use permits, variances, interpretative decision of the board of appeals, and zoning amendments;
- (g) to periodically review the provisions of this Ordinance to determine whether revisions are needed, and to make recommendations on such matters to the City Council and Plan Commission at least once each year
- (h) to prepare for annual publication by the City Clerk, copies of this Ordinance (including the district map) and any amendments thereto (Subsection 3-2.1) ;
- (i) to provide information to the general public on matters related to this Ordinance;
and
- (j) to perform such other duties as the City Council may from time to time prescribe.

Section 10-2 ZONING COMPLIANCE PERMITS

Upon the effective date of this Ordinance, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until a zoning compliance permit has been issued. The Building/Zoning Official shall not issue a zoning compliance permit unless it is determined that the proposed activity conforms to the applicable provisions of this Ordinance and that with an approved building permit, the proposed work may proceed.

10-2.1 APPLICATION:

Every applicant for a zoning compliance permit shall submit to the Building/Zoning Official, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Building/Zoning Official shall decide which items are applicable. (NOTE: Filing fee required.)

Items of Information to be Submitted Include:

- (a) name and address of the applicant;
- (b) name and address of the owner or operator of the proposed lot, structure or use, if different from (a);
- (c) brief, general description/explanation of the proposal;
- (d) location of the proposed lot, use, or structure, and its relationship to adjacent lots, uses or structures;
- (e) area and dimensions of the site for the proposed structure or use;
- (f) existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (g) height and setbacks of the proposed structure;
- (h) number and size of proposed dwelling units, if any;
- (i) location and number of proposed parking/loading spaces and access ways;
- (j) identification and location of all existing or proposed utilities, whether public or private; and/or
- (k) any other pertinent information that the Building/Zoning Official may require.

10-2.2 DURATION OF ZONING COMPLIANCE PERMIT:

The zoning compliance permit shall be valid for one year, or until revoked for failure to abide by a corrective action order. The Building/Zoning Official may renew initial certificates of compliance for successive one-year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

10-2.3 BUILDING PERMITS:

No person shall erect, construct, alter, or repair, or have erected, constructed, altered, or repaired, a building or portion thereof without first having obtained a building permit.

Section 10-3 TEMPORARY CERTIFICATE OF OCCUPANCY

Once the Zoning/Building Official issues a zoning compliance permit stating that the lot(s), use, location, building, or structure complies with the provision of this Ordinance, a temporary certificate of occupancy may be issued. Said temporary certificate of occupancy shall not exceed a period of six (6) months or until revoked for failure to abide by a stop order. The Building/Zoning Official may renew temporary certificates of occupancy for one successive six (6) month period upon written request. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owners or the City relating to the use of occupancy of the premises of any other matter covered by this Ordinance or other Ordinances.

Section 10-4 CERTIFICATE OF OCCUPANCY

No lot or part thereof recorded or developed after the effective date of this Ordinance, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Ordinance shall be used, occupied, or put into operation until a certificate of occupancy has been issued. The Building/Zoning Official shall not issue a certificate of occupancy until he has determined, by inspection, that the work authorized by the zoning compliance permit has been completed in accordance with approved plans. Failure to obtain a certificate of occupancy shall constitute a separate violation of this Ordinance.

Section 10-5 CERTIFICATE OF APPROPRIATENESS

Whenever the Building/Zoning Official reviews applications for alterations, additions, changes, modifications, new construction, restoration, reconstruction, and placement of signs to the exteriors of buildings or structures on property in the Historic Shopping District, the Building/Zoning Official shall notify the applicant that an application for certificate of appropriateness must be submitted. The submitted application received by the Building/Zoning Official shall forward said application to the Chairman of the Plan Commission for review. If the application is approved by the Plan Commission, a certificate of appropriateness shall be issued by the Building/Zoning Official. If the application is not approved and the applicant wishes to pursue the proposal as presented, all application materials and the findings made by the Plan Commission to deny said application shall be forwarded to the City Council for decision (See Section 11-4).

Section 10-6 RELATIONSHIP TO BUILDING PERMITS

The zoning compliance permit for new building or the reconstruction or alteration of an existing building or part thereof shall be applied for coincident with the application for a building permit. A certificate of occupancy shall be issued within five days after the request for same shall have been made in writing to the Building/Zoning Official after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of this Ordinance.

Certificates of appropriateness for any proposed alteration, construction, reconstruction, removal, restoration, or sign placement in the Historic Shopping District shall not be issued by the Building/Zoning Official unless approved by the City Council following recommendation by the Plan Commission after review at a public hearing(s). No zoning compliance or building permits or certificate of occupancy shall be issued by the Building/Zoning Official for any building or structure with the Historic Shopping District unless such applicant furnishes a copy of the approved certificate of appropriateness with said permit.

Section 10-7 RIGHT OF ENTRY

The Building/Zoning Official or any other duly authorized City Official, shall have the right to enter upon any premises at any reasonable time prior to and upon completion of the building or other improvements, for the purposes of making inspections to carry out his duties in the enforcement of this Ordinance.

Section 10-8 CORRECTIVE ACTION ORDERS

Whenever the Building/Zoning Official finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Ordinance, he shall notify the responsible party, and shall order appropriate corrective action.

10-8.1 CONTENTS OF ORDER:

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

- (a) a description of the premises sufficient for identification;
- (b) a statement indicating the nature of the violation;
- (c) a statement of the remedial action necessary to effect compliance;
- (d) the date by which the violation must be corrected;
- (e) a statement that the alleged violator is entitled to a conference with the Building/Zoning Official if he so desires;
- (f) the date by which an appeal of the corrective action order must be filed, and a

statement of the procedure for so filing; and

10-8.2 SERVICE OF ORDER:

A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (a) served upon him personally;
- (b) sent by registered mail to his last known address; or
- (c) posted in a conspicuous place on or about the affected premises.

10-8.3 STOP ORDERS:

Whenever any work is being done in violation of a zoning compliance permit, the corrective action order may state that the violation must cease immediately. (Subsection 10-8.1(d)) In such case, the corrective action order is equivalent to a stop order.

Section 10-9 EMERGENCY MEASURES

Notwithstanding any other provisions of this Ordinance, whenever it is determined that any violation of this Ordinance poses an imminent peril to life or property, the Building/Zoning Official may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

Section 10-10 COMPLAINTS

Whenever any violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the City Clerk. The Building/Zoning Official, as the case may be, shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

Section 10-11 FILING FEES

The schedule of filing fees for the various permits and procedures listed in this Ordinance is set forth below. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the City Clerk. The schedule of fees may be amended from time to time by the City Council. Said fee schedules are to be posted in the City Hall by the City Clerk.

10-11.1 SPECIAL PROCEDURES

The following fees will be assessed for special procedures and permits. Said fees do not include costs for public notice which will be borne by the applicant.

Basic Fee Schedule:

(a)	Zoning Compliance Permit	\$25.00	Fences, accessory buildings, etc.
(b)	Certificate of Occupancy	\$10.00	
(c)	Temp. Certificate of Occupancy	\$10.00	
(d)	Certificate of Appropriateness	\$0.00	Unless submitted at the same time as an application for building permit to cover the same work.
(e)	Special Use Permit	\$75.00	Unless Planned Unit Developments (see Sec. 10-11.1(1) below.
(f)	Zoning Amendments (Rezoning)	\$75.00	
(g)	Variances	\$25.00	
(h)	Appeals	\$25.00	
(i)	Occupancy Inspections	Varies	\$100 single family, \$75 manufactured homes, \$50 each apartment
(j)	Building inspections – electric, plumbing, foundation, framing	\$50.00	Each inspection or reinspections
(k)	PUD - Preliminary Inspection	\$100.00	
(l)	PUD - Final Plat	\$50.00	
(m)	PUD - Improvements Inspection	\$50.00	

10-11.2 BUILDING PERMIT FEES:

In accordance with the International Building Code adopted by reference as the "Building Code" for the City of Lebanon, a building permit is required for any construction of or alteration of a dwelling to any building in the City limits of Lebanon. Alteration of a dwelling occupied by the owner thereof which does not increase the size of the dwelling may qualify for a "no fee" building permit. Building inspections will be required on all building where there are changes in the: foundation of the building, structure of the building, the plumbing system or the electrical system.

Fees and Costs.

(a) No building permit shall be issued until the fee prescribed in this section has been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure has been paid.

(b) The City Council shall develop fee schedules for residential, commercial and industrial permits. Fee schedules will be updated as required.

10-11.3 ADDITIONAL FEES:

The following inspection fees shall be charged when an inspection is required or requested:

- (a) \$50 for each Inspection. All fees will be collected before the Final Inspection is completed.
- (b) Inspection fees will be collected for each unit inspected. A single family housing unit would be counted as one (1) unit, a duplex or villa would be counted as two (2) units, apartment complexes would be counted as one (1) unit per apartment.
- (c) Fees and charges for service line add-ons and extensions:
 - 1. Meter Deposit – water and sewer \$ 80.00 Each Unit
 - 2. Water Tap-on (3/4) \$2000.00 Each Connection
 - 3. Sewer Tap-on \$2000.00 Each Connection

The Building/Zoning Official is authorized to make such additional fees or changes as are deemed correct, and to make additional fees or charges in proportion to the labor required for the furnishing of service to tunnel under pavement and/or extend a line or through any part of any public street or alley not having a water or sewer line located therein, at the actual cost incurred by the City per foot, for each foot of service line to reach the consumer's property line.

- (d) Extension of permit beyond the six (6) month commencement \$5.00/extension.
- (e) Providing a duplicate permit -- \$2.00/permit.
- (f) Signs -- \$15.00 permits.

Section 10-12 PENALTIES

A violation by any person, corporation, or other entity, whether as principal, agent, employee, or otherwise, of any provision of this Ordinance, shall be a misdemeanor and shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), plus costs. Each day of a continued violation shall constitute a separate offense. If more than one provision is violated, each provision violated shall be considered a separate misdemeanor, and each offense shall be punishable to the maximum extent specified herein. Nothing stated in this section shall limit any other right or remedy of the City or other person in interest, including the right to obtain an injunction from a court of competent jurisdiction.

ARTICLE 11 - SPECIAL PERMITS AND PROCEDURES

Section 11-1 PLAN COMMISSION

The City of Lebanon Plan Commission is created for the preparation of a comprehensive city plan for the (City Ordinance No. 437, Section 1, 12-27-65) guidance, direction, and control of growth and development or redevelopment of the City and contiguous territory not more than one and one-half (1-1/2) miles beyond the corporate limits. As zoning matters relate to these responsibilities, it is hereby established that, the Plan Commission in addition to its other duties is best able to evaluate and make recommendations to the City Council concerning zoning map amendments, certificates of appropriateness, and special use applications (including planned unit developments) for the City.

Section 11-2 SPECIAL USE PERMITS

This Ordinance divides the City into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Because of their unique, special, and unusual impacts upon the use and enjoyment of neighboring property, planned unit development projects in the City shall also be approved by special use permit. Such "special uses" require careful case-by-case review, and may be allowed only by permission of the City Council following recommendation by the Plan Commission.

11-2.1 APPLICATION:

Every applicant for a special use permit shall submit to the Building/Zoning Official, in narrative and/or graphic form, the items of information enumerated below. The Building/Zoning Official shall prepare an advisory report on every request for a special use permit. He shall promptly transmit the completed application and his advisory report to the City Clerk to forward to the Chairman and other members of the Plan Commission. (NOTE: Filing fee required. Section 10-11.1)

Items of Information to be Submitted Include:

- (a) name and address of the applicant;
- (b) name and address of the owner or operator of the proposed structure or use, if different from (a);
- (c) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (d) location of the proposed use or structure, and its relationship to existing uses or structures on adjacent lots;
- (e) area and dimensions of the site for the proposed structure or uses; (f) existing topography of the site and proposed finished grade;

- (g) existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (h) height and setbacks of the proposed structure;
- (i) number and size of proposed dwelling units, if any;
- (j) number and location of proposed parking/loading spaces and access ways;
- (k) identification and location of all existing or proposed utilities, whether public or private; and/or
- (l) any other pertinent information that the Building/Zoning Official may require.

11-2.2 PUBLIC HEARING, NOTICE:

The Plan Commission shall hold a public hearing on every special use permit application at their next regularly scheduled meeting or within a reasonable time after said application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special use shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to the applicant and to all parties whose property would be directly affected by the proposed special use; and
- (b) by publication in a newspaper of general circulation within the City.

11-2.3 ADVISORY REPORT, FACTORS CONSIDERED:

After the public hearing, the Plan Commission shall submit within sixty (60) days an advisory report to the Council. In deciding what their advice should be, the Plan Commission shall consider the following factors:

- (a) whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
- (b) whether the proposed special use is consistent with the City's Community Development Plan;
- (c) the effect the proposed special use would have on the value of neighboring property and on the City's overall tax base;
- (d) the effect the proposed special use would have on public utilities and on traffic circulation on nearby streets; and

(e) whether there are any facilities near the proposed special use (such as schools, homes for the elderly) that require special protection.

11-2.4 ACTION BY COUNCIL:

The Council shall act on every request for a special use permit at their next regularly scheduled meeting following submission of the Plan Commission's advisory report. Without further public hearing, the Council may approve or disapprove a special use permit by an ordinance passed by simple majority vote of all members then holding office. In a separate statement accompanying any such ordinance, the Council shall state their finding of fact, and indicate their reasons for approving (with or without conditions) or denying the request for a special use permit.

Section 11-3 ZONING MAP AND TEXT AMENDMENTS

The City Council may amend this Ordinance in accordance with State law (65 ILCS, 5/11-13-14) and the provisions of this section. Proposed alterations of zone district boundaries are map amendments and proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed text amendments. Amendments may be proposed by the City Council, the Building/Zoning Official, the Board of Zoning Appeals, the Plan Commission, or any party in interest. Because map and text amendments directly relate to planning and require an analysis of whether the proposal fits the aims of the Community Development Plan, the Plan Commission, as authorized by the City Council will evaluate and make recommendations to the City Council concerning any proposed amendments.

11-3.1 FILING:

Every proposal to amend this Ordinance shall be filed with the Building/Zoning Official on a prescribed form. (Every amendment proposal shall also be filed with the Soil and Water Conservation District as per 70 ILCS, 405/22.02a.). The Building/Zoning Official shall promptly transmit said proposal, together with any comments or recommendation he may wish to make, to the Plan Commission for a public hearing. (NOTE: Filing fee required. Section 10-11.1).

11-3.2 PUBLIC HEARING, NOTICE:

The Plan Commission shall hold a public hearing on every amendment proposal within sixty (60) days after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to all parties whose property would be directly affected by the proposed amendment; and
- (b) by publication in a newspaper of general circulation within the City.

11-3.3 ADVISORY REPORT, FINDINGS OF FACT:

After the public hearing, the Plan Commission shall submit within sixty (60) days their advisory report to the City Council. The report shall state the Plan Commission's recommendations regarding adoption of the proposed amendment, and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Plan Commission shall include in their advisory report findings of fact concerning each of the following matters:

- (a) existing use and zoning of the property in question;
- (b) existing use and zoning of other lots in the vicinity of the property in question;
- (c) suitability of the property in question for uses already permitted under existing regulations;
- (d) suitability of the property in question for the proposed use;
- (e) the trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned; and
- (f) the effect the proposed map amendment would have on implementation of the City's Community Development Plan.

11-3.4 ACTION BY CITY COUNCIL:

The City Council shall act on every proposed amendment at their next regularly scheduled meeting following submission of the Plan Commission's advisory report. Without further public hearing, the City Council may pass any proposed amendment or may refer it back to the Plan Commission for further consideration, by simple majority vote of all the members then holding office.

EXCEPTION: The favorable vote of at least two-thirds of all the members of the City Council is required to pass an amendment to this Ordinance when the proposed amendment is opposed, in writing, by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across the alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered. (65 ILCS, 5/11-13-14.)

Section 11-4 CERTIFICATE OF APPROPRIATENESS

This Ordinance creates Historic Shopping District zone out of the commercial buildings and structures downtown or in the central business district of Lebanon that are currently listed on the National Register of Historic Places. Long recognized as the business, cultural, and social center of the community, the pattern of architectural structures and

style in the Historic Shopping District captures a remnant of the community's heritage and traditions deserving of special protection.

This Ordinance seeks to protect inherent commercial and entrepreneurial opportunities through a complementary mix of permitted uses. At the same time, special consideration is given to observe the unique historical physical attributes and national recognition of the district. Greater attention and protection for the physical qualities and characteristics demands a municipal procedure, stated herein, to review and mitigate any adverse impacts from future development and alterations in design, materials, texture, color, and other physical features upon the existing structures and buildings. Through a certificate of appropriateness procedure, such concerns will be addressed requiring careful review of any proposed alteration, construction, reconstruction, removal, or restoration in the Historic Shopping District for conformance to established guidelines in order to protect this community asset for the public health, safety, and welfare of the City of Lebanon.

This Ordinance empowers the City Council to select a historic architectural committee within the Plan Commission to review proposed projects within the district in accord with the following procedures.

11-4.1 APPLICATION:

All applications for a certificate of Appropriateness shall be made to the office of the City Clerk on forms to be provided by the City Clerk's office. Each application shall be accompanied by detailed drawings, sketches, plans, specifications, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes, or new construction as are reasonably required by the Building/Zoning Official and Plan Commission to make informed decisions.

All applications for a Certificate of Appropriateness are to be reviewed and voted on by the Plan Commission (see 11-4.2). If the Plan Commission does not vote unanimously in support of the granting of a Certificate of Appropriateness, the Plan Commission shall take one of two possible actions:

(a) to recommend alteration of the plan to comply more closely with the Historic District requirements, in which case the applicant may work with the Plan Commission to develop an acceptable plan; (b) to disapprove of the project altogether because it appears that it would have a significant adverse impact on the Historic District

11-4.2 PUBLIC HEARING, NOTICE:

The Plan Commission shall hold a public hearing on every request for a Certificate of Appropriateness. The public hearing must be held within sixty (60) days after the application has been submitted to the City Clerk's Office. At such hearing, the interested party may appear and testify, either in person or by a duly authorized agent of attorney. Notice indicating the time, date and place of the hearing and the nature of the proposed project shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing to a newspaper of general circulation in the City of Lebanon.

Notice of such hearing shall be given to the applicant, the Building/Zoning Official and the aldermen representing the Historic District. The Chairman of the Plan Commission shall conduct all hearings and all interested persons shall be given the opportunity to be heard, in person, by counsel or by correspondence. The Plan Commission shall make

such records or notes of the hearing as the Chairman shall deem sufficient.

Applicant shall pay all costs associated with the publication of the notice of the hearing. Payment shall be made directly to the newspaper and must be paid prior to the hearing. Failure to pay prior to the hearing may result in the delay of hearing.

All recommendations for approval of a Certificate of Appropriateness must have final approval of the City Council.

11-4.3 ACTION ON APPLICATION:

After hearing testimony, the Plan Commission shall make a determination as to whether it finds that all or any part of the area described in the hearing notice meets the criteria of the Historic Shopping District. If the Plan Commission approves the proposal, the Building/Zoning Official shall issue a certificate of appropriateness to the applicant subject to the provisions of this Ordinance.

In case of disapproval of the erection, reconstruction, alteration or demolition of a building or structure, the Commission shall briefly state its reasons therefor in writing and it may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, material, color, location or other historical elements of appearance of the building or structure involved. In cases of disapproval accompanied by recommendations, the applicant may again be heard before the Commission if, within ninety (90) days, he amends his application to conform with the recommendations. The Commission shall not again hear the subject matter of any application which has been denied for a period of one (1) year, except in cases where an application appears within ninety (90) days with amended application, as provided above. In cases of disapproval and the applicant wishes to pursue the proposal as originally presented, the applicant may choose to have the City Council review the proposal. The City Council shall review the application and reasons stated by the Plan Commission for denial. Based on its review, the City Council may overrule or affirm in favor of the Plan Commission's reasons for not approving issuance of certificate of appropriateness. If overruled the City Council shall instruct the Building/Zoning Official to issue the certificate of appropriateness.

Section 11-5 ZONING BOARD OF APPEALS

The Lebanon Zoning Board of Appeals is hereby established in accordance with Illinois law. (65 ILCS, 5/11-13-3.).

11-5.1 MEMBERSHIP, APPOINTMENT, COMPENSATION:

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

time by the City Council.

11-5.2 TERM OF OFFICE, VACANCIES:

Each member of the Zoning Board of Appeals which was established pursuant to the "City of Lebanon Zoning Ordinance" shall be entitled to serve on the Zoning Board of Appeals established by this Section 11-5 until the date his term of office would have expired if said 1974 Zoning Ordinance had remained in effect. Any person appointed to the Zoning Board of Appeals on or after the effective date of this Ordinance shall hold office for five (5) years from the date of his appointment, and until his successor has been selected and qualified.

With the advice and consent of the City Council, the Mayor may remove any member of the Zoning Board of Appeals for cause, after a public hearing. Vacancies on the Zoning Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

Section 11-6 APPEALS

Any person aggrieved by any decision or order of the Building/Zoning Official in any matter related to the interpretation or enforcement of any provision of this Ordinance may appeal to the Zoning Board of Appeals.

11-6.1 FILING, RECORD TRANSMITTAL:

Every appeal shall be made within forty-five (45) days of the matter complained of by filing with the Building/Zoning Official and the Zoning Board of Appeals a written notice specifying the grounds for appeal. (Every appeal shall be filed with the Soil and Water Conservation District as per State law (70 ILCS, 405/22.02a).) Not more than five (5) working days after the notice of appeal has been filed, the Building/Zoning Official shall transmit to the Board of Appeals all records pertinent to the case. (NOTE: Filing fee required.)

11-6.2 STAY OF FURTHER PROCEEDINGS:

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

11-6.3 PUBLIC HEARING, NOTICE:

The Zoning Board of Appeals shall hold a public hearing on every appeal within sixty (60) days after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and briefly describing the issue to be decided shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to all parties directly affected by the appeal; and
- (b) by publication in a newspaper of general circulation within the City.

11-6.4 DECISION BY BOARD OF APPEALS:

The Zoning Board of Appeals shall render a decision on the appeal within sixty (60) days after the hearing. The Board may reverse or reaffirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing, the Zoning Board of Appeals has all the powers of the Building/Zoning Official.

Section 11-7 VARIATIONS

Variations (65 ILCS, 5/11-13-5) to the Zoning Ordinance shall be permitted by the Zoning Board of Appeals, in accord with this section, only when they are in harmony with the general purpose and intent of this Ordinance and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letters of these regulations relating to the use, construction, or alteration, of buildings or structures or the use of land subject to the power of the City Council to prohibit, in whole or in part, the granting of variations in respect to the classification, regulation and restriction of the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.

Every application for variation shall be filed with the Building/Zoning Official (as the case may be) on a prescribed form. (Every application for variation shall also be filed with the Soil and Water Conservation District as per State law (70 ILCS, 405/22.02a).) The Building/Zoning Official shall promptly transmit said application, together with any advice he might wish to offer, to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Board to make an informed decision, and shall include, at a minimum, the following: (NOTE: Filing fee required.)

- (a) name and address of the applicant;
- (b) brief description/explanation of the requested variance;
- (c) location of the lot, structure or use for which the variance is sought;
- (d) relationship of said lot/structure/use to adjacent lots or to existing structures/uses on adjacent lots;
- (e) specific section(s) of this Ordinance containing the regulations which, if strictly applied, would cause a serious problem; and
- (f) any other pertinent information that the Building/Zoning Official may require.

11-7.2 PUBLIC HEARING, NOTICE:

The Zoning Board of Appeals shall hold a public hearing on each variation request- within sixty (60) days after the application for a variation is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

- (a) by first class mail to the applicant and to all parties whose property would be directly affected by the proposed variance; and
- (b) by publication in a newspaper of general circulation within the City.

11-7.3 STANDARDS FOR VARIATIONS:

The Zoning Board of Appeals shall not grant a variation unless, it is in harmony with the general purpose and intent of this Ordinance and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of these regulations relating to the use, construction, or alteration of buildings or structures or the use of land. In its consideration of standards of practical difficulties or particular hardship to the applicant, the Zoning Board of Appeals shall require evidence that:

- (a) the property in question cannot yield a reasonable return on the property if permitted to be used under the conditions allowed by the regulations in that zone;
- (b) the plight of the applicant is due to unique circumstances; and
- (c) the variation, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of the Community Development Plan.

11-7.4 TERMS OF RELIEF, FINDINGS OF FACT:

The Zoning Board of Appeals shall render a decision on every request for variation within sixty (60) days after the public hearing. In accordance with State law (65 ILCS, 5/11-13-11), the Zoning Board of Appeals shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board's reasons for granting or denying the requested variation.