

## ARTICLE 7

### SUPPLEMENTARY USE RESTRICTIONS

#### **Section 7-1 PURPOSE**

This article is intended to establish and outline the additional restrictions and guidelines certain uses must comply with. These additional requirements are to allow the full utilization of a property while ensuring that the use in question does not interfere with or impose upon the adjoining properties.

#### **Section 7-2 HOME OCCUPATIONS**

A home occupation is an accessory use by the occupant(s) of a dwelling unit in which goods are produced or traded, or services are rendered as an economic enterprise. Such use shall be clearly incidental or subordinate to the residential use of a dwelling. Home Occupations do not include garage or yard sales. Those Home Occupations which have a steady and recurring flow of customers who come to the residence at scheduled or anticipated times shall be required to obtain a Special Use Permit. Those Home Occupations who make their goods or services available to members of the general public that stop or visit unannounced shall also be required to obtain a Special Use Permit. All Home Occupations not requiring a Special Use Permit should obtain a Certificate of Zoning Compliance. This will allow the City to verify that the Home Occupation is in compliance with the City's ordinances, and will protect the operator from unjust complaints.

All Home Occupations shall comply with the following guidelines:

A) Area of Use: Home Occupations shall be entirely contained within the interior of the residence, garage, or an accessory structure on the site. No visible evidence of the business shall be apparent from the street or surrounding area, except for the permitted signage.

The Home Occupation shall not occupy such a percentage of the total dwelling unit floor area that the interior character of the residence is substantially changed. Those Home Occupations which require occasional meetings occupying a majority of the total floor area may be permitted, providing such meetings do not disrupt the character of the neighborhood.

B) Employees: The Home Occupation shall be conducted by family members residing on the premises with no assistance from other individuals or groups.

C) Traffic and Parking: No parking in the public right-of-way shall occur as a result of this Home Occupation except for occasional meetings. If parking for a Home Occupation frequently causes a disturbance to the normal traffic flow of the neighborhood, the occupation shall be considered a business best handled in a business district. Any Home Occupation that is found to be disruptive to the traffic flow of the neighborhood shall be required to discontinue the Home Occupation, as it violates the intentions of the Zoning Ordinance.

D) Changes to Exterior: The appearance of a dwelling as a residence shall not be altered to the extent that attention is drawn to the structure as a commercial or business operation. Alterations to the building, parking area, or any other exterior change should not cause the structure to change its residential character nor should it detract from the residential character of the neighborhood.

E) Nuisance Control: A Home Occupation shall not create excessive noise, dust or dirt, heat, smoke, odors, vibration, glare or bright lighting, which would be over and above that created by a residential dwelling. The production, dumping, or storage of combustible or toxic substances shall not be permitted on site. Additionally, a Home Occupation shall not create interference or fluctuations of radio or television transmissions.

F) Visitation: A Home Occupation may attract patrons, students, or any business related individuals only between the hours of 6 a.m. and 9 p.m. The parking standards in Article 6 shall apply to the Home Occupation. No Home Occupation shall receive customers or visitors at times or in a manner that will disrupt or alter the character of the neighborhood. The number of customers or visitors shall not be of a magnitude that it will have a profound effect on the neighboring streets or properties.

### **Section 7-3 DAY CARE CENTERS**

All day care centers operating within the City shall be licensed by the State of Illinois. Prior to beginning operation, documentation shall be provided verifying the operation complies with all fire and safety guidelines.

#### **Section 7-3.1 Day Family Care Home**

Any day care center operated out of a home shall be considered a Home Occupation. Because of the consistent and recurring traffic that is generated, a day care center operated out of a home is required to obtain a Special Use Permit. For a permit to be issued, the day care center will have to comply with the following restrictions:

1. The applicant shall possess a valid license from the State of Illinois and any other local, state or federal licenses as required by law.
2. The applicant shall install the minimum number of smoke detectors as specified by local, state and federal regulations and will have cleared all orders issued by the Office of the State Fire Marshal.
3. All exterior playground equipment shall be kept in good repair and free of hazards. All playground equipment shall be located in the rear yard.
4. Noise levels shall not consistently reach a level where they may be considered a public nuisance.
5. When deemed necessary for the health and safety of the individuals, the City may require fencing or screening of the outdoor play areas. Fences must extend from the ground to a minimum height of four feet.
6. Any sign installed for the day care center shall comply with the sign regulations for Home Occupations.

(Ord 20-04)

**Section 7-4 FENCES, WALLS AND HEDGES**

For this section, the word fence shall be synonymous with walls, hedges, landscaping, and any other type of improvement.

Fences, walls, and hedges used for any purpose shall in all districts conform to the following:

- A) For the purpose of minimizing traffic hazards at street intersections, the triangular portion of corner lots that is bounded by the street lines and a line joining the two street lines at points on the street lines which are thirty feet from the point of intersection, shall be considered a restricted area. No fence, wall, vegetative planting or other type of obstruction shall intrude into the air space of the restricted area between two and ten feet above the level of the adjacent street.
- B) No fence, retaining wall, landscaping, or other type of improvement shall be constructed or placed within any public street or alley right-of-way unless approved by the City Council. In the event it becomes necessary for the City to remove such improvement for maintenance or other purpose, the removal and/or replacement of such improvements shall be the responsibility of the property owner. Any costs incurred by the City in removing any improvement in a public right-of-way shall be assessed to and paid by the owner of the property.
- C) Improvements shall be so constructed that drainage is not obstructed.
- D) Fences shall be maintained to be free of overgrowth from weeds and other vegetation. All fences shall be maintained to protect the structural integrity of the fence, and shall be removed by order of the Administrator if the fence is not properly maintained. Any fences or hedges installed as screening which is required by this ordinance shall be maintained to provide adequate and continuous screening.
- E) No permitted fence may be constructed in a district, on a lot, when the principal structure for that district does not exist on that lot. (Ord 20-04)

**7-4.1 Fences in Residential Districts:**

In addition to complying with the above requirements, any fence which is constructed in a residential district shall adhere to the following restrictions:

- A) No barbed wire or other sharp-pointed fence and no electrically charged fence shall be erected or maintained;
- B) Fences, walls and hedges shall not exceed a maximum height of six feet and may be located up to lot lines provided that the height of fences, walls, and hedges does not exceed four feet when they extend beyond the front building line of a structure;
- C) Fences must be constructed of exterior fencing materials as approved by the Administrator. Only materials which are compatible with the character of the neighborhood will be allowed.

#### **7-4.2 Fences in Non-residential Districts:**

All fences constructed in a non-residential district must comply with the restrictions stated for all fences and with the guidelines listed below:

A) Fences, walls, and hedges in the BD, B-1, B-2, and B-3 districts shall not exceed a maximum height of eight feet and may be located up to lot lines provided that the height of fences, walls and hedges does not exceed four feet when they extend beyond the front building line of a structure. Fences in the I district shall not exceed a maximum height of twelve feet and may be located up to the lot lines. The height restriction of any fence which extends beyond the front building line does not apply to fences constructed in the I district.

B) Barbed wire or other sharp-pointed fence and electrically charged fences are only permitted in the A district. Fences located in the I district may install barbed wire on fences exceeding eight feet in height, provided the owner has supplied documentation justifying the need to the Administrator. Barbed wire will only be permitted if the Administrator determines that there is a justified need for it. Otherwise, it is strictly prohibited.

C) Fences must be constructed of exterior fencing materials as approved by the Administrator. Only materials which are compatible with the character of the area will be allowed.

#### **Section 7-5 LIGHTING CONTROLS WITHIN ANY DISTRICT**

Any light used for the illumination of signs, parking areas, swimming pools, or for any other general purpose, shall be arranged in such a manner as to direct the light away from neighboring properties, and away from the vision of passing motorist. The lighting of any premises shall not affect or disturb the adjacent properties.

#### **Section 7-6 SWIMMING POOLS**

Pools used for swimming or bathing shall be in conformity with the requirements given below. However, the following regulations shall not be applicable to any pool less than twenty-four inches deep.

A) A wall of a private swimming pool shall not be located less than six feet from any rear or side property line or ten feet from a side lot line abutting a street or ten feet from any principal structure. A swimming pool shall not be located in any front yard.

#### **Section 7-7 GREENHOUSES & PLANT NURSERIES**

In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

A) No exterior storage of any fertilizer, compost, manure or other odor or dust producing substance shall be permitted within fifty feet of any other property line;

B) Greenhouse heating plants shall be in an enclosed building and shall not be less than fifty feet from any property line;

C) Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties.

**Section 7-8 HOSPITALS AND SANITARIUMS**

Hospitals and sanitariums shall be considered a special use in any district where they are considered a compatible use. A Special Use Permit would be required for each hospital and sanitarium.

**Section 7-9 NURSING HOMES/CONVALESCENCE HOMES**

In any district where nursing homes/convalescence homes are considered a compatible use, these uses shall be required to obtain a Special Use Permit.

**Section 7-10 USED CAR LOTS**

No residence shall be allowed to park or display cars that are for sale which are visible from the public right of way. The only exception shall be if the car which is for sale is parked in the off-street parking required by this ordinance. No business shall allow cars that are for sale to be displayed on their lot unless that is the principal function of the property. Businesses allowing employees, customers, or the general public to display cars for sale on a recurring basis shall be subject to fines and other penalties.

**Section 7-11 KENNELS**

Any kennel which is operated within the City shall be situated on a lot with a minimum area of three acres. The kennel shall be located at least two-hundred feet from the nearest dwelling and at least one-hundred feet from any lot line. All kennels within the city shall be established and operated in accordance with City Code Section 91.65 - 91.99.

**Section 7-12 RECREATIONAL VEHICLES**

**7-12.1 General Restrictions:**

The following restrictions apply to all recreational vehicles, regardless of what district it is located in:

1. No recreational vehicle shall be used as a permanent dwelling.
2. No recreational vehicle shall be used as an office or for any other commercial purpose.
3. All travel trailers shall conform to and not exceed regulations for height and weight restrictions when in use within City boundaries. No vehicle shall be parked or stored in a manner which inhibits or impedes travel on City thoroughways.
4. Storage or parking of travel trailers and recreational vehicles must not violate any existing City fire codes.
5. All recreational vehicle parks developed for the parking of RV's which are in use shall be developed according to the applicable requirements of the Mobile Home Park Ordinance as determined by the Administrator.

**7-12.2 Storage of Recreational Vehicles and Utility Trailers in Residential Districts:**

Any recreational vehicle or utility trailer stored in a residential district shall comply with the following guidelines:

1. Not more than one recreational vehicle or utility trailer shall be parked on any lot.
2. The parking of a recreational vehicle or utility trailer is allowed in the rear yard only.
3. The parking of a recreational vehicle or utility trailer shall comply with the yard requirements for accessory buildings of the district in which it is located.
4. The parking of a recreational vehicle or utility trailer shall not impede the light or air of a neighboring structure. (Ord. 01-8)

**Section 7-13 SANITARY LANDFILLS**

Any person who intends to establish or conduct a Sanitary Landfill within the zoning jurisdiction of this municipality shall obtain a permit from the Illinois Environmental Protection Agency indicating that the Sanitary Landfill fully complies with the "Solid Waste Rules and Regulations" promulgated by the IEPA pursuant to the authority granted by State law.

**Section 7-14 SCHOOLS**

Any school established with the intention of educating kindergarten, elementary, junior-high, or senior-high school-aged children shall be considered a special use for any district in which it is determined to be a compatible use. Such schools will be required to obtain a Special Use Permit and must conform to the Regional Superintendent of Schools regulations.

Any school or temporary classroom established with the intention of offering educational classes for adults, specific trade-type classes, or similar type classes are permitted in the business districts provided they are approved by the Administrator. Any such educational facility must be compatible with the intended use of the district in which it is located, and must comply with the regulations of that district.

**Section 7-15 AUTO REPAIR/SERVICE STATIONS, AUTO BODY SHOPS**

This section is to clarify the distinction between automobile repair and service station and automobile body shops.

**7-15.1 Auto Repair/Service Stations:**

Establishments which sell and install the parts needed to make minor repairs to automobiles, as defined below, will be considered an auto repair/service station. Such establishments are permitted in the B-2, B-3, and I districts. Generally these stations contain the equipment to make the needed repairs in an enclosed facility. Repairs and services permitted by these establishments are limited to general maintenance and repairs such as:

Minor automotive repairs

- A) Servicing of spark plugs, batteries, and distributor parts
- B) Tire servicing and repairs
- C) Replacement and repairs of exhaust systems, hoses, belts, brakes, electric systems, wipers and wiper fluid, grease retainers, bearings and the like
- D) Radiator cleaning and flushing
- E) Repair or replacement of the fuel pump, oil pump and lines

F) Minor motor adjustment not involving the removal of the head or crankcase, or racing the motor.

Any repairs or maintenance which is similar to those listed above, or is considered to be part of the regular and routine maintenance of a car are permitted. Activities that are prohibited by auto repair/service stations are: trailer renting and leasing, auto body repair, undercoating, painting, dismantling of autos, engine rebuilding and other such activities.

#### **7-15.2 Auto Body Shops:**

Establishments which engage in auto body repair, rebuilding of engines, and other items considered major repairs, as defined below, are only permitted in the B-3 and I districts. Any repairs made in such establishment shall be done in an enclosed building whose doors shall be kept shut during all work hours. Such building shall be located at least forty feet from the nearest property line with the doors not to face any residentially zoned lot. Repairs permitted by these establishments include the following:

##### Major automobile repairs

- A) Body, fender, clutch, transmission, differential, axle, spring and frame repairs
- B) Sanding and spray painting
- C) Major overhauling of engines requiring the removal of the cylinder-head or crankcase pan.

#### **7-15.3 Parking Requirements:**

All auto repair/service stations and auto body shops shall comply with these parking requirements.

A) There shall be no parking of damaged motor vehicles where they are visible from the public right-of-way except on a temporary basis not to exceed seven days. All new parts, scrap parts, and junk vehicles shall not be kept on the exterior of the establishment unless in a heavily screened area. No establishment shall have more than three junk vehicles on its premises.

B) Off-street parking shall be provided on the site at a ratio of one parking space for each three-thousand square feet of floor area plus employee parking.

#### **7-16 GAS STATIONS**

Any establishment which sells gasoline, kerosene, diesel or any other petroleum product, excluding commercial establishments selling bottled or canned items, shall comply with the following guidelines. Gas stations may or may not coincide with service stations.

A) All gasoline pumps and other service facilities shall be located at least twenty-five feet from any street right-of-way line, side lot line, or rear lot line.

B) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

C) Whenever an establishment has discontinued the sale of gasoline and/or other petroleum products for twelve consecutive months, the City shall order that all underground storage tanks be removed per State statute.

**Section 7-17 DRIVE-IN THEATERS**

All drive-in theaters shall be considered a special use for any district in which it is considered a compatible use. A Special Use Permit is required for any drive-in theater.

**Section 7-18 TRUCKS, TRAILERS, EQUIPMENT, AND MATERIAL**

No trucks with a net legal carrying capacity exceeding one and one-half tons, truck trailers, tractors weighing more than one-thousand pounds, farming equipment or machinery, and construction equipment, machinery or materials shall be parked or stored upon any lot or tract of land in a residential district unless within an enclosed lawful structure. An exception is granted to such vehicles equipment, machinery and materials that are in temporary usage to actively accomplish permitted work and other similar activities. In such case they shall, upon completion of said activity, be removed from the lot or tract of land, or placed in an enclosed structure thereon.

**Section 7-19 MODULAR HOMES, MANUFACTURED HOMES**

**7-19.1 Modular Homes:**

Modular homes are permitted within the municipality but are regulated by the following guidelines:

A) Modular homes are an allowable use in the R-1, R-2 and MR-3 districts. Any modular home which is placed on a lot in either of these districts must meet all the regulations given for the district.

B) Only State-approved modular homes will be permitted in these districts. To meet the State requirements, the unit must comply with the CABO One and Two Family Dwelling Code, the Illinois State Plumbing Code, the National Electric Code, and the ASHRAE Energy Standard. If the unit does comply with these codes, a yellow State of Illinois sticker is placed by the manufacturer on either the electrical box or underneath the kitchen sink.

C) Any modular home that is manufactured at a factory without the installation of the utilities such as plumbing, electrical and heating systems are subject to the same local regulations as a site-built house.

A list of companies who construct modular homes that meet the requirements stated in item (B) is available from the Administrator. This list is prepared and distributed by the Illinois Department of Public Health.

**7-19.2 Manufactured Homes:**

Manufactured homes are only permitted in the MH district. Any pre-constructed dwelling unit which contains the red HUD approved label shall be considered a Manufactured home. The

placement of any such home within this city shall comply with the regulations and guidelines established for the MH district.

Differences in construction between Modular Homes and Manufactured Homes:

	<b>MODULAR HOME</b>	<b>MANUFACTURED HOME</b>
Foundation	A permanent perimeter foundation extending below the frost line.	Home generally supported by concrete blocks located underneath the I-beams. Required to be tied down to prevent possible personal or property damage.
Entrance Door	Minimum 6 feet 8 inches by 3 feet	A minimum 6 feet 2 inches by 2 feet 8 inch
Hallways	Minimum width of 36 inches	Minimum width of 28 inches
Plumbing System	1. Drainage system vented to the outside atmosphere. 2. A back flow protection device for all hose faucets	Allows “quick vents” which obtain their air from within the house.
Roofs	Units designed for a minimum load of 30 pounds per square foot	Units designed for a 20 pounds per square foot load
Type of Label	Yellow, State of Illinois sticker	Red, HUD approved sticker

**Section 7-20 UTILITY FACILITIES**

Every electrical substation, gas regulator station, telephone exchange facility, sewage lift station, water storage facility, or similar facility shall be deemed a special use. However, any such facility which is owned and operated by the City of Wood River shall be exempted from the required Special Use Permit if it has been approved by the City Council. Any facility requiring a Special Use Permit shall conform to the following guidelines:

- A) Every lot on which such facility is situated shall meet the minimum area and dimensions requirements of the district in which it is located. Every part of any such facility shall be located at least twenty-five feet from all lot lines, or shall meet the district setback requirements, whichever is greater.
- B) In any residential district, every such facility shall be designed, constructed, and operated so that it is compatible with the residential character of the area.
- C) Screening at least ten feet in height and of sufficient density to block the view from adjacent property shall be installed around every such facility and a secure fence eight feet in height be installed behind the planting screen.

**7-20.1 Regulation of Telecommunication Facilities:** (Ord. 97-14)

Telecommunication towers, antennas, and all other facilities associated with this type of use will be regulated by the requirements contained within this subsection.

A) For this subsection, the following terms and phrases shall be defined as given below:

Telecommunication Facility: An unmanned facility consisting of an equipment building, shelter or cabinet, accessory equipment and an existing or new structure to support communications including, but not limited to paging, enhanced specialized mobile radio (ESMR), personal communication services (PCS), domestic public radio telecommunications services and similar technologies.

Co-use: The location of two or more telecommunication antennas and other telecommunication devices at a single, pre-existing telecommunication facility.

Freestanding: A telecommunication facility that consists of a stand alone support structure (typically a guyed-tower, self-supporting tower or a monopole), antennas and associated equipment storage shelter.

Stealth: A telecommunication facility that incorporates antennas and other telecommunication devices upon existing buildings and/or structures, does not extend more than twenty feet above the maximum existing structure height, and are appropriately painted and screened so as to harmonize with the existing building and/or structure.

B) Telecommunication facilities will be classified into the use groups for the districts given below:

- 1) Telecommunication facility, co-use - Permitted by right in B-2, B-3, I, BPE, CR, and A districts.
- 2) Telecommunication facility, freestanding - Permitted by Special Use in B-2, B-3, I, A, BPE, and CR districts. The facilities are strictly prohibited from all other zoning districts.
- 3) Telecommunication facility, stealth - Permitted by right in B-2, B-3, I, A, BPE, and CR districts. Permitted by Special Use in B-1 and BD districts.

C) Additional Standards and Regulations

The following additional standards and regulations shall be applied to all telecommunication facilities:

- 1) All new telecommunication facilities greater than eighty feet in height shall be constructed of sufficient strength to accommodate the co-use of at least three providers.
- 2) Co-use is preferred and shall be encouraged by the City. Therefore no two telecommunication facilities requiring a special use permit shall be allowed within one-half mile of each other, unless the applicant provides documentation that a

co-use or a stealth facility is not possible. The City reserves the right, at the expense of the applicant, to hire an independent consulting engineer to verify any findings alleging that a co-use facility is not possible.

3) Applicants for a telecommunication facility must supply the Administrator with five copies of the site plan. These will be distributed to the appropriate departments and agencies for their review. Public safety co-use shall be provided at no costs on the tower or on the ground.

4) The applicant for the telecommunication facility shall be required to notify the Administrator in their application of those entities contracted for co-use of the facility. Furthermore, any entity contacted for co-use after issuance of the special use permit shall be reported to the Administrator for his records. The applicant shall report to the Administrator any written requests received for co-use of space and the special use permit. Failure to do so within ninety days of said written request shall automatically void the special use permit.

5) Any telecommunication facility that is no longer in use for a communication purpose permitted under this ordinance shall be removed at the owner's expense. All obsolete and abandoned telecommunication facilities shall be removed within one year of cessation of use.

#### **Section 7-21 SEDIMENTATION CONTROL AND STORM WATER RUN-OFF**

This section shall apply to all new development and any redevelopment that occurs within the jurisdiction of this municipality.

##### **7-21.1 Storm water management:**

All developments shall be responsible for providing sufficient information for the Administrator to determine that storm water is not being discharged onto an adjacent property at a higher rate than prior to the development. No development shall discharge water into a storm sewer at a rate that exceeds the capacity of that sewer or imposes hardships upon the other users of that sewer system. No storm water shall be discharged in a manner which is detrimental to an adjacent property.

Developments may manage their storm water runoff by directing it to a retention pond or a percolation area prior to its exiting the property. Such detaining areas shall be constructed to hold the capacity of a 25 year storm for a 24 hour duration. Calculations to determine the capacity of such detaining areas shall be submitted to the City for approval.

Developments will be regulated on a case by case basis to ensure that the peak flow of storm water runoff from each site will not exceed the predevelopment runoff. (Ord. 03-13, passed 11/3/03)

##### **7-21.2 Sedimentation control:**

All developments shall implement siltation and soil erosion control measures as recommended by the Illinois Department of Transportation. Any development required to implement a sedimentation control plan shall submit proof of that plan to the City. Any development not

required to implement a sedimentation control plan may be required to follow the guidelines and principals of such a plan if the need is determined by the City. All developments shall take measures to ensure that sedimentation and soil erosion is minimized at the site.