



**City of Wilmington
Planning & Zoning Commission
Thursday, September 3, 2020 at 5:00 p.m.**

PURSUANT TO EXECUTIVE ORDER 2020-07 SIGNED BY GOVERNOR PRITZKER AND GUIDANCE PROVIDED BY LEGAL COUNSEL, THE CITY OF WILMINGTON WILL CONDUCT ALL OF THIS MEETING BY USE OF TELEPHONIC OR ELECTRONIC MEANS WITHOUT A PHYSICAL QUORUM PRESENT IN THE BOARDROOM. PUBLIC ACCESS TO THIS MEETING IS AVAILABLE AS FOLLOWS:

Join Zoom Meeting

<https://us02web.zoom.us/j/83743866652?pwd=cHZ0WUZxakVMQVBhT1F0RUQ4TDVkdz09>

Meeting ID: 837 4386 6652

Passcode: 310392

One tap mobile

+13126266799,,83743866652#,,,,,0#,,310392# US (Chicago)

Dial by your location

+1 312 626 6799 US (Chicago)

Meeting ID: 837 4386 6652

Passcode: 310392

WE ARE HAPPY TO ACCOMMODATE WRITTEN PUBLIC COMMENTS. ANY WRITTEN COMMENTS MUST BE RECEIVED VIA EMAIL BY 3:00 P.M. ON THE DAY OF THE SCHEDULED MEETING. COMMENTS RECEIVED BY 3:00 P.M. WILL BE PUT INTO THE RECORD AND CONSIDERED BEFORE COMMITTEE ACTION. COMMENTS CAN BE SUBMITTED BY EMAIL TO JZILLER@WILMINGTON-IL.COM

Location & Time

Conducted via Zoom
5:00 p.m. 09/03/2020

**Planning & Zoning
Commission Members**

Bryan Humphries, Chairman
Larry Clennon
Jonathan Jones
Mark Duffy
Chris Smith
John Tryner
Jayson Walinski

Agenda

1. Call to Order
2. Roll Call
3. Review and Approve the July 9, 2020 Meeting Minutes
4. Open Public Hearing
Petitioner: William Weidling
Location: 601 Meadowood Ln.
[PIN 03-17-35-211-033]
Request: Variance
5. Close Public Hearing
6. Commissioners Review/Approval/Recommendation of Request from Petitioner William Weidling
7. Proposed Text Amendment to Section 150.63
8. Other pertinent information
9. Public Comment
(State your full name clearly; limit 3 minutes each per Ordinance 19-06-18-01)
10. Adjournment

*Posting Date:
8/28/2020 10:28 AM tk*

Minutes to the City of Wilmington
Planning and Zoning Commission Meeting
Wilmington City Hall
1165 South Water Street
Thursday, July 9, 2020 at 5:00 PM

Call to Order

The July 9, 2020 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:00 p.m. by Deputy City Clerk Joie Ziller.

This evenings' Planning & Zoning meeting is being held remotely using a video and audio recording program consistent with Executive Order 2020-07 which was ordered by Governor Pritzker on March 16, 2020 in response to the COVID-19 pandemic. This order addresses the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body. Specifically, (1) the requirement in 5 ILCS 120/2.01 that "members of a public body must be physically present" is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted are suspended. More importantly, based on what we know now about the coronavirus pandemic and prudent precautions as a result thereof, this meeting is being conducted in ways to provide the maximum amount of protection to our board, staff and the community. We apologize for any inconvenience to anyone, but we ask for understanding and compliance temporarily. Thank you.

Roll Call

Upon Roll Call by the Clerk the following members answered "Here" or "Present":

Commissioners Jones, Clennon, Smith, Tryner, Walinski, Duffy

Commissioner's Absent

Humphries

Quorum

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

Elect Vice Chairman

Commissioner Clennon made a motion and Commissioner Tryner seconded to Elect Jonathan Jones as Vice Chairman for the July 9, 2020 Planning & Zoning Commission Meeting

Upon roll call, the vote was:

AYES: 5 Clennon, Tryner, Smith, Duffy, Walinski

NAYS: 1 Jones

ABSENT: 1 Humphries

Motion passed.

Other Officials in Attendance

Also, in attendance was the Deputy City Clerk/City Administrator Joie Ziller

Approval of Minutes

Commissioner Smith made a motion and Commissioner Clennon seconded to approve the May 7, 2020 meeting minutes as written and have them placed on file after amendment is made

Upon roll call, the vote was:

AYES: 6 Clennon, Tryner, Smith, Duffy, Walinski. Jones

NAYS: 0

ABSENT: 1 Humphries

Motion passed.

Public Hearing

Petitioner: Owen Black
Location: 1202 N. Kankakee Street
 [PIN 03-17-25-127-007-0000]
Request: Height of accessory building

Commissioner Clennon made a motion and Commissioner Tryner seconded to open the public hearing at 5:04 p.m.

Upon roll call, the vote was:

AYES: 6 Clennon, Tryner, Smith, Duffy, Walinski. Jones

NAYS: 0

ABSENT: 1 Humphries

Motion passed.

City Administrator Ziller explained that the petitioner Owen Black is requesting a variance for the height of an accessory building he is construction which will be 4½ feet higher than the principal structure. City Administrator Ziller informed the Commission that no public comments have been received by City Hall regarding this variance request, all notifications were sent property owners within 250 feet of the subject property, a notice announcing the public hearing was published in the newspaper on June 17, 2020 and a sign was posted on the property.

The Commission reviewed the memorandum (attached) City Planner Rodney Tonelli prepared for the Commission.

Commissioner Clennon made a motion and Commissioner Tryner seconded to close the public hearing at 5:07 p.m.

Upon roll call, the vote was:

AYES: 6 Clennon, Tryner, Smith, Duffy, Walinski. Jones

NAYS: 0

ABSENT: 1 Humphries
Motion passed.

Commissioners Review/Approval/Recommendation

Commissioner Clennon made a motion and Commissioner Duffy seconded for the Commission to recommend to the City Council to approve the variance request.

Upon roll call, the vote was:

AYES: 6 Clennon, Tryner, Smith, Duffy, Walinski. Jones

NAYS: 0

ABSENT: 1 Humphries

Motion passed.

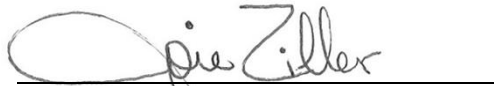
Public Comment

No public comment was made.

Adjournment

Motion to adjourn the meeting made by Commissioner Clennon and seconded by Commissioner Smith. Upon voice vote, the motion carried. The Wilmington Planning & Zoning meeting held on July 9, 2020 adjourned at 5:11 p.m.

Respectfully submitted,



Joie Ziller
Deputy City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT ON THURSDAY, SEPTEMBER 3, 2020 AT 5:00 P.M., A PUBLIC HEARING WILL BE HELD BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF WILMINGTON FOR THE PURPOSE OF RECEIVING AND CONSIDERING TESTIMONY AND PUBLIC COMMENTS ON THE REQUEST OF PETITIONER, WILLIAM WEIDLING, 601 MEADOWOOD LANE, WILMINGTON IL IN REGARDS TO A REQUEST FOR VARIANCE FOR AN ACCESSORY BUILDING TO BE CONSTRUCTED IN THE FRONT CORNER LOT FOR PROPERTY LOCATED AT 601 MEADOWOOD LANE WILMINGTON, ILLINOIS. THE PROPERTY IS LEGALLY DESCRIBED AS FOLLOWS:

LOT 16 IN RIVERWOOD ESTATES UNIT 1, BEING A SUB OF PRT OF THE W1/2 OF THE NE1/4 OF SEC. 35, T33N-R9E & THAT PRT LOT 17 IN SD SUB, DAF: COMM AT THE NE COR OF LOT 17; THC S 89 DEG 57'17" W ALG THE N'LY OF LOT 17, 46 FT TO THE POB; THC CONT ALG SD N'LY LN OF LOT 17, S 89 DEG 57'17" W, 4.33 FT; SW'LY 116.19 FT ALG THE ARC OF A 100.11 FT RADIUS CURVE & S 23 DEG 27'17" W, 69.98 FT TO THE SW'LY LN OF LOT 17; THC S 44 DEG 27'06" E ALG SD LN, 164.22 FT; THC N 02 DEG 07'12" E, 241.74 FT TO THE POB.

PIN NO. 03-17-35-211-033-0000

ALL PERSONS INTERESTED IN ATTENDING ARE INVITED TO DO SO AND WILL BE GIVEN AN OPPORTUNITY TO BE HEARD. PURSUANT TO EXECUTIVE ORDER 2020-07 SIGNED BY GOVERNOR PRITZKER AND GUIDANCE PROVIDED BY LEGAL COUNSEL, THE CITY OF WILMINGTON MAY CONDUCT ALL OR PORTIONS OF THIS MEETING BY USE OF TELEPHONIC OR ELECTRONIC MEANS WITHOUT A PHYSICAL QUORUM PRESENT IN THE BOARDROOM. PUBLIC ACCESS TO THIS MEETING IS AVAILABLE AS FOLLOWS:

Join Zoom Meeting

<https://us02web.zoom.us/j/83743866652?pwd=cHZ0WUZzakVMQVBhT1F0RUQ4TDVkdz09>

Meeting ID: 837 4386 6652

Passcode: 310392

One tap mobile

+13126266799,,83743866652#,,,,,0#,,310392# US (Chicago)

Dial by your location

+1 312 626 6799 US (Chicago)

Meeting ID: 837 4386 6652

Passcode: 310392

WE ARE HAPPY TO ACCOMMODATE WRITTEN PUBLIC COMMENTS. ANY WRITTEN COMMENTS MUST BE RECEIVED VIA EMAIL BY 3:00 P.M. ON THE DAY OF THE SCHEDULED MEETING. COMMENTS RECEIVED BY 3:00 P.M. WILL BE PUT INTO THE RECORD AND CONSIDERED BEFORE COMMITTEE ACTION. COMMENTS CAN BE SUBMITTED BY EMAIL TO JZILLER@WILMINGTON-IL.COM.

ADDITIONAL INFORMATION ON SUCH A REQUEST CAN BE OBTAINED FROM THE CITY OF WILMINGTON AT 1165 S. WATER STREET, WILMINGTON, IL 1-815-476-2175.

BRYAN HUMPHRIES
PLANNING AND ZONING COMMISSIONER
CITY OF WILMINGTON

TO BE PUBLISHED IN THE FREE PRESS ADVOCATE ON WEDNESDAY, AUGUST 12, 2020



Land Use Petition
City of Wilmington, Illinois

Petitioner: William Weidling
Address: 601 Meadowood Ln
City: Wilmington State: IL Zip: 60481
Phone No.: 815-931-9079 Fax No.: Email: billweidling@6mail.com

- Petitioner is the owner of the subject property and is the signer of this petition
Petitioner is the contract purchaser of the subject property and has attached a copy of said contract to this petition
Petitioner is acting on behalf of the owner of the subject property and has attached a letter granting such authority signed by the owner

In the event the property is held in trust, a notarized letter from an authorized trust officer identifying the petitioner as an authorized individual acting on behalf of the beneficiaries and providing the name, address, and percentage of interest of each beneficiary is attached to this executed petition.

Subject Property

Location: 601 Meadowood Ln.
Size of Property: 170.99 FT x 267' Tax Parcel No.: 03-17-35-211-033

The following documents have been attached:

- Legal Description
Plat of Survey
List of Adjacent Property Owners
Site Plan
Preliminary Plat
Final Plat
Preliminary Plan
Final Plan
Impact Fee Form
Bank Trust Letter

Type of Action Requested

- Annexation
Annexation Agreement
Concept Plan
Preliminary Plat/Plan (circle one)
Final Plat/Plan (circle one)
Map Amendment from to
Conditional Use
Variance
Site Plan Review

I have submitted the required filing fee. I understand that the fee is non-refundable. The fee is determined according to the attached schedule of fees. \$250 (initial here) \$250 (fee)

Statement of Petition

Please provide a brief statement describing the proposal as it relates to the standards of petition accompanying this document (attach additional sheets if necessary).

Variance for Front Yard-Accessory Building - Corner Lot Issue
Build a 60' x 40' Storage Building

Number of Dwelling Units
Proposed Time Schedule for Development
Requested Variances
Type of Units
Square Footage 2,400

Authorization

I hereby affirm that I have full legal capacity to authorize the filing of this petition and that all the information and exhibits herewith submitted are true and correct to the best of my knowledge.

State of Illinois Date 8-4-2020 Signature of Petitioner



I, the undersigned, a notary public in and for the said county and state aforesaid, do hereby certify that William Weidling is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act, for the uses and purposes set forth.

Notary Signature: My Commission Expires: 11-26-2023

Given under my hand and notary seal this 3rd day of August, A.D. 2020

Memorandum

To: Wilmington Planning and Zoning Commission
From: Rodney Tonelli, AICP
Date: August 27, 2020
RE: Variance Request – William Weidling – 601 Meadow Lane

Summary

The Applicant, William Weidling has submitted a petition for a variance to allow the construction of an accessory structure in the front corner yard of 601 Meadow Lane (PIN 03-17-35-211-033-0000). Section 150.84 of the Wilmington Code of Ordinances regulates accessory structures. The ordinance specifies that accessory structures are permitted to be constructed in the rear yard.

The subject property is a parcel located at the southwest corner of First Street and Meadowood Lane (Koala Court) and contains a single-family home and a detached garage. (See Figure 1 - Aerial).

Figure 1 - Aerial



The applicant desires to construct a new detached accessory on the property in the location shown in Figure 2.

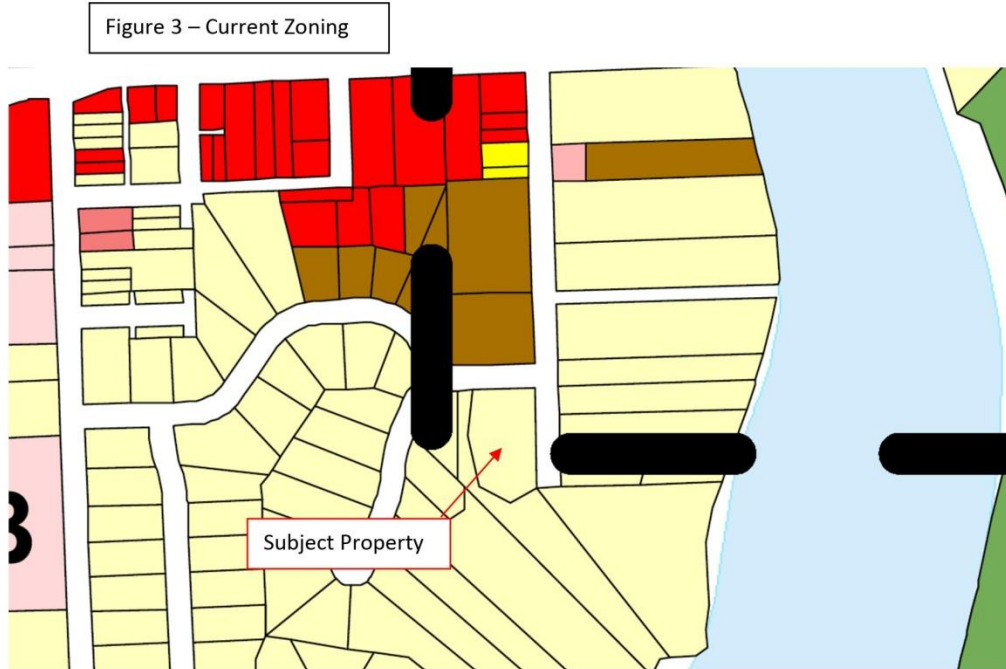


Ruettiger, Tonelli & Associates, Inc.

Surveyors • Engineers • Planners • Landscape Architects • G.I.S. Consultants

Current Zoning

The property is zoned R1: Residential Single Family (See Figure 3 – Current Zoning).



Review and Analysis

Staff has reviewed the submitted request. This being a corner lot with a unique configuration, and with the location of the existing home and detached garage, there is not a “Rear Yard” as is defined in the Zoning Ordinance. The parcel is not able to comply with the requirement that an accessory structure be located in the “Rear Yard”. A variance to allow construction of an accessory structure in the corner front yard in this situation is appropriate. Staff would recommend that the applicant site the proposed accessory building closer to the existing home and would encourage that it be located on the property in a space that would not impact the existing mature trees or alter the character of the neighborhood. There is significant open area on the property closer to the house that can access the existing drive and not require the building to be located as close to Meadowood lane as proposed in the applicant’s sketch. Figure 4 below shows the recommended location. Given that the property is over one acre in size, the proposed building would not appear to alter the essential character of the area if constructed in the general area recommended in Figure 4.



Ruettiger, Tonelli & Associates, Inc.

Surveyors • Engineers • Planners • Landscape Architects • G.I.S. Consultants

Figure 4 – Recommended Building Location



Below are the standards for Variances that the Plan Commission shall consider when making a recommendation to the City Council.

150.12 - Variations.

(A) The city council, after receiving a report from the planning and zoning commission (PZC) containing their findings and recommendations, may vary the regulations of this chapter within their general purpose and intent.

(B) The PZC shall make recommendation and provide findings of fact to the city council to the same that:

(1) Adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgement of the PZC, a variation is permitted because the evidence sustained the existence of each of the four following conditions:

- (a) Reasons that strict enforcement of the code would involve practical difficulties or impose exceptional hardship;
- (b) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone;
- (c) The plight of the owner is due to unique circumstances;



Ruettiger, Tonelli & Associates, Inc.

Surveyors • Engineers • Planners • Landscape Architects • G.I.S. Consultants

(d) The variation, if granted, will not alter the essential character of the locality.

(2) Procedures for variations. An application for a variance shall be processed in accordance with the provisions of [Section 150.18](#) of this chapter.

(3) Conditions and restrictions. The PZC may recommend and the city council may impose conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards set forth in this section.

Recommended Actions

Staff is recommending that the Wilmington Planning and Zoning Commission recommend approval of the Variance request to the City Council with the condition that the building be sited in a way that doesn't alter the essential character of parcel or the neighborhood as is suggested in the location recommended in the staff report.



Ruettiger, Tonelli & Associates, Inc.

Surveyors • Engineers • Planners • Landscape Architects • G.I.S. Consultants

Page | 5

150.84 - Accessory buildings, structures and uses of land.

(A) Location. Accessory structures may be built in a rear yard, but such structures or combination of structures shall not cover more than 30% of the required rear yard.

(B) Any accessory building attached in any structural manner to the principal building must conform to the minimum setback requirements for the principal building.

(C) Accessory structures less than 10 feet from the principal building shall conform with the minimum setbacks required for the principal building.

(D) Accessory structures 10 feet or more from the principal building shall meet the following minimum setbacks:

(1) Garages which enter directly onto an alley shall be set back from the alley right of way at least 10 feet.

(2) Any accessory structure (except for fences) shall be set back from any side or rear lot line at least five feet or no closer to a lot line adjoining a street than the longest distance between such lot line and the nearest wall of the principal building or structure.

(E) All detached accessory buildings shall not exceed the height of the principal building.

(F) Time of construction. No accessory building, structure or use shall be constructed or established prior to the time of construction or establishment of the principal building, structure or use to which it is accessory.

(G) The exterior color of any accessory building or structure shall be compatible with the exterior color of the principal building or structure.

(Ord. 1324, passed 1-4-00)

(Am. Ord. No. 09-03-17-01, passed 3-17-09)



Ruettiger, Tonelli & Associates, Inc.

Surveyors • Engineers • Planners • Landscape Architects • G.I.S. Consultants



AGENDA MEMO

Meeting Date: September 3, 2020

Meeting Time: 5:00 PM

Meeting Type: Planning & Zoning

Item: Proposed Text Amendment to Section 150.63

Action Requested: For discussion Feedback requested
 Approval For your information

Under the direction of the O&L Committee members, they would like to amend 150.63 (C) Conditional Uses by removing the following:

- Residences, contained entirely within the primary building and exclusively for the use of proprietors, owners and employees.
- A freestanding residence of a caretaker or security personnel when such residence is ancillary or secondary to a permitted use on the property.

The Committee no longer wants to allow residences, regardless if they are free standing, at any industrial zones properties. They are willing to have those already in existence be grandfathered with the stipulation that they complete a form on an annual basis letting the City know they are living there and the completed form will on be sent to emergency services (Police & Fire). Below is the information they would like to have added to 150.63:

- Grandfathered Residences. Any (i) residences contained entirely within the primary building and exclusively for the use of proprietors, owners and employees; and (ii) freestanding residence of a caretaker or security personnel when such residence is ancillary or secondary to a permitted use on a property legally existing prior to September 1, 2020 shall be considered a legal non-conforming use provided that the property owner, landlord, or occupant of each residence completes a form, available at City Hall, and provides to the City the name(s) and emergency contact information for each occupant living in each residence prior to January 1, 2020 and prior to January 1 each year thereafter.

ORDINANCE NO. DRAFT

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO
SECTION 150.63 OF THE CITY OF WILMINGTON ZONING CODE
REGARDING RESIDENCES IN I-1 ZONING DISTRICTS**

WHEREAS, the City of Wilmington, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-13-1, has established zoning standards and controls within the City of Wilmington, Will County, Illinois; and

WHEREAS, after such notices were given as required under Section 150.13 Text Amendments of the City of Wilmington Code of Ordinances, a public hearing was held on *(month/date/year)* by the Planning and Zoning Commission (the “PZC”) of the City of Wilmington to consider a text amendment to Section 150.63 of the City of Wilmington Zoning Code regarding residences in I-1 zoning districts; and

WHEREAS, the PZC voted to recommend approval of the text amendment and in recommending the approval of the text amendment, the PZC made the following findings of fact:

1. Fact A;
2. Fact B; and
3. Fact C.

WHEREAS, after PZC’s recommendation and findings of fact were presented to City Council at its *(month/date/year)* Regular City Council Meeting, the Corporate Authorities for the City of Wilmington finds it is in the best interest of the City of Wilmington to approve such text amendments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wilmington, Will County, Illinois, as follows:

SECTION 1: INCORPORATION OF RECITALS

The above recitals and all exhibits referred to in this Ordinance are incorporated herein.

SECTION 2: TEXT AMENDMENT APPROVED AND SECTION 150.63 AMENDED

That the text amendment to Section 150.63 is hereby approved, and Section 150.63 is hereby amended to state as follows:

150.63 - I-1 Office, Research and Light Industrial District.

- (A) Purpose and intent. The I-1 Office, Research and Light Industrial District is intended to provide an environment suitable for and limited to research and development activities, office, warehousing and light manufacturing enterprises. The more stringent conditions and restrictions applied in this district are intended to preserve the quality of life in adjacent

districts by encouraging a high degree of design quality, open space and environmental quality.

- (B) Permitted land uses and developments. No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this, for other than one or more of the following uses:
- (1) Accessory uses;
 - (2) Banks and financial institutions;
 - (3) Clinics—Medical and dental;
 - (4) Hotels and motels;
 - (5) Laboratories, offices, and other facilities (including ancillary uses) for research and development or technical services conducted by or for any individual, organization, or concern, public or private. These uses include, but are not limited to:
 - (a) Engineering and testing laboratories,
 - (b) Medical and dental laboratories,
 - (c) Agricultural research laboratories;Any outdoor testing of animal, plant or other biological and genetic research is prohibited.
 - (6) Manufacturing activities, including but not limited to electronic and scientific precision instruments manufacture, cloth product manufacture, light machinery production and assembly, printing and publishing; excluding those uses which may be obnoxious or pose a nuisance for any reason including the emission of toxic or hazardous substances, odor, noise, dust, smoke, or gas;
 - (7) Office uses;
 - (8) Pilot plants in which processes planned for use in production elsewhere can be treated to the extent reasonably necessary for full investigation of the merits of a product or process including commercial viability;
 - (9) Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability;
 - (10) Training and educational facilities;
 - (11) Warehousing and distribution facilities, but excluding motor freight terminals.
- (C) Conditional uses.
- (1) Banks and financial institutions including drive-through facilities;
 - (2) Buildings whose height exceeds the maximum building height in the I-1 district (see Density and Dimensional Regulations below);
 - (3) Clubs, lodges and fraternal organizations;
 - (4) Day care centers;
 - (5) Parking areas including structures, as a principal use of a property;

- (6) Planned unit development;
- (7) Public utility and governmental service uses on lots having areas, widths, yards and other conditions as approved by the city council. Including, but not limited to:
 - (a) Electrical substations and booster stations,
 - (b) Filtration plan, pumping station, well and water reservoir,
 - (c) Sewage treatment plant,
 - (d) Telephone exchange and microwave relay tower,
 - (e) Other government and utility uses;
- ~~(8) Residences, contained entirely within the primary building and exclusively for the use of proprietors, owners and employees.~~
- ~~(9) A freestanding residence of a caretaker or security personnel when such residence is ancillary or secondary to a permitted use on the property.~~
- (D) Bulk and density requirements.
 - (1) Minimum lot area. No minimum lot area is established in this district. However, lot dimensions shall be sufficient to meet the remaining density and dimensional regulations.
 - (2) Minimum lot width. A minimum lot width of 100 feet shall be provided for each lot used for a permitted or conditional use.
 - (3) Building setback requirements.
 - (a) Front yard. No principal building shall be allowed within 50 feet of any lot line or street right-of-way line.
 - (b) Side yard. No principal building shall be allowed within 20 feet of any side lot line.
 - (c) Rear yard. No principal building shall be allowed within 20 feet of any rear lot line.
 - (d) Exception. Building setback requirements described above for side and rear yards adjacent to a railroad or a railroad siding shall not be applicable.
 - (e) Adjacency to a residential district. Where a side yard or rear yard in this district abuts a residential zoning district, no principal building shall be allowed within 50 feet of the residential lot line.
 - (4) Maximum site coverage. Site coverage shall not exceed 40%.
 - (5) Building height limitations. No building shall exceed four stories or 45 feet in height. This height may be increased to a maximum of 100 feet by a conditional use permit, as long as all yard setbacks are increased by a ratio of one foot for each two feet, or portion thereof, of increased building height over 45 feet, provided that no front yard setback exceed 150 feet and no side or rear yard exceed 75 feet.

- (E) Outdoor storage.
 - (1) Outdoor storage shall be screened from public view by placing a solid, sight proof fence not less than eight feet in height around the storage area.
- (F) Special provisions. The following list references the appropriate sections of this chapter which specify the other regulations governing development in this district:
 - (1) Section 150.110 et seq. (Off-Street Parking and Loading).
 - (2) Section 150.120 et seq. (Signs).
- (G) Grandfathered Residences. Any (i) residences contained entirely within the primary building and exclusively for the use of proprietors, owners and employees; and (ii) freestanding residence of a caretaker or security personnel when such residence is ancillary or secondary to a permitted use on a property legally existing prior to September 1, 2020 shall be considered a legal non-conforming use provided that the property owner, landlord, or occupant of each residence completes a form, available at City Hall, and provides to the City the name(s) and emergency contact information for each occupant living in each residence prior to January 1, 2020 and prior to January 1 each year thereafter.

SECTION 3: SEVERABILITY

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: REPEALER

All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed.

SECTION 5: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2020 with ____ members voting aye, ____ members voting nay, the Mayor voting _____, with ____ members abstaining or passing and said vote being:

John Persic, Jr.	_____	Kevin Kirwin	_____
Dennis Vice	_____	Floyd Combes	_____
Ben Dietz	_____	Lisa Butler	_____
Jake Tenn	_____	Frank Studer	_____

Approved this ____ day of _____, 2020

Roy Strong, Mayor

Attest:

Joie Ziller, Deputy City Clerk