
Chapter 4

Development Review Procedures

ARTICLE 4.1

GENERAL PROVISIONS

- 4.1.1. Purpose.** It is recognized that development of vacant land, redevelopment of improved land, subdivision of land, occupancy of structures, and Special Uses creates potential for traffic congestion, overcrowding, adverse environmental effects, overburdened utilities, or poorly designed sites. This Chapter establishes a review process, and enumerates standards governing decision making hereunder, and it identifies the required information and documents for applications required by this Title. Site plan review shall be required prior to issuance of a required building permit and zoning certificate to ensure that new construction, remodeling, and uses are otherwise in conformance with the intent of the Genoa Comprehensive Plan; with the provisions of this Title; and, that the arrangement of buildings, exterior alterations, off-street parking and loading facilities, lighting, landscaping, ingress and egress, drainage, signs, streets, alleys, water distribution systems, sanitary waste collection systems, utilities and other improvements are provided in a manner that will promote safety and convenience for the public and will preserve property values of surrounding property. Article 4.3 shall apply to any subdivision, development, reclassification, or other improvement of any land or structure in or within one and one-half (1½) miles of the corporate limits of the City of Genoa, subject to the terms of this Chapter.
- 4.1.2. Fees.** The Mayor and City Council shall establish a schedule of fees, charges, and expenses for zoning certificates, site plan review, occupancy certificates, amendments, special uses, appeals, planned unit developments, variations, subdivisions, and other matters pertaining to this Chapter. The schedule of fees shall be posted, and accessible by all during regular business hours, in the office of the City Clerk and may be altered or amended from time to time by the Mayor and City Council.
- 4.1.3. Reimbursement for Staff Review Time.** Every applicant for rezoning, Special Use permit, planned development, concept plan, preliminary plat or plan, final development plat or plan, parking land banking, Class I Site Plan Review, or Class II Site Plan Review or new parking facilities in any commercial or industrial district shall reimburse the City for expenses incurred by the City in connection with all legal, engineering, land planning and other professional services required during the review of applications required by this Title and to assure compliance with the standards contained in this Title.
- A. The applicant shall deposit into a specified account with the City at the time of each application an amount not less than \$500 and not more than \$10,000. The amount shall be determined by the City Administrator and shall be based upon the expected complexity of the proposed application and the anticipated amount of time required by the City staff and its consultants to review the application and supporting documentation. *The final fee billed to the applicant may be more or less than the City Administrator's estimate.*
- B. Such expenses shall include, but are not limited to, the following:
1. Meetings with the applicant will be charged at prevailing hourly charges of all staff members and consultants deemed necessary by the City; and,

2. The prevailing hourly charges of all City staff members and consultants, deemed necessary by the City, for time spent on reviewing applications.
- C. All proceedings in connection with the rezoning, special use permit or planned development shall be stayed until such sum so designated is deposited with the City as required.
- D. Upon submission of bills by the City Attorney, City Engineer, City Planner or other consultant hired to review the application, the City shall pay these fees out of the specified account. At such time the balance of the account reaches one-fourth (1/4) of the original amount deposited, the City Administrator may demand from the applicant a sum of money that, in addition to the balance of the account shall equal the amount originally required by the City, or such lesser fraction thereof that the City Administrator may in such case determine.
 1. All proceedings with regard to such rezoning, special use permit, or planned development shall be stayed until said subsequent demands for payment of fees shall be deposited in said account.
 2. Any demand or subsequent demand of the City not deposited by the applicant within ten (10) days of the date of the demand shall, at the discretion of the City Council and upon written notice to the applicant, terminate and render null and void the application for the proposed rezoning, Special Use permit, or planned development.
- E. The City shall present a final statement by the City Attorney, City Engineer, City Planner or other consultant hired to review the application within sixty (60) days of the approval of the application. If, upon payment of these fees, any balance is remaining in the specified account, said balance shall be returned and repaid to the applicant.

4.1.4. Zoning Certificates.

- A. ZONING CERTIFICATE REQUIRED. Unless the Development Administrator has certified that a proposed use of land or buildings, or construction, alteration, remodeling or reconstruction complies with the requirements of this Title, no building permit pertaining to the construction, remodeling, moving or reconstruction of any structure shall be issued by the City of Genoa; no construction, building, moving, remodeling or reconstruction of any structure shall be commenced; no improvement of land preliminary to any use of such land shall be commenced; and no permit pertaining to the use of land or structures shall be issued by any official, officer, employee, department, board or bureau of the City of Genoa. Any zoning certificate issued in conflict with the provisions of this Title shall be null and void.
 1. APPLICATION FOR ZONING CERTIFICATE. Any application for a building permit that contains the information required by this Article shall be deemed to be an application for a zoning certificate. Every application for a zoning certificate shall be accompanied by the following:
 - a. The seal of a registered architect or registered structural engineer licensed by the State of Illinois shall be required confirming that the proposed construction, remodeling, or reconstruction equal to or greater than one thousand (1,000) square feet complies with all of the provisions of this Ordinance.

- b. An approved Class I or Class II site plan, or a certification from the Development Administrator in the case of single family construction, stating that the proposed improvements would be in compliance with the Provision of this Title.
- c. All applications for a zoning certificate for the construction, moving, remodeling or reconstruction of any structure to be located in an industrial district shall be accompanied by sufficient information to enable the Development Administrator to determine that there will be compliance with all of the applicable performance standards of Article 5.4 of this Title at all times. At the request of the Development Administrator, the applicant shall provide, in addition to the foregoing, the following:
 - 1. A description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions, or external effects which are regulated or otherwise limited by Article 5.4 of this Title.
 - 2. A description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the standards set forth in Article 5.4 of this Title.
 - 3. Such other data and certificates as may reasonably be required by the Development Administrator to reach a determination with respect to whether the proposed use or structure will comply with the requirements of Article 5.4 of this Title.

All information and evidence submitted in an application for a Zoning Certificate to indicate conformity with the performance standards set forth in Article 5.4 of this Title shall constitute a certification and an agreement on the part of the applicant that the proposed structure or use can and will conform to such standards at all times.

- 2. **ISSUANCE OF THE ZONING CERTIFICATE.** The Development Administrator shall, within seven (7) days after receipt of a complete application for accessory structures; within fourteen (14) days after receipt of a complete application for all other structures and uses, except in the industrial districts, either approve or deny an application for a zoning certificate. The Development Administrator shall advise the applicant in writing of the reasons for denial.
 - 3. **PERIOD OF VALIDITY.** A zoning certificate shall become null and void six (6) months after the date on which it is issued unless construction, moving, remodeling or reconstruction of a structure is commenced or a use is commenced within such six (6) month period.
 - 4. **ZONING CERTIFICATE ISSUED IN CONFLICT WITH THIS TITLE.** Any zoning certificate issued in conflict with the provisions of this Title shall be null and void.
- B. OCCUPANCY CERTIFICATE REQUIRED.** Unless an occupancy certificate shall first have been obtained from the Development Administrator certifying that the proposed use or occupancy complies with all the provisions of this Title, no structures or additions thereto, constructed, moved, remodeled, or reconstructed after the effective date of this

Title shall be occupied or used for any purpose, and no land vacant on the effective date of this Title shall be used for any other use.

1. APPLICATION FOR OCCUPANCY CERTIFICATE
 - a. ALL DISTRICTS, EXCEPT INDUSTRIAL DISTRICTS. Every application for an occupancy certificate for a new or changed use of land or structure(s) where no zoning certificate is required shall be filed with the Development Administrator and be in such form and contain such information as the Development Administrator shall provide by general rule.
 - b. APPLICATION FOR OCCUPANCY CERTIFICATES FOR INDUSTRIAL USES. Every application for an occupancy certificate for any use to be located in an industrial district shall be accompanied by sufficient information to enable the Development Administrator to determine that all the applicable performance standards of Article 5.4 of this Title can and will be complied with at all times. At the request of the Development Administrator, the applicant shall provide such information as is specified in Section 4.1.4(A)1 of this Title.
2. ISSUANCE OF OCCUPANCY CERTIFICATE. No occupancy certificate for a structure, or addition thereto, constructed, moved, remodeled or reconstructed after the effective date of this Title shall be issued until such work has been completed, including off-street parking and loading spaces, and the premises have been inspected by the Development Administrator and determined to be in full and complete compliance with the plans and specifications upon which the issuance of the zoning certificate was based. No occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected by the Development Administrator and determined to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located.
3. TEMPORARY OCCUPANCY PERMITS. Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six (6) months from its date pending the completion of any addition or during partial occupancy of the premises. Temporary occupancy permits may only be issued when extraordinary circumstances exist (i.e. unavailability of materials, inclement weather, etc.) and when it would not jeopardize the life or property of the citizens of Genoa. Any temporary occupancy permit issued must be accompanied by a letter of credit or a bond to cover site work which has not been completed at the time of application for an occupancy permit. The amount of the letter of credit or bond shall be determined by the Development Administrator and shall be deposited in an escrow account by the City Administrator for the duration of the temporary occupancy permit or until the site work has been completed in accordance with the approved site plan and inspected by the Development Administrator.
4. ACTION BY DEVELOPMENT ADMINISTRATOR. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within five (5) days after the receipt of an application thereof or after the Development Administrator is notified in writing that the structures or premises are ready for occupancy; provided, however, that the Development Administrator shall have a period of seven (7) days within which to issue or refuse a temporary occupancy certificate on all applications

which are required to comply with the provisions of Section 4.1.4(B)3 of this Title.

ARTICLE 4.2

SITE PLAN REVIEW

4.2.1. Site Plan Review. Two classes shall be established for site plan review and are defined as follows:

- A. **CLASS I SITE PLAN REVIEW.** Class I Site Plan Review shall be required prior to construction of a new structure or any addition in excess of 100 square feet in any commercial or industrial district.
- B. **CLASS II SITE PLAN REVIEW.** Class II Site Plan Review shall be required prior to approval of a zoning certificate for any
 - 1. new construction in any agricultural or residential district; or
 - 2. construction of accessory structures, parking or signs in any District.

4.2.2. Application Requirements for Site Plan Review

- A. **CLASS I SITE PLANS.** An application for Class I Site Plan Review shall be accompanied by such information as deemed necessary by the Development Administrator to determine compliance with the provisions of this Title, that may include, but is not limited to, the following, in the number of prescribed by the Development Administrator:
 - 1. A complete application form furnished by the Development Administrator;
 - 2. A plat of survey, drawn to scale, showing the actual dimensions of the subject property (minimum letter size of 1/8 inch);
 - 3. A site plan, drawn to scale showing the location, dimensions, bulk, ground area and height of all existing and proposed structures, accessory structures, free-standing signs, parking and loading facilities, driveways and parking aisles; adjacent public streets and sidewalks; building lines, and easements; trash enclosures, lighting, existing and proposed topography, storm water drainage facilities, public water and sewer facilities; and, such other information as may be required by the Development Administrator for the proper enforcement of this Title.
 - 4. A landscape plan as required in Article 6.6.
 - 5. A Tree Preservation and Removal Plan if required by Article 6.6.
 - 6. Architectural drawings showing plan and exterior elevations of all buildings on the site.
- B. **CLASS II SITE PLANS.** Every application for Class II Site Plan Review shall be accompanied by such information as deemed necessary by the Development Administrator to determine compliance with the provisions of this Title, that may include the following, in the number prescribed by the Development Administrator.
 - 1. A complete application form furnished by the Development Administrator.
 - 2. A plat of survey, drawn to scale, showing the actual dimensions of the property and the location of any existing structures (minimum acceptable lettering size is 1/8 inch).

3. A site plan, drawn to scale, showing the location, dimensions, ground area, height of the proposed structure, easements, and building lines (minimum acceptable lettering size is 1/8 inch).
4. A site drainage and grading plan prepared by a licensed Civil Engineer or registered Architect as required by this Title.

4.2.3. Site Plan Review Procedures

A. CLASS I AND II SITE PLANS.

1. **CITY STAFF REVIEW.** Upon receipt of a complete application, the Development Administrator shall distribute copies of the application and supporting documents to such City staff and consultants as appropriate for review and comment concerning compliance with City requirements.
2. **STAFF REVIEW.** Upon receipt of a complete application, the Development Administrator shall review the site plan for conformance with the provisions of this Title. Within seven (7) days of receipt of a complete application for accessory structures and signs; or within fourteen (14) days of receipt of a complete application for all other structures except those requiring Class I Site Plan review or in industrial districts; or, within twenty-one (21) days of receipt of application for structures and uses in industrial districts, the Development Administrator shall approve or deny the application
3. **APPEAL**
 - a. If the Development Administrator does not approve a Site Plan, the applicant may appeal the Development Administrator's decision to the Plan Commission. A notice of appeal must be filed with the Development Administrator no later than fifteen (15) days after receipt by the applicant of the decision of the Development Administrator. Failure by an applicant to file an appeal in accordance with the foregoing provisions shall be deemed to constitute a withdrawal of the application for a Site Plan zoning certificate.
 - b. The Plan Commission shall act as promptly as practical on any appeal taken in connection with the Site Plan. The Plan Commission shall approve or disapprove the site plan by action taken by a majority of the Plan Commission present at any meeting at which a quorum is present. If the Plan Commission approves the site plan, a building permit may then be issued, provided that all other requirements of all other applicable City codes and ordinances are satisfied.
3. **SITE PLAN REVIEW REQUIRED BY ANNEXATION OR DEVELOPMENT AGREEMENT BY THE PLAN COMMISSION AND CITY COUNCIL.** Where an annexation agreement in effect, or a Planned Unit Development approval or some other development agreement requires review of a Site Plan by the Plan Commission and City Council for approval, within thirty (30) days of receipt of a complete application, the Plan Commission shall review said site plan and the Development Administrator's Advisory Report. After reviewing the Development Administrator's report and the site plan, the Plan Commission shall recommend approval, denial or modification of the site plan, with or without conditions, or may defer the item for further study. Within thirty (30)

days of the Plan Commission's final recommendation concerning the Class I Site Plan, the City Council shall approve, deny, modify, or refer the item to the Plan Commission for further consideration. (Ord. 2007-35, 12-04-2007)

4.2.4. Standards for Site Plan Review. The Development Administrator may enlist the services of other City departments and consultants to determine compliance with the provisions of this Title and other provisions of the Municipal Code. The Development Administrator, when evaluating site plans, shall review:

- A. The relationship of the site plan to the policies, goals and objectives of the Comprehensive Plan.
- B. Traffic and parking layout so as to minimize danger and conflicts between pedestrians and motorists, and otherwise comply with the requirements of Article 6.7.
- C. Location of principal structures, accessory structures and free-standing signs, so that the location of accessory structures and free-standing signs do not impede safe and efficient traffic circulation, storm water drainage, or otherwise adversely impact adjoining land improvements.
- D. That the proposed use(s) is (are) permitted in the district in which the property is located;
- E. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses and employs sound site planning principles;
- F. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well; and,
- G. That all out door storage areas are screened and are in accordance with standards specified by this Title.

4.2.5. Standards for Appearance Review. The Plan Commission may enlist the services of other City departments and consultants to determine compliance with the provisions of this Section 4.2 and other provisions of the Municipal Code. In addition to the standards set forth in Section 4.2.4, Standards for Site Plan Review, and Section 4.2.6, Appearance Review Criteria, the Plan Commission, when evaluating architectural and site plans, shall review:

- A. The relationship of the site plan to the policies, goals and objectives of the Comprehensive Plan.
- B. The architecture, landscape, and site plans for substantial conformance with the requirements of the Unified Development Ordinance.
- C. The compatibility of the proposed building design with the character of neighboring buildings and its contribution to a favorable environment in the City.
- D. The exterior design features of the building and/or development to determine they will not be detrimental to the harmonious and orderly growth of the City.

4.2.6. Appearance Review Criteria.

- A. Site.

1. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade. Spectacular effects shall be reserved for special locations only.
2. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and enhanced. Modification to existing topography will be permitted where it contributes to good appearance.
3. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.

B. Building Design.

1. Architectural style is not restricted. Evaluation of a project shall be based on the quality of its design and relationship to its surroundings.
2. Buildings shall be of proportionate size to be in harmony with permanent neighborhood development.
3. Building components, e.g. windows, doors, eaves, and parapets, shall have good proportions and relationship to one another.
4. Colors shall be harmonious, with bright or brilliant colors used only for accent.
5. Design attention shall be given to mechanical equipment or other utility hardware on roof, ground or buildings so as to screen or conceal them from public view as much as prudently possible.
6. Exterior lighting shall be part of the architectural concept. Excessive brightness, flashing lights, and brilliant colors shall be avoided. Fixtures, standards and all exposed accessories should be harmonious with building design.
7. Monotony in design of single family and multiple family dwelling units shall be avoided. Variety of detail, form, and siting shall be used to provide visual interest. In multiple building developments, variable siting of individual buildings may be used to prevent monotonous appearance. This provision shall not be interpreted to prohibit uniform building designs within a multiple building development.
8. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from public view with the appropriate use of landscaping, walls and fences.
9. Large areas of blank walls that are visible from the street are discouraged.
10. Front facades are encouraged to have a clear/strong “main entry” expression.
11. The use of quality building materials of brick and stone is encouraged.

C. Signs

1. Signs shall be an integral part of the architectural concept.
2. Size, materials, colors, lettering, location, number, and arrangement shall be harmonious with building design.

3. The number of signs shall be minimized to avoid the appearance of clutter.
 4. Colors shall be used harmoniously and with restraint. Excessive brightness and brilliant colors should be avoided.
 5. Lighting shall be harmonious with the design. If external spot or flood lighting is used, it shall be arranged so that the light source is shielded from public view and does not produce upward glare. (Ord. 2010-13, 07-06-2010)
 6. Signs shall comply with the requirements of the Unified Development Ordinance.
- D. Miscellaneous Structures and Street Furniture.
1. Miscellaneous structures and street hardware shall be designed to be integral parts of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be appropriate, colors shall be in harmony with buildings and surroundings, and proportions with buildings and surroundings shall be attractive.
 2. Lighting used in connection with miscellaneous structures and street furniture shall satisfy the criteria applicable to site, landscape, buildings and signs.
- E. Relationship of Building to Site.
1. The site shall be planned to provide for landscaping and pedestrian movement in parking areas.
 2. Parking areas shall be treated with decorative elements, building wall extensions, landscaping, or other means to screen parking areas from public view as much as prudently possible.
 3. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
 4. In relating buildings to the site, the provisions of the Unified Development Ordinance pertaining to lot development standards shall be part of these criteria.
 5. Service traffic to commercial establishments should be separated from the other traffic as much as possible. Service and loading activities are encouraged to occur behind buildings and screened from public view.

Article 4.3

SPECIAL USES

- 4.3.1. Purpose.** Because of their unique and potentially harmful characteristics, certain uses set forth in this Article shall be located in a district or districts only upon consideration in each case of the impact of such use upon neighboring land and of the public need for such a use at the particular location. Such uses, hereby designated as Special Uses, fall into two categories:
- A. Uses either municipally operated, or operated by regulated public utilities, or traditionally affected by a public interest; and
 - B. Uses entirely private in character but of such nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- 4.3.2. Authorized Special Uses.** The City Council may authorize, by ordinance (Special Use Permit), the establishment, operation or construction of any Special Use as designated in each of the zoning districts. All of the other applicable provisions of this Title, including the requirements and restrictions of the zoning district in which the proposed Special Use is to be located, shall be applicable to the establishment and maintenance of such Special Use unless the ordinance authorizing the establishment or construction of the particular Special Use expressly provides otherwise. Subject to the standards contained in this Article 4.3, the City Council shall have authority to permit Special Uses as designated in each of the zoning districts of land or structure, or both, provided it shall find that the proposed Special Use will comply with the standards contained in this Article 4.3.
- 4.3.3. Standards.** A Special Use Permit shall be granted only if evidence is presented to establish that:
- A. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;
 - B. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and
 - C. The proposed structure or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.
 - D. Such other standards and criteria as are established by the ordinance for a particular Special Use as set forth in Section 4.3.4 and as applied to Planned Developments as set forth in Article 4.4.
- 4.3.4. Additional Standards and Criteria.** In addition to the standards and criteria established in Section 4.3.3, herein, no Special Use Permit shall be granted for the use(s) listed below unless evidence is presented to establish the standards and criteria set forth herein.

- A. DRIVE-UP FACILITIES.
1. Drive-up facilities shall provide vehicle queuing space equal to four (4) cars for each drive-up or service window. Such queuing space shall not interfere with access or circulation to required off-street parking or loading spaces, or with traffic movement on adjacent public streets or alleys.
 2. Loud speakers used in connection with drive-up facilities shall be directed and modulated so as not to interfere with the privacy, use or enjoyment of adjacent residential property.
- B. HELIPAD, HELISTOP.
1. Regularly scheduled service shall be prohibited.
 2. No aircraft support facilities shall be provided.
 3. The area shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Agency and the Illinois Department of Aeronautics for the class of helistop or helipad proposed, in accordance with their published Rules and Regulations.
 4. Notification required by Article 4.9 herein shall be delivered to all property owners within one thousand (1,000) feet of the subject property.
- C. TWO-FAMILY, DUPLEX, ATTACHED SINGLE FAMILY, MULTIPLE FAMILY DWELLING
1. Site plan showing all existing and proposed site improvements shall be provided.
 2. Parking lot lighting shall not cast any glare greater than 0.1 (1/10) foot candles over the lot line.
 3. Architectural elevation drawings shall be prepared showing all exterior elevations and any modifications, additions or alterations thereto.
 4. ADDITIONAL CRITERIA FOR TWO-FAMILY, DUPLEX, ATTACHED SINGLE-FAMILY, OR MULTIPLE DWELLINGS IN THE CITY RESIDENTIAL (CR) DISTRICT: or b
 - a. The petitioner must prepare, and revise as necessary, architectural plans (exterior elevations) demonstrating, to the sole determination of the City, a satisfactory preservation of the architectural integrity of the structure.
 - b. A condition of a Special Use permit approval shall be the continued satisfactory care and maintenance by the property owner to preserve the architectural integrity of the structure as determined solely by the City.
 - c. Attic and or basement spaces may not be utilized as a separate living unit. Dwelling units must comprise a minimum of 800 square feet for each unit, and be located on either the first or second story. Second story spaces must be full second level and not primarily under roof or eaves.
 - d. No Special Use may count on-street parking toward required parking. All parking must be on site and meet setback and screening requirements.
 - e. If not already in place, within 8 months of a Special Use Approval, concrete sidewalks shall be provided at the sole expense of the property owner and/or petitioner along all sides of the lot that abut a public street,

constructed to meet City construction criteria. (Ord. 2007-35, 12-04-2007)

5. Attic and or basement spaces may not be utilized as a separate living unit. A dwelling unit must comprise a minimum of a defined square footage (say for example 800 square feet) on either the first or second story. Second story spaces must be a full second level and not primarily under roof or eaves.
6. No Special Use may count on-street parking toward required parking. All parking must be on site and meet setback and screening requirements.

D. BED AND BREAKFAST INN, LODGE

1. Site plan showing all existing and proposed site improvements shall be provided.
2. Only one sign shall be permitted on the premises. Said sign shall be a free-standing sign no larger than six (6) square feet in area, six (6) feet in height and shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.
3. No parking shall be permitted in the front yard.
4. Structure shall be used only for lodging and eating purposes for paying guests.
4. Architectural elevation drawings shall be prepared showing all exterior elevations and any modifications, additions or alterations thereto.

E. RESERVED (Ord. 2006-04a- 02-20-2006)

F. GROUP HOMES

(WHICH ARE NOT SUPERVISED) (WHETHER OR NOT SUPERVISED WHICH HAVE NONE OR MORE PERSONS PLUS STAFF)

Group homes, as defined above, are subject to the following:

1. A minimum distance is maintained between group homes to prevent clustering.
2. The applicant shall submit a statement of the exact nature of the group home, the qualifications of the agency that will operate the group home, the number and type of personnel who will be employed, and the number of residents who will live in the group home.
3. The group home shall conform to all current provisions of the Unified Development Ordinance of the City of Genoa, City building codes and other City ordinances and State of Illinois licensing standards, if applicable to the use.
4. Any of the above conditions may be waived by the City Council.

(Ord. 2006-04, 02-21-2006)

G. PERSONAL WIRELESS FACILITIES

1. SPECIAL USE PERMIT REQUIRED. No person shall establish, construct, maintain, or operate a personal wireless service facility other than on municipal-owned property without first obtaining a Special Use Permit authorized and issued by the City Council in accordance with the standards and procedures set forth in this Ordinance.
2. PURPOSE. The purpose of this Section is to establish a comprehensive set of regulations pertaining to the location, siting, development, design and permitting of wireless communications facilities for all districts in the City in order to:
 - a. facilitate the development of a wireless communications infrastructure in the City for commercial, public and emergency uses;
 - b. encourage the co-location of wireless communications facilities;
 - c. encourage users of wireless communications facilities to configure them in a manner which minimizes the adverse visual impact of such facilities;
 - d. enhance the ability of the providers of wireless communications services to provide such services to the community quickly, efficiently, and effectively;
 - e. establish the rules and procedures for approving zoning applications for wireless communication facilities; and,
 - f. minimize the total number of wireless communication facilities in the City;
3. SCOPE. The provisions of this Article shall apply to all personal wireless service facilities, whether such facilities are used as a principal use or as an accessory use unless otherwise exempted from these regulations.
 - a. PRE-EXISTING TOWERS OR ANTENNAS. Towers and antennas existing on the date this Section is adopted shall not be required to meet the requirements of this Title other than the requirements of Sub-sections 6(e), 6(f), and 6(g), below.
 - b. AM ARRAY. For purposes of implementing this Ordinance, an AM array, consisting of one (1) or more towers united and supporting a ground system which functions as one (1) AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers including the AM array. Additional towers may be added within the perimeter of the AM array by right.
4. EXEMPTIONS. The following uses and activities are exempt from the regulations of this Section.
 - a. Satellite dishes forty (40) inches or less in diameter or diagonal measurement.

- b. Existing towers and antennae and any repair, reconstruction, or maintenance of these facilities which do not create a significant change in visual impact.
 - c. Any tower or installation of any antenna which is owned and operated by a Federally licensed amateur radio station operator as part of the Amateur Radio Service, citizens band radio, or is used exclusively for receive-only antennae.
 - d. Antennae and equipment and other apparatus completely located within an existing structure whose purpose is to enhance or facilitate communication function of other structures on the site.
 - e. Personal wireless service facilities located on property owned, leased or otherwise controlled by the City provided a lease or license authorizing such personal wireless service facilities has been approved by the City Council.
 - f. Antenna not attached to a tower and incorporating stealth design Amateur Radio Operation/Receive Only Antennas. This Ordinance shall not govern any Towers or the installation of any Antenna that is fifty (50) or less feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas. No receive-only antenna shall exceed the highest point on the nearest residential rooftop of a dwelling by more than ten (10) feet.
5. DEFINITIONS. As used in this Section 4.3.4(G) the following words and terms shall have the meanings set forth herein:
- a. ANCILLARY BUILDING: shall mean the building(s), cabinet(s), vault(s), closure(s) and equipment required for operation of telecommunication systems, including but not limited to repeaters, equipment housing, relay equipment, ventilation and other electrical and mechanical equipment.
 - b. ANTENNA: shall mean a device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. An antenna is typically mounted on a supporting tower, pole, mast, building, or other structure.
 - c. CO-LOCATION: shall mean the placement of two or more antenna systems or platforms by separate FCC license holders on a structure such as a support structure, building, water tank, or utility pole.
 - d. GUYED TOWER: shall mean a tower that is supported by the use of cables (guy wires) which are permanently anchored.
 - e. LATTICE TOWER: shall mean a tower characterized by an open framework of lateral cross members which stabilize the tower.
 - f. MAST: shall mean a vertical element consisting of a tube or rod which supports an antenna.
 - g. MONOPOLE: shall mean a single upright pole engineered to be self-supporting and does not require lateral cross supports or guys.

- h. PERSONAL WIRELESS SERVICES: shall mean commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
 - i. PERSONAL WIRELESS SERVICE FACILITIES: shall mean facilities for the provision of personal wireless services.
 - j. STEALTH DESIGN: shall mean a personal wireless service facility that is designed or located in such a way that the antennas and/or towers are camouflaged, concealed, disguised and otherwise not readily recognizable as telecommunications equipment. Examples of stealth design include concealing antenna in clock towers, bell steeples, on light poles, and integrating antenna into architectural elements on buildings by color, shape or location on the building.
 - k. TOWER: shall mean a vertical framework of cross elements that supports either an antenna, mast, or both.
 - l. UNLICENSED WIRELESS SERVICE: shall mean the offering of telecommunications services using duly authorized devices which do not require individual licenses issued by the FCC, but does not mean the provision of direct-to-home satellite services as defined by the FCC.
 - m. WIRELESS COMMUNICATION FACILITY: shall mean an unstaffed facility for the transmission or reception or reception of radio frequency (RF) signals, usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices. Amateur radio facilities and facilities used exclusively for the transmission of television and radio signals are not considered wireless communication facilities.
 - n. WIRELESS COMMUNICATION FACILITY, ATTACHED: shall mean a wireless communication facility that is affixed to an existing structure, e.g., an existing building wall or roof, mechanical equipment, tower or pole, water tank, utility pole, or light pole, that does not include an additional wireless communication support structure.
 - o. WIRELESS COMMUNICATION SUPPORT STRUCTURE: shall mean a new structure, tower, pole or mast erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, monopoles, lattice towers, wood poles and guyed towers.
6. PERFORMANCE STANDARDS
- a. EQUIPMENT. Mobile or immobile equipment not used in direct support of a personal wireless service facility shall not be stored or parked on the site of a personal wireless service facility unless repairs to such facility are being made. Back-up generators shall be operated only during power outages and for testing and maintenance purposes. Noise attenuation measures shall be included to reduce noise levels. Testing and maintenance of generators shall occur only on weekdays between the hours of 8:00 a.m. and 5:00 p.m.

- b. LIGHTING. No signals or lights or illumination shall be permitted on a personal wireless service facility unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the City. If illumination is required, the illumination alternative and design chosen must cause the least disturbance to the surrounding views.
- c. SIGNS. No personal wireless service facility shall be used or serve as a sign or bear the advertising emblem or logo other than the name of the manufacturer or provider in letters or graphics not to exceed four (4) inches in height, or those required by the FCC.
- d. AESTHETICS. Towers and antennas shall comply with the following requirements:
 - 1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - 2. At a tower site, the design of the buildings and related structure shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural settings and surrounding buildings.
 - 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- e. ANTENNAS ON EXISTING STRUCTURES. Any antenna which is not attached to a tower may be approved by the City as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of twenty-four (24) or more dwelling units, provided:
 - 1. The antenna does not extend more than thirty (30) feet above the highest point of the structure;
 - 2. The antenna complies with all applicable FCC and FAA regulations;
 - 3. The antenna complies with all applicable building codes and safety standards as referenced in Section 4.3.4(G)6(g) and,
 - 4. The antenna utilizes stealth design.
- f. ANTENNAS ON EXISTING TOWERS. An antenna which is attached to an existing tower may be approved by the City and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:

1. A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the City allows reconstruction as a monopole.
2. HEIGHT.
 - i. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the co-location of an additional antenna provided the total height shall not exceed one hundred fifty (150) feet.
 - ii. The height change referred to in this Subsection may only occur one time per communication tower.
 - iii. The additional height referred to in Section 4.3.4(G)6(f)3(i) shall not require a distance separation. The tower's pre-modification height shall be used to calculate such distance separations.
3. ON-SITE LOCATION.
 - i. A tower which is being rebuilt to accommodate the co-location of additional antenna may be moved onsite within fifty (50) feet of its existing location.
 - ii. After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
 - iii. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The relocation of tower hereunder shall in no way be deemed to cause a violation of this Ordinance.
- g. BUILDING CODES/SAFETY STANDARDS. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the current and applicable state of local building codes and the applicable standards to towers that are published by the Electronic Industry Association, as amended from time to time. If, upon inspection, the City of Genoa concludes that a tower fails to comply with such codes and standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within the thirty (30) day period shall constitute grounds for removal of the tower or antenna at the owner's expense.
- h. FRANCHISES. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communications system in the City of Genoa have been obtained and shall file a copy of all required franchises with the City Administrator.

- i. INVENTORY OF EXISTING SITES. Each applicant for an antenna and/or tower shall provide the Development Administrator an inventory of its existing towers, antennas, or sites approved for towers and antennas, that are either within the jurisdiction of the City of Genoa or within one and one-half (1½) miles of the border thereof, including specific information about the location, heights, and design of each tower. The Development Administrator may share such information with other applicants applying for administrative approvals of Special Use Permits under this Ordinance or other organizations seeking to locate antennas within the jurisdiction of the City of Genoa, provided, however that the Development Administrator is not, by sharing such information, in any way representing or warranting such sites are available or suitable.
 - j. LOT SIZE. For purposes of determining whether the installation of a tower or antenna complies with the district bulk regulations, including but limited to setback requirement, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels or easements within such lot.
 - k. MEASUREMENT. For purposes of measurement, tower setback and tower separation distances shall be calculated and applied to facilities located in the City of Genoa irrespective of municipal jurisdictional boundaries.
 - l. MULTIPLE ANTENNA/TOWER PLAN. The City of Genoa encourages all plans for tower and antenna sites to be submitted in a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
 - m. NOT ESSENTIAL SERVICES. Towers and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
 - n. PRINCIPAL OR ACCESSORY USE. Antennas and towers may be considered principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
 - o. STATE OR FEDERAL REQUIREMENTS. All towers must meet or exceed current standards or regulations of the FAA, the FCC, or any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.
7. ADDITIONAL APPLICATION REQUIREMENTS. In addition to any information required for applications for Special Use Permits pursuant to Section 4.3.6 applicants for a Special Use Permit for a personal wireless service facility shall submit the following information:
- a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and

zoning (including when adjacent to other municipalities), Comprehensive Plan designation of the site and all adjoining, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Development Administrator to be necessary to assess compliance with this ordinance.

- b. Legal description of the parent tract and leased parcel (if applicable).
 - c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 4.3.4(G)6(i) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - e. A landscape plan showing specific landscape materials.
 - f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - g. A description of compliance with Section 4.3.4(H)6 and all applicable federal, state or local laws.
 - h. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
 - i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - k. A description of the feasible location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
8. FACTORS CONSIDERED IN GRANTING SPECIAL USE PERMIT FOR TOWERS. In addition to any standards for consideration of Special Use Permit applications pursuant to Article 4.3, the Plan Commission shall consider the following factors in determining whether to issue a special use permit, although the Plan Commission may waive or reduce the burden on the application of one or more of these criteria if the Plan Commission concludes that the goals of this ordinance are better served thereby:
- a. Height of the proposed tower;

- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress; and
- h. AVAILABILITY OF SUITABLE EXISTING TOWERS, OTHER STRUCTURES, OR STEALTH DESIGN. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Plan Commission that not existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the Plan Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
 - 1. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - 2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - 3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - 5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - 7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.

Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

H. REFUSE TRANSFER STATION

1. REFUSE TRANSFER STATION OPERATOR'S LICENSE REQUIRED. No person, firm or corporation shall hereafter operate a refuse transfer station within the City without first obtaining from the City Council a refuse transfer station operator's license (transfer station license) in such form and in such manner as provided by the City Council. No transfer station license shall be issued unless the land upon which such transfer station operations are proposed to be conducted has been, or simultaneously with the issuance of the transfer station license is, granted a Special Use for the conduct of a refuse transfer station. No transfer station license shall be issued unless the total fee, which may be otherwise provided in this or other ordinances of the City, is paid to the City.
2. GENERAL. Refuse transfer stations shall comply will all applicable state and federal health, sanitation and environmental protection requirements and standards.
3. STANDARDS
 - a. No burning or melting shall be permitted.
 - b. All unloading, compacting and loading of refuse shall be performed in a completely enclosed building.
 - c. All refuse transfer operations and buildings shall be not less than three hundred (300) feet from any residential zoned lot.
 - d. Truck routing shall not rely upon any residential streets for access or egress from the facility.
 - e. No collection route vehicles shall be parked or stored on the site.
 - f. No storage of refuse shall be permitted outside of semi-trailers, bins, barrels or other appropriate containers.
 - g. The facility shall be designed such that all areas not covered with landscaping have an all weather dust-free surface.
4. ADDITIONAL APPLICATION REQUIREMENTS. In addition to the requirements of Section 4.3.6, applications for refuse transfer stations shall provide the following:
 - a. Geotechnical report identifying the characteristics of subsurface soils and seasonal groundwater table and the general suitability of the site for the proposed buildings and uses.
 - b. Agricultural drain tile investigation identifying the location and condition (material, flow, direction) of all tile entering and leaving the site.
 - c. Circulation
 1. Truck routing plan to and from the site
 2. On-site separation of collection vehicles and public vehicles

- d. A Master Plan showing the location, size and function of all buildings on the property, parking and circulation areas, and the location and method of screening and buffering.
- e. Written material indicating:
 - 1. Measures to control rodents, dust, litter, noise and odors.
 - 2. Maximum daily capacity of the facility
 - 3. Daily and peak trip generation
 - 4. Hours of operation

I. RECYCLING CENTER, RECYCLING COLLECTION CENTERS.

- 1. GENERAL. The design and operation of recycling centers and recycling collection centers shall comply with all applicable state and federal regulations.
- 2. OPERATION. The operation of recycling centers and recycling collection centers, including collection, processing, and storage of all used products and materials and recovered resources shall be conducted entirely within an enclosed building.
- 3. RECOVERABLE RESOURCES. The used products and materials shall be limited to those used products and materials manufactured from wood, fabric, paper, rubber, plastic, leather, glass, and metal resources.
- 4. PROCESSING. The processing of used materials and products shall be limited to disassembly, separating, flattening, melting, shredding, stripping, compacting, bundling, and preparing such resources for shipment.
- 5. EXEMPTIONS. Resource recovery operations accessory or incidental to the principal use of the residential, commercial, office, industrial, institutional, or government building in which it is located are exempt from the requirements of this Article 4.3.

J. LARGE RETAIL ESTABLISHMENTS

1. PURPOSE. Large retail developments depend on high visibility from major public streets. In turn, their design influences the character and attractiveness of streetscapes in the City. The business and marketing interests of corporations, even with strong image-making design by professional designers, create buildings and physical designs that are indifferent to local identity and interests. This practice can be potentially detrimental to the City's aspirations and the goals of the Comprehensive Plan when they result in massive individual developments that do not contribute to the physical development of the City in a positive manner. The purpose of this section is to encourage business development that contributes to Genoa as a unique place by reflecting Genoa's physical character and adding to it in appropriate ways.
2. SCOPE. The guidelines and standards in this Section shall apply to a single retail use or shopping centers having twenty-five thousand (25,000) square feet of gross floor area or more under roof. The standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts. The standards are not intended to limit creativity, but to stimulate design creativity within the context of the site and its environs.
3. DESIGN STANDARDS FOR LARGE RETAIL ESTABLISHMENTS
 - a. FACADES AND EXTERIOR WALLS. Facades shall be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the pedestrian character and scale of Genoa.
 1. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate in the wall plane projections or recesses having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of any façade shall exceed one hundred (100) horizontal feet.
 2. Facades that enfront on a public street shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty percent (60%) of their horizontal length.
 - b. SMALL RETAIL STORES. The presence of small retail stores gives a large retail establishment a more pedestrian scale and friendlier appearance by creating variety, breaking up large expanses of blank exterior walls, and expanding the range of activities on the site. Where principal buildings contain additional stores which occupy less than five thousand (5,000) square feet of gross floor area, with separate, exterior customer entrances, the following shall apply:
 1. The street level façade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the sidewalk.

2. Windows shall be recessed and should include visually prominent sills, shutters, or other forms of framing.
- c. **DETAIL FEATURES.** Buildings shall have architectural features and patterns that provide visual interest, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The following elements shall be integral parts of the building, not superficially applied trim, graphics or paint.
 1. **BUILDING FACADES.** Building facades shall include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
 - i. Color change
 - ii. Texture change
 - iii. Material module change
 - iv. Expression of architectural or structural bay, meaning a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib.
 2. **ROOFS.** Variations in roof lines shall be used to add interest to, and reduce the massive scale of large buildings. Roof features should complement the character of adjoining neighborhood property. Roofs shall have no less than two of the following features:
 - i. Three (3) or more roof slope planes.
 - ii. Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapet shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment.
 - iii. Overhanging eaves, extending no less than three (3) feet past the supporting walls.
 - iv. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal.
 3. **MATERIALS AND COLORS.** Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street.

2. **PARKING LOT ORIENTATION.** Parking areas shall provide safe, convenient, and efficient access. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance. No more than fifty-percent (50%) of the off-street parking area for the lot, tract, or area of land devoted to the large retail establishment shall be located between the front façade of the principal building(s) and the abutting streets.
3. **PEDESTRIAN CIRCULATION.** Pedestrian accessibility connects auto-oriented developments to the adjacent neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for sidewalk networks that can provide user friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the site.
 - i.* Sidewalks shall be provided along all sides of the lot that abut a public street as required by Article 6.11.
 - ii.* When retail buildings are not adjacent a public right-of-way continuous sidewalks, not less than six (6) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. The sidewalk network shall connect, at minimum, focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty-percent (50%) of its length.
 - iii.* Sidewalks, no less than twelve (12) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance. Such sidewalks should provide weather protection features such as awnings, canopies or arcades within thirty (30) feet of all customer entrances.
 - iv.* The sidewalk network shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as scored or tinted concrete, pavers or bricks to enhance pedestrian safety and comfort, as well as the attractiveness of the sidewalks.

4. **CENTRAL FEATURES AND CIVIC SPACES.** Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with sidewalks conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. The sidewalk network should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define pedestrian circulation ways and outdoor spaces. Examples of civic spaces include plazas, patios, courtyards, and window shopping areas. The special design features and civic spaces should enhance the building and the development as integral parts of the community fabric.

Each retail establishment subject to these standards shall contribute to the establishment or enhancement of sense of place and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosks, water feature, clock tower, or other such deliberately shaped area and/or focal feature or amenity that, in the judgement of the Plan Commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building(s) and landscape.

K. MOBILE HOMES AND MOBILE HOME PARKS

1. DEFINITIONS. As used in this Section 4.3.4(K), the following words and terms shall have the meanings set forth herein.
 - a. DEPENDENT MOBILE HOME: shall mean a mobile home without toilet and bath or shower facilities.
 - b. INDEPENDENT MOBILE HOME: shall mean a mobile home having a self-contained toilet and bath or shower facilities.
 - c. MOBILE HOME: shall mean any vehicle or similar portable structure used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a dwelling place for one or more persons.
 - d. MOBILE HOME PARK: shall mean any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located.
 - e. MOBILE HOME SPACE: shall mean a plot of ground within a mobile home park designated for the accommodation of one mobile home.
 - f. SERVICE BUILDING: shall mean a building housing toilet, lavatory and such other facilities as may be required.
2. PLANNED UNIT DEVELOPMENT REQUIRED. All mobile home parks shall require development pursuant to the planned unit development provisions as contained in Article 4.4 of this Title.
3. LIMITATIONS ON MOBILE HOMES. No person shall park or occupy any mobile home or trailer on any street or other public place or on any tract of land within the City of Genoa, unless the same is located in a mobile home park in accordance with this Section 4.3.4(K).
4. COMPLIANCE WITH STATE REGULATIONS. In addition to the requirements under this Title, and any other ordinances of the City of Genoa, construction, maintenance and operation of mobile home parks shall meet those requirements set forth by the Illinois Mobile Homes Parks Act, as now or hereafter amended, and the rules and regulations pertaining to mobile home parks adopted by the Illinois Department of Public Health.
5. PROCEDURES AND REQUIREMENTS.
 - a. CONSIDERATION OF A PROPOSED PLANNED UNIT DEVELOPMENT. Any proposal for a mobile home park shall be pursuant to the provisions under Article 4.4.
 - b. ADDITIONAL MINIMUM REQUIREMENTS.
 1. MOBILE HOME SPACE. Each mobile home space shall have a minimum depth of one hundred (100) feet, a minimum width of thirty (30) feet and a minimum area of three thousand (3,000) square feet. Each mobile home space shall be adjacent

a driveway or roadway of not less than twenty-four (24) feet in width, which driveway shall have unobstructed access to a public street. Mobile home spaces shall be clearly defined, and mobile homes shall be parked in such spaces so that there will be a minimum of twenty (20) feet between mobile homes, and so that no mobile home will be less than twenty (20) feet from the exterior boundary of the mobile home park and a minimum two hundred (200) feet from the exterior boundary of the mobile home park abutting a major street.

No mobile home shall be parked less than twenty (20) feet from any street or highway or public way or so that any part of such mobile home will obstruct any roadway or walkway.

The following shall be provided for each individual mobile home space, all in conformity with the current minimum property requirements for mobile home parks or the Federal Housing Administration:

- i. mobile home stand.
 - ii. Paved patio at least one hundred eight (180) square feet
 - iii. Tenant storage, including a locker, of at least twenty (20) cubic feet.
 - iv. Parking spaces for two and one-half parking spaces per mobile home.
 - v. Access way to mobile home stand.
2. REQUIREMENTS PLAYGROUND AREA. TioPlayground areas shall be provided and shall be restricted to open space purposes. These areas shall be protected from traffic circulation and parking areas. A minimum two hundred (200) square feet per mobile home space shall be made available in one or more places, provided, however, that a minimum twenty thousand (20,000) square feet shall be restricted to playground use.
3. STREETS Streets within a mobile home park shall be provided in accordance with this Title.
4. SIDEWALKS Sidewalks within a mobile home park shall be provided between mobile home spaces and parking areas, to all service buildings, and to all playground areas in accordance with this Title.
5. SEWERS The mobile home park shall comply with the requirements for sanitary sewers, storm sewers and water distribution systems required by this Title.
6. LIGHTING Adequate lighting shall be provided on all streets, sidewalks, and buildings used by the mobile home park's occupants.
7. LANDSCAPING Landscaping, walls, decorative fences shall be provided from screening purposes at such places as boundary lines, laundry yards, refuse collection points, playgrounds, etc

8. ELECTRICITY An electrical outlet supplying at least one hundred ten (110) volts shall be provided for each mobile home space. The installation shall comply with all State and City Electrical Codes. Such electrical outlets shall be weatherproofed. All electric, telephone and cable television and other utility service lines and distribution lines shall be underground.
- c. REQUIRED SERVICES IN MOBILE HOME PARKS. A mobile home park shall provide the following in the manner specified.
1. SUPERVISION The mobile home park shall be in charge of a responsible attendant or caretaker at all times whose duty it shall be to maintain the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition and to be so answerable, with the license, for any violation of this Section 4.3.4(K).
 2. MANAGER tionA mobile home park shall have an on-site manager, attendant, or person-in-charge responsible for the following:
 - i. Maintaining the mobile home park in a clean, orderly and sanitary condition at all times.
 - ii. Preventing loose dogs, cats, or other animals or pets in the mobile home park.
 - iii. Seeing that the provisions of this Section 4.3.4(K) are complied with and enforced, and promptly report to the proper authorities any violations of this Chapter or any violations of law that may come to his or her attention.
 - iv. Maintaining in convenient locations, fifteen (15) pound hand fire extinguishers in the ration of one for every eight (1:8) mobile home spaces.
 - v. Prohibiting the lighting of open fires on the premises.
 - vi. Prohibiting the use of any mobile home by a greater number of occupants than that which it is designed to accommodate.
 - vii. Prohibiting any mobile home to remain in the mobile home park unless a mobile home space is available.
 - viii. Keeping and maintaining a register of all mobile homes in the mobile home park.

(Ord. 2013-04, 04-13-2013)

L. ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS.

1. PURPOSE. The purpose of this Section is to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the City. Such adult-use cannabis business establishments shall comply with all regulations provided in the Cannabis Regulation and Tax Act, 410 ILCS 705, as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the state or local regulations shall apply.

2. STANDARDS.

- a. SALES OR DISTRIBUTION. An adult-use cannabis business establishment may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.

- b. LOCATION.
 - 1. ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis business establishment may not be located within 500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, or library. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

 - 2. ADULT-USE CANNABIS CRAFT GROWER AND ADULT-USE CANNABIS CULTIVATION CENTER. The primary structure of an adult-use cannabis craft grower and adult-use cannabis cultivation center may not be located within 150 feet of the property line of a pre-existing property zoned or used for residential purposes.

 - 3. ADULT-USE CANNABIS DISPENSING ORGANIZATION, ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER, ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR, AND ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. The setbacks for adult-use cannabis dispensing organization, adult-use cannabis infuser organization or infuser, adult-use cannabis processing organization or processor, and adult-use Cannabis transporting organization or transporter shall comply with the zoning district in which such used of land is located or maintained.

- c. LOCATING ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS TOGETHER. The Plan Commission may recommend and the City Council may approve locating an adult-use cannabis dispensing organization with an adult-use cannabis craft grower or an adult-use cannabis infuser organization or infuser, or both, subject to the provisions of the Cannabis Regulation and Tax Act and the special use criteria of Article 4.3. If approved, the floor space requirements of Sections 4.3.4(L)(2)(d)(1) and 4.3.4(L)(2)(d)(2) below shall not apply, but the adult-use cannabis dispensing organization with the adult-use cannabis craft grower or the adult-use cannabis infuser organization or infuser, or both, as the case may be, shall be the sole use of the space.

- d. FLOOR AREA. In those zoning districts in which an adult-use cannabis business establishment may be located, the proposed facility must comply with the following:
 - 1. ADULT-USE CANNABIS DISPENSING ORGANIZATION. At least 75% of the floor area of any space occupied by an adult-use cannabis dispensing organization shall be devoted to the activities of the adult-use cannabis dispensing organization as authorized by the Cannabis Regulation and Tax Act, and no adult-use cannabis dispensing organization shall also sell food

- for consumption on the premises other than as authorized in Section 4.3.4(L)(2)(e) below in the same space.
2. ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. At least 75% of the floor area of any space occupied by an adult-use cannabis infuser organization or infuser shall be devoted to the activities of the adult-use cannabis infuser organization or infuser as authorized by the Cannabis Regulation and Tax Act.
 3. ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR. At least 75% of the floor area of any space occupied by an adult-use cannabis processing organization or processor shall be devoted to the activities of the adult-use cannabis processing organization or processor as authorized by the Cannabis Regulation and Tax Act.
 4. ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. The adult-use transporting organization or transporter shall be the sole use of the space in which it is located.
- e. ON-SITE CONSUMPTION. No adult-use cannabis dispensing organization or retail tobacco store (as defined in Section 10 of the Smoke Free Illinois Act) shall host on-site consumption of cannabis.
 - f. SECURITY. The Plan Commission may recommend and the City Council may impose such conditions and limitations concerning building enhancements, such as security cameras, lighting or other improvements to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis business establishment and the site on which it is located, consistent with the requirements of the Cannabis Regulation and Tax Act.
 - g. PARKING. The Plan Commission may recommend and the City Council may require that additional parking be provided as a result of the analysis completed pursuant to Article 4.3.
3. ADDITIONAL APPLICATION REQUIREMENTS. Applicant for a special use shall file an affidavit with the City affirming compliance with Article 4.3 and all other requirements of the Cannabis Regulation and Tax Act.
 4. FACTORS CONSIDERED IN GRANTING SPECIAL USE PERMIT FOR ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS. In addition to any standards for consideration of Special Use Permit applications pursuant to Article 4.3, the Plan Commission shall consider the following factors based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties in determining whether to issue a Special Use Permit, although the Plan Commission may waive or reduce the burden on the application of one or more of these criteria if the Plan Commission concludes that the goals of this Unified Development Ordinance are better served thereby:

- a. Impact of the proposed adult-use cannabis business establishment on existing or planned uses located within the vicinity of the subject property;
- b. Proposed structure in which the adult-use cannabis business establishment will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance;
- c. Hours of operation and anticipated number of customers/employees;
- d. Anticipated parking demand based on Article 6.7 and available private parking supply;
- e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways;
- f. Site design, including access points and internal site circulation;
- g. Proposed signage plan; and
- h. Other criteria determined to be necessary to assess compliance with Article 4.3. (Ordinance 2019-39, 12-17-2019)

4.3.5 Conditions. The Plan Commission may recommend and the City Council may impose such conditions or restrictions upon the location, construction, design and operation of a special use as they shall respectively find necessary or appropriate to secure compliance with the standards set forth herein.

4.3.6 Procedures.

- A. AUTHORIZATION. The City Council is authorized to issue a Special Use Permit for those listed in Article 5.3 and for Planned Developments, subject to the standards set forth in Sections 4.4.3 and 4.4.4 and such conditions as may be imposed pursuant to Section 4.3.5. Prior to the issuance of any Special Use Permit, a public hearing shall be held and published notice shall be given, in the manner prescribed in Section 4.7.3 of this Title.
- B. APPLICATION FOR SPECIAL USE. Any person having a proprietary interest in the premises may file an application for a Special Use with the Development Administrator. The application shall be in such number, in such form, and contain such information as the Development Administrator may prescribe from time to time. The Development Administrator shall process such application and hearing shall be held in the manner prescribed for amendments by Article 4.7 of this Title.
- C. REPORT OF HEARING. Within thirty (30) days following the hearing, the Plan Commission shall transmit to the City Council a written report giving its findings as to compliance of the proposed Special Use with the standards governing Special Uses and giving its recommendations for action to be taken by the City Council.
- D. CONDITIONS. The Plan Commission may recommend and the City Council may impose such conditions or restrictions upon the location, construction, design and operation of a Special Use, including but not limited to, provisions for off-street parking spaces and the duration of such permit, as they shall respectively find necessary or appropriate to secure compliance with the standards set forth in Sections 4.3.3 and 4.3.4.

- E. **ACTION BY CITY COUNCIL.** After receiving the recommendations and report of the Plan Commission, the City Council shall, within 30 days, review the recommendations and report and may accept the findings and recommendations of the Plan Commission in whole or in part or may reject them in whole or in part, or the City Council may refer the matter back to the Plan Commission for further consideration. However, in the event the Plan Commission recommends against the issuance of a Special Use Permit, then it may be issued only upon the favorable two-thirds (2/3) vote of all of the members of the City Council.
- 4.3.7. Effect of Denial of a Special Use.** After a public hearing, no application for a Special Use which has been denied wholly or in part by the City Council shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Plan Commission and City Council.
- 4.3.8. Termination of Special Use Permit.** If the proposed Special Use is not established within two (2) years from the date of the authorization by the City Council, the authorization shall become null and void and all rights thereunder shall lapse. Upon written application, the City Council may authorize up to a maximum of two (2) extensions of the time limit for a period of not more than one year for each extension. (Ord. 2007-35, 12-04-2007)
- 4.3.9. Discontinuation of a Special Use:** For a Special Use or Uses that are approved and established, but then are subsequently discontinued for at least one year, the Development Administrator, may, but is not required to, make a determination that the Special Use has expired. (Ord. 2007-05, 12-4-2007)

Article 4.4

PLANNED DEVELOPMENTS

4.4.1. Purpose. The development and execution of zoning regulations is based upon the division of the City into districts in which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized by the City that new types, procedures and relationships in land development are emerging and that the mixing of uses and variations in bulk regulations within districts can produce very satisfactory, desirable and lasting results, if properly designed and planned, without adverse influence upon surrounding property. The following standards are established to provide flexibility to encourage sound and imaginative design, and to guard against the use of the planned development technique solely as a means to intensify the use of land.

4.4.2. Objectives. The Planned Development is intended to encourage improved design in the development of land by providing relief from traditional zoning requirements which are designed for conventional development but which may cause undue hardship or complication for desirable but unconventional development, and to establish standards and procedures for the issuance of a Special Use Permit for a Planned Development in order to obtain the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is normally possible through the strict application of general zoning ordinance requirements.
- B. Diversification in the use permitted and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived as cohesive unified projects.
- C. Provision for functional and beneficial use of open space.
- D. Preservation, to the greatest extent possible, of the archeological and historic resources and natural landscape features and amenities of a development site and to utilize such features in a harmonious fashion in the development.
- E. Provision for a safe and desirable environment characterized by a sensitive and unified building and site development program.
- F. Rational and economic development in relation to public services.
- G. Creation of a variety of uses, in compatible arrangements, to provide a greater choice of living, employment and shopping environments.
- H. Efficient use of land resulting in more economic networks of utilities, streets and other facilities.
- I. Coordination of architectural styles, building forms and relationships, graphics and other private improvements.

4.4.3. Modification of District Regulations. Planned Developments shall be constructed in each zoning district as a Special Use subject to the standards and procedures set forth in this Article:

- A. Except as modified by and approved in the ordinance approving a Final Development Plan, a Planned Development shall be governed by the regulations of the district or districts in which the said Planned Development is located.

- B. The ordinance approving the Final Development Plan for the Planned Development may provide for such exceptions from the district regulations governing use, density, area, bulk, parking and signs, and the subdivision design standards as may be necessary or desirable to achieve the objectives of the proposed Planned Development, provided such exceptions are consistent with the standards and criteria contained in this Article. No modifications of district requirements or subdivision design standards may be allowed when such proposed modification would result in:
1. Inconvenient or unsafe access to the Planned Development.
 2. Traffic congestion in the streets which adjoin the Planned Development.
 3. An undue or disproportionate burden on public parks, recreational areas, fire and police protection, schools, and other public facilities which serve or are proposed to serve the Planned Development.
 4. A development which will be incompatible with the purpose of this Title and the goals and objectives of the Genoa Comprehensive Plan;
 5. Alteration, destruction, or diminution of natural landscape features such as floodplains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs, or steep slopes; and
 6. Alteration, destruction of archeological and historic features.
- C. The Plan Commission may recommend to the City Council and the City Council may grant a Special Use Permit which modifies the applicable district zoning regulations and subdivision regulations upon a written finding by the Plan Commission that the Planned Development meets the applicable objectives and standards and criteria contained in Sections 4.4.2, 4.4.4, 4.4.5, 4.4.6, and 4.4.7 of this Chapter. Such written finding shall set out the reasons supporting each finding and shall support each of the following standards and the applicable provision of Sections 4.4.2, 4.4.4, 4.4.5, 4.4.6, and 4.4.7 hereof.

4.4.4. General Standards and Criteria for Planned Developments. No Planned Development shall be authorized by the City Council unless the Plan Commission shall find evidence establishing that:

- A. The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the Genoa Comprehensive Plan.
- B. The proposed development can be substantially completed within the period for time specified in the schedule of development submitted by the applicant.
- C. The entire tract or parcel of land to be occupied by the proposed development shall be held in a single ownership, or if there are two or more owners, the application for such proposed development shall be filed jointly by all such owners.
- D. The development plan shall contain such proposed covenants, easements and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the Planned Development and are not inconsistent with the best interests of the City. Such covenants, easements and other provisions, when part of the approved final development, may be modified, removed or released only with the consent of the City Council after a public hearing before, and recommendation by the Plan Commission as provided in this Article 4.4.

- E. Sanitary sewers, storm sewers and water supply to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond design capacity.
- F. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities is compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or access ways, is landscaped or otherwise improved.
- G. The project area is adaptable to unified development and shall have within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness. There is no minimum project area for Planned Development.
- H. The uses permitted in the development are necessary or desirable and the need for such uses is clearly demonstrated by the applicant.
- I. The dominant land use of the proposed Planned Development is consistent with the recommendations of the Genoa Comprehensive Plan for the area containing the project.
- J. Any modifications of the standards and specifications of this Ordinance or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the public general welfare.
- K. Exceptional landscaping features such as larger caliper, varied species and reduce spacing of trees and additional sodding above the minimum requirements specified in Article 6.6 is provided.
- L. All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Development. Entrance points or locations of streets and driveways upon previously existing public roadways shall be subject to the approval of the City, and if applicable, the DeKalb County Highway Department, and the Illinois Department of Transportation. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, the City Council may require, as a condition of approval of a proposed Planned Development, such devices to be provided at the developer's cost.
- M. Off-street parking is conveniently accessible to all dwelling units and other uses in the Planned Development. Where appropriate, common driveways, parking areas, walks, and steps to parking and service areas are to be screened through ample use of trees, shrubs, hedges, land forms and walls.
- N. A pedestrian circulation network is provided.
- O. The Planned Development provides for underground installation of utilities (including electricity and telecommunications) in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutter, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the City as set forth in this Ordinance.
- P. The proposed Planned Development satisfies the applicable objectives as provided in Section 4.4.2.

- Q. Existing ponds, creeks, rivers, lakes, wetlands or fens on or adjacent the Planned Development are enhanced and protected from development.

4.4.5. Application Procedures. All Planned Developments shall be processed and reviewed in three to four steps leading to approval for recording and construction: pre-application conference, concept development plan **(optional)**, preliminary development plan, and final development plan. Prior to beginning the Planned Development review process, the applicant is encouraged to obtain from the City a copy of Unified Development Ordinance, and application forms. Applications shall be made on forms supplied by the City and shall be made in accordance with the provisions of Chapter 4, except as specifically provided herein to the contrary.

- A. **PRE-APPLICATION CONFERENCE.** Before submitting an application for Planned Development, the applicant shall confer with the City staff to informally discuss the proposed Planned Development to obtain information and guidance before entering into binding commitments or incurring substantial expense.

- B. **CONCEPT PLAN.**

- 1. An applicant may submit a Concept Plan in accordance with the provisions of this Title to the City for tentative review and comment prior to incurring the expenses associated with formal site plan submission in order to discover whether the City will accept, or under what circumstances the City will accept, a Planned Development of the type proposed at the site. The following items shall be required:

- a. Maps which are part of the Concept Plan may be in general form, and shall contain the proposed land uses, the natural features of the site, the character and approximate density of dwellings, and the approximate location of proposed thoroughfares and water, sewage and drainage systems.
- b. The written statement shall contain a general explanation of the size and character of the Planned Development, including a statement of the present ownership of all the land within the Planned Development and expected schedule of construction. (Ord. 2007-35, 12-04-2007)

- 2. The Plan Commission shall review the Concept Plan within thirty (30) days after receipt of such plan, and shall prepare a written report containing its recommendations and comments to the City Council and the applicant, but no vote shall be taken. No approval of the Concept Plan is given, and concept review and comment does not guarantee approval of the preliminary development plan.

- 3. The City Council shall discuss and provide their comments regarding the Plan Commission report within thirty (30) days following the date of action by the Plan Commission, however no vote shall be taken.

- C. **PRELIMINARY DEVELOPMENT PLAN.**

- 1. The Preliminary Development Plan shall contain all items required for a Preliminary Subdivision Plat as enumerated in Article 4.5. The following additional items shall also be required:

- a. A plot plan for each building site and planned open area, showing the approximate location of all buildings, structures, and improvements and indicating the open space around the buildings and structures.

- b. A preliminary drawing indicating the architectural character of all proposed structures and improvements. The drawings need not to be the result of final architectural decisions and need not to be in detail.
- c. A development schedule indicating:
 - 1. The approximate date when construction of the project can be expected to begin.
 - 2. The stages in which the project will be built and the date when construction of each stage can be expected to begin;
 - 3. The date when the development of each of the stages will be completed; and
 - 4. The area and locations of planned open space that will be provided at each stage.
 - 5. Proposed agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its planned open space or other facilities.
 - 6. A list of all departures from the district regulations and the subdivision design standards which will be necessary for the proposed Planned Development.
 - 7. A statement by the applicant demonstrating how the Planned Development conforms with the purpose and the standards and criteria of this Section.
 - 8. If the Plan Commission finds that the Planned Development requires further in-depth review, the following information may be required:
 - i. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development to and from existing City thoroughfares.
 - ii. A comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.
- 2. The Plan Commission shall review the Preliminary Development Plan and shall recommend whether it is in substantial compliance with the Concept Plan and whether it complies with all other standards in this Ordinance which were not considered when the Concept was approved.
- 3. Upon completion of the staff review, the Plan Commission shall, within sixty (60) days of receiving a Preliminary Development Plan, complete in all respects, hold a public hearing after due public notice and recommend to the City Council the approval or denial of the proposed Planned Development. If the recommendation is to disapprove, the report shall set forth the findings of fact related to the specific proposal and shall set forth particularly in what respects

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 purpose of the Planned Development regulations.
 - b. The extent to which the proposed Planned Development departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, use and the reasons why such departures are or are not in the public interest.
 - c. The extent to which the proposed Planned Development meets the requirements and standards set forth in this Section 4.4.
 - d. The physical design of the proposed Planned Development and the manner in which said design does or does not make adequate control over vehicular traffic, provide for and protect designated planned open space and schools, and further the amenities of light and air, recreation and visual enjoyment.
 - e. The Planned Development's conformity with the recommendations of the Genoa Comprehensive Plan.
4. Within thirty (30) days of the Plan Commission recommendation, the City Council shall, approve with modifications, or disapprove the Preliminary Development Plan.
 5. No plats shall be recorded and no building permits issued until a Final Development Plan has been approved by the City Council.

D. FINAL DEVELOPMENT PLAN.

1. Within one year following the approval of the Preliminary Development Plan, the applicant shall file with the City a Final Development Plan for the first phase of development, containing in final form the information required in the Preliminary Plan. The City Council in its sole discretion may grant up to 2 (two) 1 (one) year extensions to the one year expiration of a Preliminary PUD approval. The Final Development Plan shall also include all items required for a Final Subdivision Plat and final engineering as enumerated in Article 4.5. In addition, the following items shall be required:
 - a. A final land use plan, suitable for recording with the DeKalb County Recorded of Deeds. The purpose of the Final Development Plan is to designate the land subdivided into lots as well as the division of other lands not so treated into planned open area and building areas, and to designate and limit the specific internal uses of each building or structures, as well as of the land in general.
 - b. If subdivided lands are included in the Planned Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a subdivision plat.
 - c. An accurate legal description of each separate unsubdivided use area, including planned open space.

- d. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designated.
 - e. Final agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its planned open space or other facilities conveyed to a homeowners association or similar organization.
 - f. Final development and construction schedule.
 - g. Final architectural elevations for all structures and amenities, such as fences and walls, street furniture, and the like. (Ord. 2007-35, 12-04-2007)
2. The Final Development Plan shall be approved as follows:
- a. The Plan Commission shall, within thirty (30) days of receiving a Final Development Plan application, recommend approval if it is in substantial compliance with the Preliminary Development Plan. The Plan Commission shall certify to the City Council that the Final Development Plan is in conformity with the previously filed Preliminary Development Plan and meets all the requirements for a Final Development Plan.
 - b. If the Plan Commission finds that the Final Development Plan does not substantially conform to the Preliminary Development Plan or that it does not meet the requirements for a Final Development Plan, it shall so notify the applicant and the City Council in writing within thirty (30) days of receipt of a completed Final Development Plan.
 - c. The City Council shall approve the Final Development Plan if it is in conformance with the Preliminary Development Plan and meets all the requirements for a Final Development Plan. It shall pass an appropriate ordinance granting the Special Use Permit.
- E. **COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN.** The City may consider a combined application for preliminary and final development plan approval. In such instance the final development plan shall include all of the information required of a preliminary development plan and a final development plan.

4.4.6. Administration of Planned Developments.

- A. **FAILURE TO BEGIN DEVELOPMENT.** If no substantial construction has begun or no use established in the Planned Development within the time stated in the approved final development plan and construction schedule, the Special Use Permit for the Planned Development shall lapse upon written notice to the applicant and shall be of no further effect. The land use and development regulations applicable before the Special Use Permit for Planned Development was approved shall then be in effect. In its discretion and for good cause, the City Council may extend for a reasonable time, not to exceed two (2) one (1) year, the period from the beginning of construction or the establishment of a use. (Ord. 2007-35, 12-04-2007)
- B. **PERMITS.**
 - 1. The Development Administrator shall approve the issuance of permits for site or building construction for that part of the development plan that has been

approved in the area covered by the approved Final Development Plan for work in conformity with the approved Final Development Plan and with all other applicable ordinances and regulations.

2. A certificate of occupancy for any completed building or structure located in an area covered by the approved Final Development Plan shall be issued if the completed building or structure conforms to the requirements of the approved Final Development Plan and all other applicable regulations and ordinances of the City. The City reserves the right to deny approval of an occupancy permit for any building or structure shown on the Final Development Plan of any stage of the Planned Development if any planned open space or public facilities allocated to that stage of the development have not been conveyed by dedication, deed or other means to the proper authorities.

C. ENFORCEMENT OF DEVELOPMENT SCHEDULE.

1. The Development Administrator shall periodically review all permits issued for the Planned Development, examine all construction that has taken place on the Planned Development site, and compare actual development with the approved development schedule.
2. If the Development Administrator shall find that the owners of the property in the Planned Development area have failed to meet the approved development schedule, or that the rate of construction of dwelling units is greater than the rate at which planned open space and public and recreational facilities have been constructed and provided, the Development Administrator shall notify the Plan Commission and City Council in writing.
3. Within thirty (30) days of such notice, the City Council shall either revoke the Special Use Permit, and the land shall revert to its former classification, or, for good cause shown by the landowner, the limits of the development schedule shall be extended for a reasonable time.

D. AMENDING THE FINAL DEVELOPMENT PLAN. No changes may be made to the approved Final Development Plan during the construction of the Planned Development except upon the application to the appropriate agency under the following procedures:

1. Minor changes in the location, siting and height of buildings and structures may be authorized by the Plan Commission if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this Section may increase the cube of any building or structure by more than ten-percent (10%).
2. All other changes, in time schedule and in use, any rearrangement of lots, blocks and building tracts, any changes in the provision of planned open space and all other changes in the approved Final Development Plan shall be made by the City Council, upon recommendation of the Plan Commission, under the procedure authorized by this Title for approval of the Special Use Permit.
3. Any changes approved shall be recorded as amendments to the recorded copy of the Final Development Plan.

E. POST-COMPLETION REGULATIONS.

1. Upon completion of the Planned Development, and as a condition of the City's acceptance of the final public improvements, the Development Administrator

shall certify said Planned Development has been completed in accordance with the approved Final Development Plan.

2. After said Certification has been issued, the uses of land and construction, modification or alteration of any buildings or structures within the Planned Development shall be governed by any other provision of this Title.
3. After said Certification has been issued, no changes may be made in the approved Final Development Plan except upon application to the City under the procedures for seeking changes or amendments, Special Uses and variations with respect to the Genoa Unified Development Ordinance, as set out in this Title.

Article 4.5

SUBDIVISION PLATS AND PROCEDURES

- 4.5.1. Subdivision Plats and Procedures.** This Article establishes the procedure to be followed by a landowner or developer who proposes to subdivide or develop any land subject to the terms of this Title. Although separate requirements are specified for subdivisions and developments regulated by this Title, to the extent feasible Applicants are urged to consolidate petitions for subdivision, development, zoning relief or annexation in one proceeding. It encourages Applicants to review concept plans with the City staff and consultants and the Plan Commission before filing a preliminary plat or plan. This Article identifies the contents of preliminary and final plats, plans and supporting data. This Article establishes a review process, and enumerates standards governing decision making hereunder.
- 4.5.2. Subdivisions.** Subdivisions require the approval of a preliminary plat and final plat as required by this Article, with an optional concept review. (Ord. 2007-35, 12-04-2007)
- 4.5.3. The Concept Plan.** In order to discuss the general purpose of the subdivision or development in the context of established planning policies and practices of the City and to ensure that required data is properly prepared and presented before expending the time and money in preparation and review of a preliminary plat or plan, any person desiring to subdivide or develop land subject to this Article before filing a preliminary plat or development plan or seeking annexation or rezoning, may file a concept plan of the subdivision with the Development Administrator.

A. PROCEDURES FOR REVIEW OF THE CONCEPT PLAN.

1. **PRE-APPLICATION MEETING.** Prior to filing an application for a concept plan, the subdivider or developer shall meet with the Development Administrator unless the pre-application meeting has been waived by the Development Administrator. This meeting requires no application, fees or filing plans. At the pre-application meeting the subdivider or developer shall present a sketch plan and review with the Development Administrator the following issues as they relate to the proposed subdivision or development: general planning and development policies of the City; existing zoning and land use in the general area of the subject property; the City's procedures for subdivision and development of land; and, other pertinent factors.
2. **CITY STAFF REVIEW OF CONCEPT PLAN.** Upon receipt of a complete application shall the Development Administrator distribute copies of the application and supporting documents to such City staff, consultants, and outside agencies as deemed appropriate for review and comment concerning compliance with City development goals and requirements.
3. **PLAN COMMISSION REVIEW OF CONCEPT PLAN.** The Plan Commission shall review the Concept Plan within thirty (30) days after receipt of such plan, and shall prepare a written report containing its recommendations and comments to the City Council and the applicant, but no vote shall be taken. No approval of the Concept Plan is given, and concept review and comment do not guarantee approval of the preliminary development plan.
4. **CITY COUNCIL REVIEW OF CONCEPT PLAN.** The City Council shall discuss and provide its comments regarding the Plan Commission report within thirty (30) days following the date of action by the Plan Commission; however, no vote shall be taken.

- B. CONTENTS OF THE CONCEPT PLAN. Any person proposing to subdivide or develop any parcel of land may file with the Development Administrator a Concept Plan in a quantity and form as required by the Development Administrator. The Concept Plan shall include the following as determined by the Development Administrator:
1. GENERAL INFORMATION.
 - a. Name of the proposed subdivision.
 - b. A location map showing its location in the City of Genoa.
 - c. Acreage and zoning classification of the proposed subdivision and the number of lots.
 - d. The names and addresses of adjoining property owners, and the zoning classifications of adjacent property
 - e. Name, address and telephone number of the owner, subdivider, engineer, and any other contact person.
 - f. A north arrow and scale, recommended scale is 1 inch equal to one hundred feet (1"=100").
 2. EXISTING CONDITIONS. The following conditions, if found to exist on the parcel and on all adjacent land within one hundred (100) feet of the boundaries of the subject property, shall be shown on an Existing Conditions Exhibit which shall be a separate drawing from the preliminary plat.
 - a. The location, width and names of all streets within or adjacent the parcel together with easements, public utility and railroad rights-of-way, and other important features such as adjacent lot lines, municipal boundary lines, section lines, corners and monuments.
 - b. The location of all existing structures, showing those that will remain on the parcel after the final plat is recorded.
 - c. Topographic data, including contour lines at vertical intervals of not more than two (2) feet with reference to USGS datum or at a more frequent interval if required by the Development Administrator for land having unusual topography
 - d. The location and direction of all seeps, springs, flowings and wells; lakes, ponds, wetlands and any detention basins showing their normal shorelines, flood limits and lines of inflow and outflow, if any; and, watercourses and the location of all areas subject to flooding, including the flow lines of streams and channels showing their normal shorelines and the one hundred (100) year floodplain and floodway limits certified by either the Illinois State water Survey, the Illinois Department of Transportation, the Army Corps of Engineers, or by the National Flood Insurance Program Maps.
 - e. Natural features such as rock outcroppings, wooded areas, and trees greater than six (6) inches in diameter as measured at breast height.
 - f. The location and size of existing sanitary and storm sewers, water mains, culverts, drain pipes, catch basins, manholes, hydrants within

the parcel and in adjacent streets or rights-of-ways, and fire flow information from the proposed source.

- g. Present uses of the subject property including the location of all existing structures, showing those that will be removed and those that will remain on the subject property after the development is complete.
 - h. The location on and within one hundred (100) feet of the subject property of all property lines, easements of record; the uses, zoning and ownership of all parcels; railroads, bridges, culverts, storm sewers, sanitary sewers, water main, detention/retention facilities, also indicating surface and invert grade elevations of catch basins, manholes, culverts and fire hydrants; existing buildings and their use(s) and their future disposition; buried structures; and, location of significant natural features and areas of likely archaeological significance or habitat for endangered flora and fauna species.
 - i. The location and elevation of any floodplain as shown on the Federal Emergency Management Administration's flood boundary and floodway maps.
 - j. The approximate location of all existing land uses, structures, facilities and wooded areas on the subject property proposed to be retained or demolished on and within one hundred (100) feet of the property
3. PROPOSED DEVELOPMENT AND IMPROVEMENTS.
- a. Arrangement of proposed lots, parks, and common areas
 - b. Proposed location and width of street right-of-way, street pavement, alleys, and their relationship to the existing adjacent street system
 - c. Proposed location and size of sanitary sewers, storm sewers, water mains, detention areas and their relationship to existing public utilities

It is advisable that the subdivider contact other agencies, as appropriate, to obtain their requirements that may affect the proposed subdivision. Such agencies include the Illinois Department of Transportation c/o District engineer; DeKalb County Highway Department; Water Resource Division (DNR); State of Illinois Environmental Protection Agency; State of Illinois Historic Preservation Agency; State of Illinois Department of Natural Resources; and, local public utility companies.

The concept plan shall contain such information as suggested by the Development Administrator in order to delineate, explain or convey the concept of the subdivision or proposed development. (Ord. 2007-35, 12-04-2007)

4.5.4. The Preliminary Subdivision Plat or Development Plan. No person shall subdivide or develop any parcel of land until a preliminary subdivision plat or development plan shall have been reviewed and recommended by the Plan Commission and approved by the City Council as set forth herein. At the time the Concept Plan is approved the Development Administrator may authorize the simultaneous filing of an application for preliminary and final subdivision subdivision plat or development plan approvals without compliance with separate procedures in particular cases where the nature and scope of the proposed subdivision or development does not require separate review procedures.

- A. PROCEDURES FOR REVIEWING THE PRELIMINARY SUBDIVISION PLAT OR DEVELOPMENT PLAN.
1. CITY STAFF REVIEW OF PRELIMINARY PLAT/PLAN. Upon receipt of a complete application, the Development Administrator shall distribute copies of the application and supporting documents to such City staff and consultants as appropriate for review and comment concerning compliance with City requirements. Within fourteen (14) days of receipt of the complete application, the Development Administrator shall advise the applicant, in writing, that the preliminary plat/plan conforms or fails to conform to the requirements of this Chapter or other provisions of the Municipal Code. If the preliminary plat/plan fails to conform, the Development Administrator shall specify the reasons the preliminary plat/plan fails to satisfy City development goals and requirements of this Title.
 2. PLAN COMMISSION REVIEW OF PRELIMINARY PLAT/PLAN. Upon receipt of all the material required under Section 4.5.4(C) for the preliminary plat, the Development Administrator shall circulate the preliminary plat/plan to the Plan Commission. The Plan Commission shall place the matter on its agenda and shall serve notice upon the Applicant of the time and place of its meeting at which said matter will be discussed. The Plan Commission shall forward its written report to the City Council recommending approval or disapproval of the preliminary plat/plan within sixty (60) days from the date of the filing of a complete application. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed plat/plan or plan fails to satisfy City development goals and requirements of this Title.
 3. CITY COUNCIL REVIEW OF PRELIMINARY PLAT/PLAN. The City Council, by resolution, shall accept or reject the preliminary plat/plan within thirty (30) days after its next regularly scheduled meeting following the date of action of the Plan Commission. If it rejects the plat/plan, the resolution shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed plat/plan fails to satisfy City development goals and requirements of this Title.
 4. EFFECT OF CITY COUNCIL APPROVAL OF PRELIMINARY PLAT/PLAN. Approval of the preliminary plat by the City Council shall not qualify the plat/plan for recording, but shall be considered permission to prepare the final plat/plan with detailed plans and specifications for the proposed subdivision or development.
 5. EXPIRATION. Such preliminary approval shall be effective for no more than one (1) year from the date of approval unless, upon written request by the Applicant, the City Council grants an extension of time for up to a maximum of two (2) additional one (1) year periods. (Ord. 2007-35, 12-04-2007)
 6. CITY RECORD. A certified copy of the resolution approving or disapproving the preliminary plat/plan shall be filed in the office of the City Clerk and shall be attached to said preliminary plat/plan.
- B. STANDARDS FOR REVIEW OF PRELIMINARY SUBDIVISION PLAT OR DEVELOPMENT PLAN. The Plan Commission shall recommend approval and the City Council shall approve a preliminary plat/plan of subdivision unless it makes written findings specifying the manner in which:

1. The design and layout of the subdivision does not conform to the provisions of this Title.
 2. The Applicant has not made adequate provision to install improvements required by the Plan Commission or City Council under authority of this Title.
 3. The preliminary subdivision plat or development plan fails to comply with an approved Concept Plan.
 4. The plat does not conform with the Comprehensive Plan, the Official Map, this Title, City ordinances, or established planning and development policies of the City.
- C. CONTENTS OF PRELIMINARY SUBDIVISION PLAT OR DEVELOPMENT PLAN. Any person proposing to subdivide any parcel of land shall file with the Development Administrator a preliminary plat in a quantity and form as required by the Development Administrator. The preliminary plat or development plan shall include the following:
1. GENERAL INFORMATION. The following general information, where applicable, shall be shown on the preliminary plat or development plan.
 - a. The name of the proposed subdivision and shall include the words “(Subdivider’s Name)’s Addition to Genoa” in the name and shall not duplicate or resemble the name of any existing subdivision within the City or the Township in which the subject property is located.
 - b. Date of preparation, north arrow, and graphic scale of drawing which shall be no less than 1 inch = 200 feet for areas over one hundred (100) acres and 1 inch = 100 feet for areas under one hundred (100) acres.
 - c. An identification clearly stating that the map is a preliminary subdivision plat or development plan.
 - d. Legal description of the parcel.
 - e. The name and address of the record owner, the Applicant, the surveyor, licensed professional engineer, land planner, or architect who prepared the plat or development plan.
 - f. A vicinity map showing the general location of the parcel within the City and environs.
 - g. Completed application form signed by the owner of the land to be subdivided or developed and the required application fees.
 - h. The name and address of the owners of record of all adjacent parcels.
 - i. A Table of Subdivision Data indicating the number of lots; the total acreage of the property stated in hundredths (0.01) of an acre; the acreage of any public open spaces; the acreage of all right-of-way; the minimum lot size stated in square feet; the average lot size; and, the existing and proposed zoning.
 2. EXISTING CONDITIONS. The following conditions, if found to exist on the parcel and on all adjacent land within one hundred (100) feet of the boundaries of the

subject property, shall be shown on an Existing Conditions Exhibit which shall be a separate drawing from the preliminary plat.

- a. The location, width and names of all streets within or adjacent the parcel together with easements, public utility and railroad rights-of-way, and other important features such as adjacent lot lines, municipal boundary lines, section lines, corners and monuments.
- b. The location of all existing structures, showing those that will remain on the parcel after the final plat is recorded.
- c. Topographic data, including contour lines at vertical intervals of not more than two (2) feet with reference to USGS datum or at a more frequent interval if required by the Development Administrator for land having unusual topography
- d. The location and direction of all rivers, seeps, springs, flowings and wells; lakes, ponds, wetlands and any detention basins showing their normal shorelines, flood limits and lines of inflow and outflow, if any; and, watercourses and the location of all areas subject to flooding, including the flow lines of rivers, streams and channels showing their normal shorelines and the 100 year floodplain and floodway limits certified by either the Illinois State Water Survey, the Illinois Department of Transportation, the Army Corps of Engineers, or by the National Flood Insurance Rate Program.
- e. Natural features such as rock outcroppings, wooded areas, and trees greater than six (6) inches in diameter as measured at breast height.
- f. A map showing the location, size, material, and condition of all agriculture drain tile and laterals on the property. To determine this, an investigation shall be conducted making rational assumptions as to where tiles are typically located based on the topography of the site. A slit trench by backhoe or tractor shall be a minimum of three (3) feet wide, five (5) feet deep and six (6) feet in length. To fully map field tile locations, slit trench excavation and field staking should occur at a minimum one hundred (100) foot intervals with confirmation of the route between each interval through the use of additional slit trench, hand probes, or electronic location devices.
- g. The location and size of existing sanitary and storm sewers, water mains, culverts, drain pipes, catch basins, manholes, hydrants within the parcel and in adjacent streets or rights-of-ways, and fire flow information from the proposed source.
- h. Zoning classifications of the subject property and of adjacent lands.
- i. Present uses of the subject property including the location of all existing structures, indicating which structures will be removed and which will remain on the subject property after the development is complete.
- j. The location on and within one hundred (100) feet of the subject property of all property lines, easements of record; the uses, zoning and ownership of all parcels; railroads, bridges, culverts, storm sewers, sanitary sewers, water main, detention/retention facilities, also

indicating surface and invert grade elevations of catch basins, manholes, culverts and fire hydrants; existing buildings and their use(s) and foundation elevations and their future disposition; buried structures; and, location of significant natural features and areas of likely archaeological significance or habitat for endangered flora and fauna species.

- k. The location and elevation of any floodplain as shown on the Federal Emergency Management Administration's flood boundary and floodway maps.
 - l. A copy of the wetland delineation report.
 - m. The locations of existing monuments or survey markers on or adjacent the subject property.
 - n. The location and description of all other existing improvements, including, but not limited to, culverts, towers, poles, and other above ground and underground utilities.
3. PROPOSED IMPROVEMENTS. The following improvements, if proposed or required, shall be shown on the plat or in supporting documents:
- a. The location, dimension and names of all proposed street and alley right-of-ways. The preliminary plat or development plan shall show the relationship between existing and proposed streets.
 - b. Lots showing approximate dimensions, minimum lot sizes and proposed lot numbers.
 - c. Sites to be dedicated for school, park, playground or other public purposes, together with appropriate acreage of each.
 - d. Proposed building setback lines with dimensions.
 - e. If the proposed subdivision will be constructed in phases, the limits and location of proposed units shall be shown.
 - f. The location, dimensions and area (in square feet) of all proposed lots.
 - g. Lot and block numbers clearly shown.
 - h. The location, dimension and purpose of all proposed easements.
 - i. APPROVAL CERTIFICATES. The following certificate shall be shown in the lower right hand corner of the preliminary plat.

APPROVAL OF PRELIMINARY PLAT/PLAN

The preliminary plat/plan shown hereon has received approval by the City Council of the City of Genoa, Illinois, and upon compliance by the subdivider or developer with the requirements or qualifications governing the approval of the preliminary plat/plan and with other revisions and stipulations that may be required, the City Council will receive the final subdivision plat or development plan for consideration when submitted by the subdivider/developer in such form and with in

such time as required by this Ordinance, and approved by the Plan Commission.

The City Council of the City of Genoa, Illinois.

_____	_____
MAYOR	DATE
ATTEST: _____	
CITY CLERK	DATE

4. SUPPORTING DATA. The following supporting data shall be submitted in separate statements and/or maps accompanying the preliminary plat/plan, or, if practical, such data may be shown on the preliminary plat/plan.
 - a. Proof of ownership of the parcel and Applicant’s interest therein. Include names of all parties with beneficial interest in trusts and options to purchase.
 - b. Existing or proposed annexation agreements which pertain to the parcel.
 - c. A list of all lot sizes.
 - d. Text of proposed covenants and conditions restricting or controlling use of the subject property.
 - e. A copy of the Natural Resources Opinion Report from the DeKalb County Soil and Water Conservation District.
 - f. A copy of the Illinois Department of Natural Resources’ Endangered Species Consultation application.
 - g. A comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.
 - h. Proposed agreements, by-laws, provisions or covenant which govern the use, maintenance and continued protection of the subdivision and any of its planned open spaces or other facilities as may be required.
 - i. Traffic impact study if required by the City Council after receiving a recommendation from the City Engineer.
 - j. The results of any tests made to ascertain subsurface rock and soil conditions and characteristics, and the seasonal water table.
 - k. An executed copy of the Preliminary Plat/Plan Checklist indicating all of the items provided on the preliminary plat or in the supporting documents submitted.

5. PRELIMINARY ENGINEERING REPORT. A Preliminary Engineering Report shall be submitted along with the Preliminary Subdivision Plat or Development Plan to provide supplemental engineering data regarding factors that will affect the final design of the subdivision or development. The Preliminary Engineering Report may be a separate drawing showing. Items to be addressed specifically in the Preliminary Engineering Report include.

- a. A comprehensive storm water management plan for the land to be subdivided, including the general alignments of the proposed storm sewer system, points of connection of existing storm sewer systems, detention (or retention), stage/storage relationship of the discharge structure to identify the varying release rates due to inlet and outlet control, off-site areas of contribution, points at which off-site flows will be intercepted, and all the necessary maps, computations and field data supporting the engineer's storm water management plan. The proposed storm water management plan shall identify an overland flow route to accommodate flows in excess of storm sewer design level.
- b. The location, normal and high water elevations, and outflow of proposed storm water management facilities.
- c. Proposed site grading, and a statement that the subdivider or developer will provide such temporary facilities during construction as are necessary or required to prevent soil erosion or the siltation of watercourses, and that adequate measures will be taken during construction for dust control. The subdivider or developer shall also agree to clean and restore streams, ditches or watercourses of any kind if protective measures prove inadequate.
- d. Location and description of all existing and proposed sanitary and storm sewers, water mains, wells, lift stations, and culverts along with an appropriate schedule of calculations supporting the quantity of flow, sewer sizing and grades, as well as population equivalent for the subdivision in its developed state.
- e. The location, size and inverts of all existing and proposed storm sewers, bridges, culverts, drain tiles, drainage ways, ditches, creeks or rivers on the site, or within one hundred (100) feet of the site.
- f. The location and size of existing and proposed water main to be installed within the proposed subdivision, along with general hydrant and valve spacing.
- g. When a lift station is required, supporting documentation regarding its size (gpm), pumping heads, (TDH), force main size, general description of the control system, description of the alternate power source, and the location and accessibility of the station.
- h. The structural design (thickness and material types) to be used for the construction of the road way system, projected traffic volumes, soils data and IBR values shall be submitted to support the roadway design including widths, crown, thickness, type of curb and gutter. This information and data can be represented by a typical section for each street type to be constructed.
- i. The size, dimensions and location of miscellaneous items such as parkway trees, street lights, sidewalks, bike paths and driveway approaches shall be identified in the report and shown in typical section and/or typical plan view drawings.

- j. The Applicant shall provide in a form acceptable to the City a performance bond of one hundred fifty percent (150%) of the estimated cost of construction of the improvements.
- 6. The applicant shall submit copies of each plat, plan, map and supporting document required by this section in a number prescribed by the Development Administrator. All drawings, plans and reports submitted to the City shall be folded to approximately nine (9) inches by twelve (12) inches.

4.5.5 Engineering Approval. Before submitting the final plat/plan for review, the Applicant shall submit engineering plans, details and specifications for all proposed improvements regulated by Chapter 6 hereof for approval of the City Engineer.

- A. Upon the approval of preliminary plat/plan, the Applicant shall have prepared and certified by a licensed professional engineer, engineering drawings for said improvements which shall be submitted in a form and in a number of copies as required by the City Engineer.
- B. The City Engineer shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat/plan and comply with the specifications of this Title and sound engineering practice. Such drawings shall be distributed to such City staff, consultants and other persons as may be necessary. Within forty-five (45) days after receipt of a complete set of the required plans, details or specifications, the City Engineer shall review said plans, details or specifications and, if they are in compliance with the preliminary plat and this Article, shall forward the same to the Development Administrator with an Advisory Report that they so conform and comply. In the event that the plans, details or specifications do not so conform or comply, the City Engineer shall notify the Applicant and Development Administrator with an Advisory Report which outlines the specific manner in which they do not so conform or comply. The Advisory Report shall be submitted within the said forty-five (45) day period.
- C. The Plan Commission shall not act upon the final plat/plan until the engineering drawings have been reviewed by the City Engineer and an Advisory Report of compliance or non-compliance has been received by the Development Administrator.

4.5.6. The Final Subdivision Plat or Development Plan. No person shall subdivide or develop any parcel of land until a final plat/plan shall have been reviewed by the Plan Commission and reviewed and approved by the City Council as set forth herein.

- A. PROCEDURES FOR REVIEWING THE FINAL SUBDIVISION PLAT OR DEVELOPMENT PLAN.
 - 1. CITY STAFF REVIEW OF THE FINAL SUBDIVISION PLAT/PLAN. Within five (5) business days after receipt of an application, the Development Administrator shall determine the completeness of the application and shall notify the applicant in writing that the application has or has not been accepted for review. If the application is determined to be incomplete the Development Administrator shall include in his written notice the reasons why the application is not complete and how the applicant can make the application acceptable for submission and distribution. Only upon receipt of a complete application shall the Development Administrator distribute copies of the application and supporting documents to such City staff, consultants, and outside agencies as deemed appropriate for review and comment concerning compliance with City development goals and requirements. Within fourteen (14) days of receipt of the complete application, the Development Administrator shall advise the applicant, in writing, that the Final Plat/Plan conforms or fails to conform to the requirements of this Title or

the approved preliminary plat/plan. If the final plat/plan fails to conform, the Development Administrator shall specify with particularity the manner in which the final plat/plan or plan fails to satisfy City development goals and requirements.

2. **PLAN COMMISSION REVIEW.** Upon receipt of the complete final plat/plan, the Development Administrator shall circulate the final plat/plan among various City departments for their review and comment. The Plan Commission shall place the matter on its agenda and serve notice upon the Applicant of the time and place of its meeting at which said matter will be discussed. The Plan Commission shall forward its written report to the City Council recommending approval or disapproval, of the final plat/plan. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval, specifying with particularity the manner in which the proposed plat/plan or plan fails to satisfy City development goals and requirements.
 3. **ACTION BY THE CITY COUNCIL.** After receiving the final recommendation of the Plan Commission, the City Council shall approve or disapprove the final plat/plan within sixty (60) days from the date of the final recommendation by the Plan Commission unless the Applicant and the City Council agree to extend the sixty (60) day period. If the final plat/plan is disapproved, the resolution shall state the reasons for the disapproval, specifying with particularity the aspects in which the final plat or plan fails to satisfy City development goals and requirements.
 4. **CITY RECORD.** A certified copy of the resolution approving or disapproving the final plat/plan shall be filed in the office of the City Clerk attached to said final plat/plan. The final subdivision plat or development plan, together with all covenants and restrictions shall be promptly recorded by the City Clerk with the DeKalb County Recorder's office. A copy thereof, bearing the certificate of the Recorder that the plat/plan has been recorder in his office and that the copy is a true and correct copy of the plat/plan so recorded shall be promptly thereafter filed in the City Clerk's office. All recording fees shall be paid by the Applicant.
- B. STANDARDS FOR REVIEW OF A FINAL SUBDIVISION PLAT/PLAN.** The Plan Commission shall recommend approval and the City Council shall approve a final subdivision plat/plan unless it makes written findings specifying the manner in which:
1. The design and layout of the subdivision does not conform to the provisions of this Title.
 2. The Applicant has not made adequate provision to install improvements required by the Plan Commission or City Council under authority of this Title.
 3. The final subdivision plat/plan fails to comply with an approved preliminary plat/plan.
 4. The plat/plan does not conform with the Comprehensive Plan, the Official Map, this Chapter, City ordinances, or established planning policies of the City.
- C. CONTENTS OF FINAL SUBDIVISION PLAT/PLAN.** Within one (1) year after receiving preliminary subdivision plat/plan approval by the City Council, the Applicant shall file with the Development Administrator a final plat/plan in a quantity and form as required by the Development Administrator. The final plat/plan may include all or only part of the

approved preliminary subdivision plat/plan. The final plat/plan shall include the following:

1. GENERAL INFORMATION. The following general information, where applicable, shall be shown on the final plat/plan:
 - a. The date of preparation, north point, and a graphic scale. The scale of the drawing shall be no less than 1 inch = 200 feet for areas over one hundred (100) acres and 1 inch = 100 feet for areas under one hundred (100) acres. The final plat/plan shall be drawn with a waterproof, non-fading black ink on mylar or equivalent drafting material no more than twenty-four (24) inches by thirty-six (36) inches in size. When more than one sheet is used for any plat/plan, each sheet must be numbered consecutively. A small scale drawing of the subdivision or development shall be shown on the first sheet, identifying portions of the subdivision according to its respective sheet number. *The subdivider/developer shall provide the plat/plan in a digital format acceptable to the City.*
 - b. Legal description of the parcel, the parcel's acreage and property index numbers. The legal description should note that the parcel is in Genoa, Illinois.
 - c. The name and address of the Illinois registered surveyor who prepared the plat with his seal affixed.
 - d. Reference points of existing surveys identified and/or related to the plat by distances and bearing, and reference to a field book or map as follows:
 1. All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the parcel.
 2. Adjoining corners of all adjoining parcels.
 3. When the City has established the centerline of the street adjacent or within the proposed parcel, the location of such centerline and monument found or reset shall be shown.
 4. All other monuments found or established in making the survey of the parcel or required to be installed by the provisions of this Chapter or by an Act revising the law of plats, adopted March 21, 1874, as amended, Illinois Compiled Statutes Chapter 109.
 5. All property corners will be staked. A minimum of two major corners of the subdivision shall be monumented with stone or concrete markers.
 - e. Lot and block lines with dimensions, bearings or deflection angles, and radii, arcs, points of curvature and tangent bearings. Sufficient geometrical data shall be given for all lots to enable retracement and restoration of all corner positions in the field.

- f. All distances shall be shown to the nearest hundredth (0.01) foot. No ditto marks shall be used. Angles shall be expressed in degrees, minutes and seconds.
- g. The width of the portion of any streets being dedicated and the width of any existing rights-of-way, all shown each side of the centerline. Public Street tree planting requirements contained in Article 6.6 shall be included with the submittal. (Ord. 2011-30, 10-19-2011)
- h. All curve data shall consist of radius, degree of curve, tangent length, and central angle.
- i. All easements shall be denoted by fine dotted lines, clearly identified, and if already of record, the recorder's references to such easement. The width of the easement, its length and bearing, and sufficient ties to locate it definitely with respect to the plat must be shown. If an easement is not precisely located of record, a description of such easement shall be included. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate for identification.
- j. Lot and block numbers beginning with the number one, and numbered consecutively.
- k. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purpose indicated thereon, and of any area to be reserved by deed covenant for common use of all property owners.
- l. The name of each street shown on the plat.
- m. The name of the subdivision.
- n. Grantees of all lands dedicated for public use, except roads, shall be clearly noted.
- o. Abutting highway and road right-of-way lines and adjacent subdivisions shall be shown in their proper location.
- p. If the subdivision borders on a lake or stream, the distances and directions of a meander line established not less than twenty (20) feet back from the average high water mark of the lake or stream, as determined from flood hazard maps or other data, with said distances noted.
- q. All restrictions which will run with the land and covenants, or references to covenants where declared separately.
- r. The following certificates. All signatures shall be no more than ninety (90) days old.

3. Notary Certificate

STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

I, _____, a notary public in and for the aforesaid State and County do hereby certify that _____, personally known to me to be the same person(s), whose name(s) is(are) subscribed to the foregoing certificate as such owner(s), appeared before me this day in person and acknowledged the execution of the annexed plat and accompanying instruments for the uses and purposes therein set forth as his(their) own free and voluntary act.

Given under my hand and Notarial Seal this ___ day of _____, 20____.

NOTARY PUBLIC

4. COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

I, _____, County Clerk of DeKalb County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid current taxes or special assessments, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in this plat.

Given under my name and seal of the county Clerk at Sycamore, Illinois, this _____ day of _____, 20____.

(SPECIFIC NAME), COUNTY CLERK

5. RECORDER CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

This instrument No. _____, was filed for record in the Recorder’s Office of DeKalb County, Illinois, on the _____ day of _____, 20____, at _____ o’clock __ .m.

(SPECIFIC NAME), COUNTY RECORDER

6. SURFACE WATER CERTIFICATE (Grading Plan Only)

STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

We hereby certify that the topographical and profile studies required by the Illinois Plat Act, Illinois Revised Statutes Chapter 109, 2 et seq., as now or hereafter amended, have been filed with the City of Genoa, DeKalb County, Illinois, and to the best of our knowledge and belief the drainage or surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to adjoining properties because of the construction of the subdivision.

Dated this ____ day of _____, 20____.

(Specific Name)
Registered Professional Engineer Certificate
No. _____

(Specific Name of) Owner(s) or Duly Authorized Attorney

7. PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

Reviewed by the Plan Commission of the City of Genoa this ____ day of _____ A.D. 20__.

BY: _____
(Specific Name of), PLAN COMMISSION CHAIRMAN

ATTEST:

(Specific Name of), CITY CLERK

8. CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

Plat approved by the City Council of the City of Genoa this _____ day of _____ A.D. 20__.

BY: _____
(Specific Name of,) MAYOR

ATTEST:

(Specific Name of), CITY CLERK

9. CITY TREASURER CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

I, _____, Treasurer for the City of Genoa, DeKalb County, Illinois, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have been apportioned against the tract of land included on this plat

Dated this _____ day of _____ . 20__.

BY: _____
(Specific Name of)CITY TREASURER

10. COUNTY HIGHWAY CERTIFICATE. Required when subdivision is adjacent a County highway.

STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

This plat has been approved by the DeKalb County Highway Department with respect to access to County Highway No. _____, also known as (Street Name), pursuant to Illinois Revised State Statutes, Chapter 109, Paragraph 2; however, a highway permit for access is required of the owner of the property prior to construction within the County right-of-way.

Dated this _____ day of _____ . 20__.

BY: _____
(Specific Name of), COUNTY ENGINEER

School District Certificate:

STATE OF ILLINOIS)
) SS.
COUNTY OF DEKALB)

This is to certify that to the best of my (our) knowledge, (name of owner(s)) , as the owner(s) of the land described in the foregoing Surveyor’s Certificate, which will be know as (name of subdivision), do hereby acknowledge that the lots in this subdivision are located within the boundaries of Genoa-Kingston Community School District No. 424 (or other School District if applicable) in DeKalb County, Illinois.

Dated this _____ day of _____, 20__

Owner(s): _____

BY: _____
CITY TREASURER

11. ILLINOIS DEPARTMENT OF TRANSPORTATION
CERTIFICATE. Required for subdivisions adjacent a
State highway.

STATE OF ILLINOIS)
) SS
COUNTY OF)

Approved this _____ day of _____ 19____ , as to
roadway access to State Highway No. _____ also
known as _____.

BY: _____
DISTRICT ENGINEER
ILLINOIS DEPARTMENT OF TRANSPORTATION

12. CITY UTILITY EASEMENTS

A perpetual easement appurtenant is hereby granted to the City of Genoa, DeKalb County, Illinois, its successors and assigns, over, upon, across, through and under those portions of the above described real estate designated Public Utility Easement on this plat for the purpose of installing, laying, constructing, operating, maintaining, repairing, renewing, and replacing water mains, and sanitary sewer lines, storm sewer lines, street light cable, and any other City utilities, together with all appurtenant structures, including, but not limited to, manholes, wet wells, lift stations, fire hydrants, valve vaults, and any and all other fixtures and equipment required for the purpose of serving the above described real estate with water service, sanitary sewer service, storm water collection, street lighting, and other municipal services and for the purpose of providing ingress and egress from the property shown hereon for emergency vehicles of any and all types whatsoever. In no event shall any permanent building be placed upon said easement areas, but they may be used for gardens, shrubs,

landscaping and such other purposes that do not, and will not in the future, interfere unreasonably with easement rights herein granted to the City of Genoa.

13. DRAINAGE EASEMENTS

A permanent non-exclusive easement is hereby reserved for and granted to the City of Genoa (hereinafter “the Grantee”), and to its successors and assigns in, upon, across, over, under and through the areas shown by dashed lines and labeled “Drainage Easement” on this plat of subdivision, or where otherwise noted in the above legend for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning, and maintaining storm sewers, drainage ways, storm water detention and retention facilities, subsurface drainage systems and appurtenances, and any and all manholes, pipes, connections, catch basins, and without limitations, such other installations as the Grantee may deem necessary, together with the right of access across the real estate platted hereon for the necessary personnel and equipment to do any or all of the above work.

In furtherance of the foregoing affirmative rights, the following covenants shall run with said land in perpetuity:

- No permanent buildings shall be placed on said drainage easements;
- No trees or shrubs shall be placed on said drainage easement, but the premises may be used for landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights;
- There shall be no dredged or fill material placed upon said drainage easement; and,
- Fences shall not be erected upon said drainage easements in any way which will restrict the uses herein granted.

The right is also hereby granted to the Grantee to remove any buildings or structures, to cut down, trim or remove any trees, fences, shrubs or other plants that interfere with the operation of or access to such drainage facilities in, on, upon, across, under or through said drainage easements.

The Grantee shall not be responsible for replacement of any such buildings, structures, improvements, fences, gardens, shrubs or landscaping removed during exercise of the herein given rights. Replacement of items so removed shall be the responsibility of the then lot owner.

Where drainage easements are also used for electric, telephone, cable television, or natural gas distribution systems or components, such other utility installations shall be subject to the prior approval of the City of Genoa so as not to interfere with the maintenance of gravity flow and stabilization of

vegetation ground cover on the above-mentioned drainage facilities.

2. SUPPORTING DATA. The following supporting data, where applicable, shall be supplied in separate statements or maps, or, if practical, may be shown on the final plat/plan.
 - a. A note on the plat/plan stating that City ordinances supersede any private covenants and restrictions.
 - b. A certificate signed and acknowledged by all parties having any interest in the land, dedicating all parcels of land intended for any public use.
 - c. Letter of permission from the surveyor to record said plat or plan.
 5. GUARANTEES. The Applicant shall provide in a form acceptable to the City a performance bond of one hundred fifty percent (150%) of the estimated cost of construction of the improvements approved by the City Engineer in Section 6.5.5.
- D. EXPIRATION. provide A Final Plat Approval shall be effective for no more than one (1) year from the date of approval if recorded I that time, unless, upon written request by the Applicant, the City Council grants an extension of time for up to a maximum of two (2) additional one (1) year periods.

Article 4.6

Variations and Appeals

4.6.1. Variations

- A. AUTHORIZATION. The Genoa Hearing Officer may recommend and the City Council may authorize such variations from the terms of this Title as are hereinafter set forth in harmony with their purpose and intent as will not be contrary to the public interest. Variations may be authorized only on the specific instances enumerated in Section 4.6.1(D) and then only when the Hearing Officer or City Council has made findings of fact, based upon the standards set out in Section 4.6.1(E) that owing to special conditions a literal enforcement of the provisions of this Title will, in an individual case, result in practical difficulties or particular hardship for the owner, lessee or occupant of land or a structure.
- B. APPLICATION FOR VARIATION. An application for a variation shall be filed with the Development Administrator who shall forward without delay a copy to the Genoa Hearing Officer for variations governed by Section 4.6.1(D)2. The application shall contain the following information as well as such additional information as may be prescribed by rule of the Hearing Officer or City Council:
1. The particular requirements of this Title which prevent the proposed use or construction;
 2. The characteristics of the subject property which prevent compliance with said requirements of this Title;
 3. The reduction of the minimum requirements of this Title which would be necessary to permit the proposed use or construction; and,
 4. The practical difficulty or particular hardship which would result if said particular requirements of this Title were applied to the subject property.
- C. HEARING AND NOTICE. No variation shall be recommended by the Hearing Officer except after a public hearing of which notification of time and place of hearing shall be provided. The required hearing shall be held within thirty (30) days of receipt by the Development Administrator of the application for variation. The Hearing Officer shall select a reasonable time and place for the hearing, all within the limitations imposed by Section 4.6.1(E) of this Title. Public notice of such hearing shall be published at least once, but not less than fifteen (15) days nor more than thirty (30) days before such hearing, in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the City of Genoa. Such notice shall contain the date, time and place of the hearing, the street address or common description of the property involved, the legal description of the property involved and a brief description of the relief sought. Written notice shall be mailed to all owners of property abutting or lying across a street, railroad right-of-way, stream or river, or an alley from the property subject to the variation request. Any party of interest may appear and be heard at the hearing in person, by agent, or by attorney.
- D. AUTHORIZED VARIATIONS.
1. The City Council may grant variations from the regulations of this Title upon recommendation by the Hearing Officer or the Plan Commission after due

notice and hearing as set forth in Section 4.6.1(C) and then only in accordance with the standards set out in Section 4.6.1 (E) or Section 4.4.

2. The Hearing Officer may recommend variations from the regulations of this Title be granted, but only in accordance with the standards set out in Section 4.6.1 (E). (Ord. 2007-35, 12-04-2007)
3. The Plan Commission may recommend variations from the requirements of this Title be granted but only in accordance with the standards set forth in Article 4.4.

E. STANDARDS FOR VARIATIONS

1. The regulations of this Title shall not be varied unless the Hearing Officer and City Council shall make findings of fact based upon the evidence as presented that:
 - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.
 - b. The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.
 - c. The alleged hardship has not been directly created by any person presently having a proprietary interest in the premises.
 - d. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
 - e. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.
 - e. The proposed variation will not alter the essential character of the locality.
 - f. The proposed variation is in harmony with the spirit and intent of this Title.
 - g. The existence of any non-conformity anywhere in the City shall not itself be considered grounds for granting a variation for other property.
2. CONDITIONS. The Hearing Officer, Plan Commission or the City Council may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

- F. FINDINGS OF FACT. No variations shall be recommended or granted unless said variation is granted by means of a conclusion or statement of relief granted, supported by findings

of fact, which statement and findings shall be transmitted to the applicant not less than thirty-five (35) days from the date for the decision thereon.

1. The findings of fact shall specify the reason or reasons for making the variation, and shall refer to any exhibits containing plans and specifications for the proposed variation which have been made a part of the application or which were introduced at the public hearing as evidence. Such exhibits shall remain part of the permanent record of the Board of Appeals.
 2. The terms of relief granted shall be specifically set forth in conclusions or statements separate from the findings of fact.
- G. DECISIONS FOR VARIATIONS. The Hearing Officer shall consider the variation request and shall recommend whether the variation should be granted. The Hearing Officer shall transmit his findings of fact and recommendation to the City Council within the time limitations established in Section 4.6.1(F), hereof. However, the Hearing Officer upon his own motion, or the applicant upon his own motion, may each extend the period of time provided for in the said Section 4.6.1(F) for a period not to exceed thirty (30) days per extension.
- H. ACTION BY THE CITY COUNCIL. Within thirty (30) days of receipt of the Hearing Officer's recommendation, the City Council shall approve, approve with modifications, or disapprove the variation request unless the period of time specified by Section 4.6.1(F) has been extended by the Hearing Officer.
- I. NOTICE OF DECISION. All final orders, requirements, and decisions of the City Council shall be in the form of an ordinance. A copy of the ordinance approving the variation shall be transmitted by the City Clerk to the applicant within five (5) business days of the City Council's final action.
- J. PERIOD OF VALIDITY. No decision granting a variation shall be valid for a period longer than six (6) months from the date of such decision unless:
1. An application for a zoning certificate is obtained within such period and construction, reconstruction, moving and remodeling is started, or
 2. An occupancy certificate is obtained and a use is commenced.

The Hearing Officer or the City Council may grant additional extensions of time not exceeding one-hundred eighty (180) days each, upon written application made within the initial six (6) month period without further notice or hearing, but said right to so extent said time shall not include the right to grant additional relief by expanding the scope of the variation. Nothing in this Section shall limit or affect the validity of a variation granted under the terms of this Section 4.6.1 if the relief sought and obtained herein does not require the issuance of a zoning or occupancy certificate or the commencement of use, construction, reconstruction, moving or remodeling.

4.6.2. Appeals. An appeal to the Hearing Officer may be made in person, firm, or corporation, or by any office, department, board, bureau aggrieved by a decision of the Development Administrator under this Title in accordance with Illinois Compiled Statutes and the following:

- A. APPLICATION. An application for an appeal shall be filed with the Development Administrator within five (5) days of the date of the action from which the appeal is being filed, and thereafter the Development Administrator shall forward such application to the Hearing Officer for processing. The Development Administrator shall forthwith

transmit to the Hearing Officer all the papers, plans and correspondence constituting the record upon which the action appealed from was taken.

- B. EFFECT OF APPLICATION FOR APPEAL. The appeal stays all the proceedings in furtherance of the action appealed from, unless the Development Administrator certifies to the Hearing Officer after the notice of appeal has been filed with the Hearing Officer, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Hearing Officer or by a court of record on application, on notice to the Development Administrator and on due cause shown.
- C. HEARING AND NOTICE. The Hearing Officer shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Said hearing shall be held within thirty (30) days of receipt by the Development Administrator of the application for appeal. Any party of interest may appear and be heard at the hearing in person by agent, or by attorney.
- D. DECISIONS. The Hearing Officer may affirm or may reverse wholly or in part, or may modify the order, requirement, decision, or determination as in his opinion ought to be done or made on the premises, and to that end shall have all of the powers of the office from which the appeal was taken.

Article 4.7

Changes and Amendments to This Title

4.7.1. General Requirements for Changes and Amendments.

- A. PUBLIC HEARING REQUIRED. The regulations imposed and the districts covered by this Title may be amended from time to time, but no such amendments shall be made until a public hearing has been held, and a report and recommendation has been made thereon by the Plan Commission.
- B. REPORT OF PUBLIC HEARING. Following a public hearing, the Plan Commission shall transmit within thirty (30) days to the City Council a report thereon containing its findings of fact and recommendations for action to be taken by the City Council.
- C. ACTION BY THE CITY COUNCIL. After receiving the recommendations and report of the Plan Commission, the City Council shall within thirty (30) days review the recommendation and report and may pass the proposed amendment with out change, may reject it, or may recommit it to the Plan Commission for further consideration. When the Plan Commission does not recommend approval of the proposed change or amendment, such proposed change or amendment shall not be passed except upon favorable vote of two-thirds (2/3) of all members of the City Council.
- D. EFFECT OF DENIAL. After a public hearing, no application for a proposed change or amendment which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of substantial new evidence or proof or changed conditions found to be valid by the Plan Commission and City Council.

4.7.2. Additional Standards and Criteria for Amending the City Comprehensive Plan

- A. THE ROLE OF THE COMPREHENSIVE PLAN IN ADMINISTRATION OF THIS CHAPTER. The Comprehensive Plan of the City Council shall serve as the basic policy guide for the administration of this Chapter. The Comprehensive Plan is a statement of goals and policies to guide new development and redevelopment in the City. It therefore, is the intent of the City to administer this Chapter in accordance with the Comprehensive Plan. The goals and policies of the Comprehensive Plan may be amended from time to time to meet the changing requirements of the City. Such amendments may at times be necessary to accommodate proposed development or redevelopment of property that may be inconsistent with the Comprehensive Plan. This Section therefore establishes the procedures for amending the Comprehensive Plan.
- B. INITIATION OF AMENDMENTS. An amendment to the Comprehensive Plan may be initiated only by the Plan Commission, the City Council, or the Owner of property proposing development of such property under this Chapter that may be inconsistent with the Comprehensive Plan.
- C. NOTIFICATION REQUIREMENTS. No hearing shall be held on an application unless at least fifteen days notice of the time and place of such hearing shall be published in an official paper of general circulation in the City of Genoa.
- D. APPLICATION FOR AMENDING THE COMPREHENSIVE PLAN.
 - 1. FILING AN APPLICATION. Where an amendment to the Comprehensive Plan is proposed by someone other than the Plan Commission or City Council, an application requesting the amendment shall be filed with the Development

Administrator. The application shall be accompanied by a written statement from the applicant stating the basis for the request.

2. **STAFF REVIEW.** Upon receiving an application requesting an amendment, or upon an instruction from the City Council, or Plan Commission, that it will consider a proposed amendment, the Development Administrator shall review the proposed amendment to evaluate its effect on the integrity of the Comprehensive Plan and this Chapter. The Development Administrator may deliver copies of the proposed amendment to appropriate government agencies for review and comment. Prior to the scheduled public hearing, the Development Administrator shall deliver to the Plan Commission a written report incorporating or summarizing the comments of the Development Administrator, Planning Consultant, other City departments, and other agencies.
3. **ACTION BY THE PLAN COMMISSION.**
 - a. The Plan Commission shall hold a public hearing on the proposed amendment.
 - b. In considering the amendment, the Plan Commission shall review the proposed amendment, the standards set forth in Section 4.7.2.(D)4 below, the report of the Development Administrator, and any oral and written comments received by the Plan Commission before or at the public hearing or otherwise made part of the record of the Plan Commission on the application. Based on this information, the Plan Commission shall submit, within a reasonable time, a report and recommendation to the City Council on whether or not the proposed amendment should be adopted.
4. **STANDARDS FOR REVIEWING PROPOSED COMPREHENSIVE PLAN AMENDMENTS.** In deciding whether to recommend adoption of a proposed amendment to the Comprehensive Plan, the Plan Commission shall consider whether the amendment is necessary based on one or more of the following factors:
 - a. There has been a change in projections or assumptions (such as demographic trends or the availability of public facilities) from those on which the Comprehensive Plan is based; or
 - b. The data used as the basis for formulating the Comprehensive Plan are in error or out of date; or
 - c. New issues or needs have presented themselves to the City that are not adequately addressed in the Comprehensive Plan; and
 - d. The amendment will not adversely affect the character of the area in which the proposed development is to be located.
5. **ACTION BY THE CITY COUNCIL.** After receiving the recommendations and report of the Plan Commission, the City Council shall, within thirty (30) days, review the recommendations and report and may accept the findings and recommendations of the Plan Commission in whole or part or may reject them in whole or in part, or the City Council may refer the matter back to the Plan Commission for further consideration. However, in the event the Plan Commission recommends against an amendment of the Comprehensive Plan, then it may be approved only upon the favorable two-thirds (2/3) vote of all of the members of the City Council.

- E. **TYPOGRAPHICAL OR DRAFTING ERRORS.** Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors in the Comprehensive Plan may be adopted by the City Council at a regular meeting without the posting or personal delivery of prior notice and without a public hearing.

4.7.3. Additional Standards and Criteria for Amending the Unified Development Ordinance.

- A. **INITIATION OF AMENDMENTS.** Amendments to the text of this Title or the Zoning Map may be proposed in writing by the City Council, by the Plan Commission, or by any person having proprietary interest in property in the City. (Ord. 2010-13, 07-06-2010)
- B. **APPLICATION FOR AMENDING THE UNIFIED DEVELOPMENT ORDINANCE.**
 - 1. **APPLICATION FOR UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT.** Where an amendment to text of this Title is proposed by someone other than the Plan Commission or City Council, an application requesting the amendment shall be filed with the Development Administrator. The application shall be in a form determined by the Development Administrator and shall include the section of this Title to be amended and the proposed text.
 - 2. **APPLICATION FOR ZONING MAP AMENDMENT.** Every application for an amendment to the Zoning Map shall be accompanied by the following, in a number prescribed by the Development Administrator:
 - a. The certificate of a registered architect or registered structural engineer licensed by the State of Illinois, or of an owner-designer, that the proposed construction, remodeling, or reconstruction complies with all of the provisions of this Title subject to the proposed amendment;
 - b. A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the subject property, according to the recorded plat of such land;
 - c. A site plan, drawing to scale and in such form as may from time to time be prescribed by the Development Administrator showing the location, ground area, height, and bulk of all present and proposed structures, drives and off-street parking and loading spaces, the building lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Development Administrator for the proper enforcement of this Title;
 - d. A legal description of the subject property;
 - e. Evidence of ownership of the subject property and, if the applicant is not the record owner of the subject property, written consent of the record owner to make such application;
 - f. A description of the activity to be conducted in sufficient detail to enable the Development Administrator to determine that there will be compliance with all of the applicable standards of this Title; and
 - g. **CERTIFICATION OF NOTICE.** The applicant shall furnish, at or before the time of hearing, a written statement certifying that he has complied

with the requirements of this subsection. Attached to the written statement shall be a list of all property owners notified in accordance with the above, the returned notices what are undeliverable by the post office, a copy of the notice sent to each of the individuals therein specified, and an affidavit, witnessed by a notary public that the sign was erected according to the requirements of this subsection.

3. **STAFF REVIEW.** Upon receiving an application requesting an amendment, or upon an instruction from the City Council, or Plan Commission that it will consider a proposed amendment, the Development Administrator shall review the proposed amendment to evaluate its conformity with the Comprehensive Plan and this Chapter. The Development Administrator may deliver copies of the proposed amendment to appropriate City departments and government agencies for review and comment. Prior to the scheduled public hearing, the Development Administrator shall deliver to the Plan Commission a written report incorporating or summarizing the comments of the Development Administrator, Planning Consultant, or City departments, and other agencies.
 4. **ACTION BY THE PLAN COMMISSION.**
 - a. The Plan Commission shall hold a public hearing on the proposed amendment.
 - b. In considering the amendment, the Plan Commission shall review the proposed amendment, the report of the Development Administrator, and any oral and written comments received by the Plan Commission before or at the public hearing or otherwise made part of the record of the Plan Commission on the application. Based on this information, the Plan Commission shall submit, within a reasonable time, a report and recommendation to the City Council on whether or not the proposed amendment should be adopted.
 5. **ACTION BY THE CITY COUNCIL.** After receiving the recommendations and report of the Plan Commission, the City Council shall, within 30 days, review the recommendations and report and may accept the findings and recommendations of the Plan Commission in whole or part or may reject them in whole or in part, or the City Council may refer the matter back to the Plan Commission for further consideration. However, in the event the Plan Commission recommends against an amendment of this Ordinance, then it may be approve only upon the favorable two-thirds (2/3) vote of all of the members of the City Council.
- C. **NOTIFICATION REQUIREMENTS.** No hearing shall be held on an application for a zoning amendment unless the applicant complies with the requirements of this Section.
1. **PUBLISHED NOTICE.** At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper of general circulation in the City.
 2. **WRITTEN NOTICE.** In addition to the notice requirements otherwise provided by law, an applicant for any public hearing required by this Ordinance shall, not less than fifteen (15) days and not more than thirty (30) days prior to the date set for the public hearing, mail by certified or registered mail, return receipt requested, to the owners, as appears from the tax records of DeKalb County indicating the person or persons who last paid property taxes for the property, of all property within two hundred fifty (250) feet in each direction of the property lines of the subject property for which the public hearing is requested.

A copy of the notice with a copy of the list of names and addresses shall be mailed to the Development Administrator at the time notice is given to the adjoining property owners.

The notices herein required shall contain the address of the location for which the public hearing is requested, a brief statement of the nature of the request, the name and address of the legal and beneficial owner of the property, and time and date on which said hearing shall be held. If, after a bonafide effort to determine such ownership by the applicant, the owner cannot be found, the notice requirements of this section shall be deemed satisfied upon filing by the applicant of an affidavit evidencing the inability to serve such notice. (Ord. 2006-04a, 2-21-2007; Ord. 2010-13, 07-06-2010)

3. NOTICE BY SIGN. An applicant for public hearing shall post a readable sign(s) on each adjacent roadway in a number and location as determined by the Development Administrator not less than fifteen (15) days prior to the date before the public hearing. Sign(s) must be removed by the applicant no later than ten (10) days after conclusion of the hearing.

Each sign shall be double faced and displayed such that each sign face is perpendicular to the adjoining roadway. The face of the sign(s) required by this Section shall be at least twenty-four (24) inches in height and thirty-six (36) inches in length. The sign(s) shall contain the following message:

PUBLIC NOTICE

CONSIDERATION OF
ZONING CHANGE
ON THIS PROPERTY
CALL 784-2327
FOR MORE INFORMATION

The sign shall have a white background with three (3) inch high black capital block letters, except that the words "**PUBLIC HEARING NOTICE**," "**ZONING CHANGE**," and "**CALL 784-2327**" shall be in four (4) inch high red capital block letters. The sign(s) shall meet all other requirements set forth by the City of Genoa. All costs associated with preparing and displaying public hearing sign(s) are to be borne by the applicant.

- D. PROTEST AGAINST AMENDMENT. In case of written protest against any proposed amendment, signed and acknowledged 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 an alley therefrom, or by the owners of twenty-percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the City Clerk, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of the City Council. In such cases, a copy of the written protest shall be served upon the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.