

VILLAGE OF BIG ROCK

ORDINANCE NO. 2015- _____

**AN ORDINANCE AMENDING SECTION 8.4(C) OF THE VILLAGE OF BIG
ROCK ZONING ORDINANCE TO ALLOW OUTDOOR STORAGE OF ROAD
SALT BY THE VILLAGE AS A WAREHOUSE/STORAGE USE IN THE B-3 TOWN
CENTER BUSINESS DISTRICT**

**ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF BIG ROCK
THIS 28TH DAY OF APRIL, 2015**

Published in pamphlet form by the authority of the Board of Trustees of the
Village of Big Rock, Kane County, Illinois
this 28th day of April, 2015

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WHEREAS, the Village of Big Rock is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, the Village of Big Rock Zoning Ordinance, Article VIII, Business Districts, Section 8.04 creates and regulates the B-3 Town Center Business District; and

WHEREAS, Section 8.04(C) regulates special uses within the B-3 District and subsection (4)(a) allows Warehouse/Storage as a special use, subject to certain conditions, including condition (ii) which states that no outdoor storage is allowed; and

WHEREAS, the Village of Big Rock has worked with the owner of property at 101 Hinckley Road, which is zoned B-3, to allow outdoor storage of road salt at its facility which has been granted a special use for a warehouse/storage use; and

WHEREAS, the Village of Big Rock desires to amend Section 8.04(C) of its Zoning Ordinance to allow for the outdoor storage of road salt by the Village within the B-3 District; and

WHEREAS, the Village of Big Rock Planning and Zoning Commission conducted a public hearing after due notice and voted to recommend this Zoning Ordinance text amendment; and

WHEREAS, the Village of Big Rock Board of Trustees desires to approve a text amendment to the Village of Big Rock Zoning Ordinance to allow for the outdoor storage of road salt by the Village as a permitted warehouse/storage use, provided an underlying special use permit is granted for such warehouse/storage use, finding that such an amendment will serve the public interest and benefit the residents of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Big Rock, Kane County, Illinois, as follows:

Section 1: The above-stated Recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: The Village of Big Rock Zoning Ordinance, Section 8.04(C) is hereby amended to allow for the outdoor storage of road salt by the Village in the B-3 Town Center Business District as an allowed warehouse/storage use, as follows (amendments are indicated by underlining and shading; deletions are indicated by ~~strikeouts~~):

8.4 B-3, Town Center Business District

A. Purpose: This District provides for the conversion of dwellings and the construction of new buildings along U.S. Highway 30 and Rhodes Ave. to office and business service uses, consistent with Big Rock's adopted Land Use Plan. The reclassification of properties to B-3, Town Center Business District is intended to stabilize and enhance property values by encouraging restoration, renovation, and rehabilitation of existing buildings in the vicinity of the downtown, without the loss of landmark buildings and residential character, typical of Big Rock.

B. Permitted Uses:

(1) Business Services:

- (a) Artist and design studios.
- (b) Banks and financial institutions (excluding drive-up).
- (c) Beauty and barber shops.
- (d) Bed and breakfast guest houses.
- (e) Brokerage houses.
- (f) Business schools.
- (g) Catering services.
- (h) Chambers of commerce.
- (i) Charitable organizations.
- (j) Clothing and costume rental stores.
- (k) Coin and philatelic sales.
- (l) Commercial or trade schools (dance studios, music schools or martial arts)
- (m) Credit agencies.
- (n) Data processing.
- (o) Day care centers and nursery schools.
- (p) Delicatessens.
- (q) Electrical and household appliance sales and repair.
- (r) Employment agencies.
- (s) Furniture repair.
- (t) Furrier shops, storage and conditioning.
- (u) Gift wrapping and mailing services.
- (v) Hearing aid stores.
- (w) Interior decorating shops.
- (x) Libraries.
- (y) Locksmiths.
- (z) Merchant's associations.
- (aa) Newspaper offices, but not including distribution of newspapers.
- (bb) Photocopying and off-set printing.
- (cc) Photographic and art studio.
- (dd) Picture framing.
- (ee) Plumbing, heating and showroom shops.
- (ff) Radio and television studios.
- (gg) Real estate offices.
- (hh) Repair of small appliances.

- (ii) Restaurant and eating places (without drive-through, entertainment or dancing).
- (jj) Security and commodity brokers.
- (kk) Shoe repair shops.
- (ll) Tailor or dressmaker shop.
- (mm) Taxidermists.
- (nn) Travel agency.
- (oo) Undertaking establishments, funeral parlors and mortuaries.
- (pp) Upholstery stores.

(2) Professional Offices:

- (a) Accounting, auditing and bookkeeping offices.
- (b) Attorney and law offices.
- (c) Business and management consultants.
- (d) Engineering and architectural services.
- (e) General offices.
- (f) Insurance agencies.
- (g) Investment companies.
- (h) Land surveyors.
- (i) Professional consultants.

(3) Medical Offices:

- (a) Chiropractor's offices.
- (b) Dentist's offices.
- (c) Doctor's, surgeon's and/or physician's offices.
- (d) Opticians.
- (e) Ophthalmologists.
- (f) Osteopath's offices.
- (g) Podiatrist's offices.

(4) Residential

- (a) Single family use
- (b) Single family occupancy of a structure coincidentally used as a commercial establishment

(5) Retail:

- (a) Antique shops.
- (b) Art galleries.
- (c) Art and school supplies.
- (d) Bakeries, in which the manufacture of goods is limited to goods retailed on the premises only.
- (e) Bicycle sales and repairs.

- (f) Book stores.
- (g) Bridal shops.
- (h) Business machine sales and service.
- (i) Butcher shops excluding live animal slaughter.
- (j) Camera stores.
- (k) Camping equipment sales and rental (excluding trailers and similar campers).
- (l) Candle shops.
- (m) Candy and confectionery stores.
- (n) Card shops.
- (o) Carpet stores.
- (p) Children's apparel shops.
- (q) China and glassware stores.
- (r) Christmas shops. .
- (s) Civic associations.
- (t) Clubs and lodges, fraternal or religious.
- (u) Compact disc, cassette tape and phonograph record stores.
- (v) Computers, sales and service.
- (w) Florist shops.
- (x) Floor covering and tile stores.
- (y) Furniture stores.
- (z) Gift shops.
- (aa) Handmade crafts.
- (bb) Hardware stores.
- (cc) Herbs, spices and. kitchen specialties.
- (dd) Hobby shops.
- (ee) Ice cream stores or stands.
- (ff) Jewelry stores.
- (gg) Ladies apparel stores.
- (hh) Leather goods and luggage stores.
- (ii) Linen and bath shops.
- (jj) Men's apparel stores.
- (kk) Millinery and haberdasheries.
- (ll) Musical instrument sales and repairs.
- (mm) Office supply stores.
- (nn) Orthopedic and medical appliance stores.
- (oo) Paint and wallpaper sales.
- (pp) Pewter and silver stores.
- (qq) Physical culture and health services.
- (rr) Pottery shops.
- (ss) Retail, mail-order stores.
- (tt) Secondhand boutique/consignment stores
- (uu) Sewing machine sales and services.
- (vv) Shoe stores.
- (ww) Specialty foods.
- (xx) Special import stores.

- (yy) Sporting goods.
- (zz) Sports card stores.
- (aaa) Tack shops.
- (bbb) Tobacco shops.
- (ccc) Toy stores.
- (ddd) Variety and notion stores (dime stores).
- (eee) Woodcraft shops.
- (fff) Yarn and needlework shops.

(6) Institutional: With a minimum lot size of 9 acres.

- (a) Elementary schools, public or private, non-boarding.
- (b) Junior high schools, public or private, non-boarding.

C. Special Uses:

(1) Residential: Multi-unit residential apartment or condominium units above a ground-floor commercial use, processed as a planned development.

(2) Planned Developments

(3) Governmental Services: Fire and police stations.

(4) Business Services:

(a) Warehouse/Storage, subject to the following special conditions:

- (i) All operations shall occur within a completely enclosed structure.
- (ii) No outdoor storage allowed, except for storage of road salt by the Village.
- (iii) No outdoor overnight parking of vehicles allowed.
- (iv) No warehousing/storage of flammable or hazardous materials.
- (v) The property must provide clearly accessible and visible MSDS sheets for the products warehoused/stored
- (vi) All operations shall occur between the hours of 6:00 a.m. to 6:00 p.m. or sunset, whichever is later.
- (vii) No individual building used for warehousing/storage shall exceeds 3,000 square feet.
- (viii) No warehouse/storage shall occur on property containing more than 31,000 square feet in total lot area.
- (ix) No outdoor portable toilets are allowed, except during the initial construction process or any construction expansion process.
- (x) A photometric plan for outdoor lighting may be required to ensure compliance with the Village's lighting standards.
- (xi) A traffic study may be required for the proposed use demonstrating that the proposed use will cause no appreciable traffic congestion or

hazard to pedestrian safety.

(xii) Landscaping or fencing may be required to screen the proposed use.

(xiii) The failure to adhere to these special conditions and any other special conditions imposed in an ordinance approving a specific special use shall be grounds for revoking the special use.

(xiv) No retail sales allowed.

(xv) No bulk storage of any type (i.e. grain, salt, fertilizer), except for outdoor storage of road salt by the Village.

(xvi) No office use allowed.

(b) Wind Turbines: Wind turbines as an accessory use to the principal use of a school, on school-owned property consisting of not less than 9 acres, and limited to 1 wind turbine per 9 acres.

(i) Bulk restrictions for this special use:

- Wind turbines shall be located only in rear yards.
- Two hundred (200) feet setback from a front, corner side, or rear property line.
- One hundred (100) feet setback from a side property line.
- Two hundred (200) feet setback from any principal or roofed accessory structure adjacent to the site.
- The pole or tower shall not exceed fifty (50) feet.
- Blades shall not exceed fifteen (15) feet in diameter.

D. Lot Requirements:¹

(1) Minimum Lot Size:

(a) None, except that Minimum setbacks shall be met for any new construction.

(b) Any newly created lot shall maintain a minimum lot size of not less than ½ acre.

(2) Minimum Lot Width – Fifty feet (50')

(3) Maximum Lot Coverage - Not more than fifty percent of a lot can be occupied with the principal and accessory structures and/or impervious surfaces.

E. Yard and Setback Regulations: Every principal structure in this District shall provide and maintain a setback according to the following:

¹ The lot, yard, setback and height limitations for the B-3 District are summarized in Appendix A to this Zoning Ordinance.

- (1) Minimum Front and Corner Side Yards - Not less than thirty (30) feet, as measured from the right-of-way.
- (2) Interior Side Yards - Not less than ten (10) feet from an interior side lot line.
- (3) Minimum Rear Yards - Not less than thirty (30) feet from a rear lot line.

F. Height Limitations: Thirty-five (35) feet.

G. Permitted Accessory Uses, Setbacks, and Size Restrictions: Accessory structures and uses shall be allowed when compatible with and customarily incidental to the primary permitted or special use on the property, and shall be subject to the following regulations:

- (1) All accessory structures shall maintain a minimum setback of five (5') feet from the side and rear property lines, and shall not be located in front yards or front corner yards.
- (2) No more than two (2) roofed accessory structures are permitted on any one zoning lot, and the combined square footage of all roofed accessory structures on a zoning lot shall not exceed five hundred (500) square feet.

H. Legal Non-Conforming Principal Structures: Principal structures in this District existing as of the date of approval of this Zoning Ordinance shall be considered a permitted, conforming structure, subject to the provisions of this section. Any such structure may be rebuilt or repaired if damaged or destroyed by more than fifty (50%) percent, provided such structure does not exceed the original footprint of the original structure. Any such structure may be expanded, provided the bulk requirements of the B-3 District are met, and provided that any existing non-conformity is not enlarged.

I. Legal Non-Conforming Principal Uses: A legal non-conforming principal use may be continued if the structure enclosing that use is damaged or destroyed once the structure enclosing the principal use is re-built as a conforming structure or as otherwise provided for in this Ordinance. Any legal non-conforming principal use may be expanded in conformity with all other requirements of this Zoning Ordinance and other codes and ordinances of the Village.

J. Non-Conforming Uses: Second Street: There are disparate, non-conforming uses located in the following block: north side of 2nd Street, bounded by Rhodes Road to the west and Jefferson Street to the east. Despite the non-legal, non-conforming status of these uses, the Village has determined to classify such uses as temporary legal, non-conforming uses, and to gradually eliminate such uses as follows:

- (1) All such uses may continue, but an existing use will lose its temporary legal, non-conforming status upon (a) a change of use or (b) a change in tenant/user. Upon such a change, such legal, non-conforming use must immediately cease, and any future use at that location must comply with all regulations of this zoning district.

- (2) There shall be no expansion of such uses and no expansion of the principal or accessory structures housing such uses.
- (1) All such uses shall otherwise comply with all ordinances and codes of the Village.
- (2) This block of non-conforming uses is within the Central Business Parking Overlay District and is subject to the regulations listed in Article XIII, "Off-Street Parking and Loading", Section 13.2.B of this Zoning Ordinance.

K. Special Conditions:

- (1) Use - Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the structure or site.
- (2) Existing Buildings:
 - (a) Distinctive stylistic features or examples of skilled craftsmanship which characterize a structure or site shall be treated with sensitivity.
 - (b) Deteriorated exterior architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other architectural features, based on historically accurate duplications of said features.
 - (c) Contemporary design for alterations and additions to existing properties shall be allowed when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood, or environment.
 - (d) Wherever possible, new additions or alterations to existing structures shall be done in such a manner that, if such additions or alterations were to be removed in the future; the essential form and integrity of the structure would be unimpaired.
- (3) New Structures - New structures shall be consistent with the architectural character of residential dwellings and commercial buildings along U.S. Highway 30 and Rhodes Road, and shall be compatible with the size, scale, color material and character of the surrounding neighborhood.
- (4) Central Business Parking Overlay District - Given the diminutive existing lot sizes and limited availability of off street parking, a Central Business Parking Overlay District shall govern off-street parking for those portions of the B3 District within the boundaries of the overlay district. The boundaries and

regulations are listed in Article XIII, "Off-Street Parking and Loading", Section 13.2.B of this Zoning Ordinance.

Section 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 4: This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PRESENTED to the Board of Trustees of the Village of Big Rock, Kane County, Illinois on this 28th day of April, 2015.

Trustee Hanninen ____ Trustee Metzger ____ Trustee Lynch ____

Trustee McCannon ____ Trustee Walsh ____ Trustee Shimkus ____

PASSED by the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 28th day of April, 2015.

SIGNED by the President of the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 28th day of April, 2015.

Dean Hummell, President
Village of Big Rock, Illinois

ATTEST:

Tim May, Village Clerk
Village of Big Rock, Illinois

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

CLERK’S CERTIFICATE

I, Tim May, certify that I am the Village Clerk of the Village of Big Rock, Kane County, Illinois, and as such officer I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I further certify that:

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CENTER BUSINESS DISTRICT**

was adopted by the President and Board of Trustees of the Village of Big Rock at a meeting held on April 28, 2015 and approved by the Village President on April 28, 2015. I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board complied with all the requirements of the Illinois Open Meeting Act.

I do further certify that the ordinance, of which the attached is a true and correct copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of same.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this 28th day of April, 2015.

(SEAL)

Tim May, Village Clerk
Village of Big Rock, Illinois