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## **Sec. 65-15. CO-1 Enhanced commercial overlay district regulations.**

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the regulations of the CO-1 Enhanced commercial overlay district. The purpose of the CO-1 Enhanced commercial overlay district is to promote the development of aesthetically appealing areas dedicated to commercial development. These regulations are not intended to discourage development, but to provide a consistently enhanced area of development for the protection of property owners and for the benefit of the city as a whole.

This district overlays the base zoning district and does not change the requirements contained within the regulations of that district except as specified in this section. Where a conflict exists between the underlying zoning district and the overlay district, the provisions of this district shall control.

- (1) *Use regulations.* A building or premises shall be used only for the following purposes:
- a. Any use allowed in the underlying zoning district, excluding the following:
    1. Detached single-family dwellings.
    2. Attached single-family dwellings.
    3. Two-family dwellings.
    4. Condominiums, subject to site plan review under section 65-26 and compliance with chapter 57.
    5. Residential uses, except condominiums and apartments located above street-grade commercial use(s) or developed in conjunction with street grade commercial uses.
    6. Mobile homes.
    7. Recreational vehicles parks.
    8. Family violence shelters, family crisis shelters, or missions.
    9. Riding stables, including hobby stables.
    10. Itinerant outdoor sales of retail merchandise.
    11. Adult entertainment centers, adult-only stores.
    12. Amusement parks.
    13. Carnivals.
    14. Drive-in theaters.
    15. Pawn shops.
    16. Salvage and surplus merchandise.
    17. Tattoo studios.
    18. Airports.
    19. Animal or poultry slaughter, stockyards, rendering, confined feeding operations.
    20. Automobile dismantlers and recyclers.
    21. Paper mills.
    22. Petroleum and coal products refining.

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23. Scrap metal processors, distribution, or storage.
  24. Saw mills.
  25. Garbage or refuse collection, processing, treatment, or storage facilities.
  26. Landfills.
  27. Railroad switching yards or terminals.
  28. Taxi or bus terminals.
  29. Mining operations or quarries.
  30. Feed and seed mills.
  31. Central mixing plant for concrete, mortar, plaster, or paving materials.
  32. Grain processing or milling.
  33. Acid manufacture.
  34. Manufacture of cement, lime, gypsum, or plaster.
  35. Distillation of bones and glue manufacture.
  36. Explosives manufacture or storage.
  37. Fat rendering, fertilizer manufacture, or tanners.
  38. Reduction, dumping or storage of garbage, offal, or dead animals.
  39. Refining or smelting of metal ores.
  40. Stockyards or the slaughter of animals.
  41. Junk storage and salvage (metal, paper, rags, waste, or glass) storage, treatment, or baling.
  42. Motor vehicle wrecking, salvage, storage, and sale.
  43. Any similar use that would be hazardous to the public health, safety, or welfare.
- b. In addition to special use permit requirements in the underlying districts, the following uses shall also require a special use permit:
1. Cemeteries and mausoleums.
  2. Manufacture of clay, stone, or glass products.
  3. Manufacture or assembly of bolts, nuts, screws, electrical appliances, tools, dies, machinery and hardware projects, sheet metal products, and vitreous enameled metal products.
  4. Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.
  5. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
  6. Public work buildings, public utility service yards, or electrical stations.
  7. Any other industrial use of a similar character which is not specifically permitted herein, only when such use is consistent with the intent and purpose of the I-2 Heavy industrial district and the CO-1 Enhanced commercial overlay district.

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- c. Residential dwelling units shall be allowed above a commercial use.
- (2) *Access, parking, and loading regulations.*
- a. Parking and loading regulations shall be the same as required in the underlying zoning district except where otherwise specified in this section.
  - b. Driveway accesses from public arterial and collector streets shall be limited to one (1) access point every two hundred (200) feet. Driveway accesses shall be a minimum of thirty (30) feet from any public street intersection and/or private roadway intersection.
  - c. Shared parking between developments shall be encouraged. Private easements shall be established for cross access and ingress/egress.
  - d. Driveway access to public streets shall not be permitted for parking or loading areas that require backing maneuvers in the public right-of-way or blockage of the right-of-way.
  - e. No parking or loading zones shall be allowed on public rights-of-way.
  - f. All parking lots within this district shall be hard-surfaced with asphalt, concrete, or impervious or pervious pavers.
  - g. Exterior design of parking structures shall be architecturally harmonious with the associated development.
  - h. Buildings within development complexes are encouraged to be sited on internal roadway systems rather than on shared parking lots to facilitate logical traffic flow patterns.
  - i. Rights-of-way and internal roadways shall be separated from parking lots using landscaped areas, raised walls, or other visual dividers.
  - j. Backfill material for landscaped parking lot islands shall be free of asphaltic materials or construction debris and/or other debris.
- (3) *Height, area, and lot size regulations.*
- a. *Height.* Maximum building height shall be the same as specified in the underlying district.
  - b. *Area.* Area requirements shall be the same as specified in the underlying district.
  - c. *Lot size.* Lot size requirements shall be the same as specified in the underlying district.
  - d. *Percentage of lot coverage.* Lot coverage requirements shall be the same as specified in the underlying district, except where coverage is additionally limited herein by landscaping requirements.
- (4) *Building/accessory structure requirements.*
- a. All buildings shall be of brick, stone, pre-cast architectural concrete, split-face concrete block, stucco or synthetic stucco (E.I.F.S.), glazed curtain walls, durable composite or wood siding, or equivalent permanently durable finish material, extending the full height of the building on each facade facing a public street. Vinyl siding shall not be allowed. Metal siding shall be allowed only on gables or as accents on all facades facing public streets. Metal siding shall be allowed on full walls on facades not facing a public street.
  - b. No building shall be oriented with its rear facing East Main Street if the lot on which the building is located has frontage on East Main Street.
  - c. Exterior finishes and trims of accessory structures and enclosures shall be of architecturally harmonious materials as those of the primary structure(s).

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- d. All exterior mechanical and electrical equipment, including rooftop equipment, shall be completely screened from visibility from adjacent rights-of-way, publicly accessed portions of internal roadways and pedestrian ways, and from surrounding properties in a manner integral to the architecture of the building. The height of screening shall be at least equal to the height of the equipment to be screened. Where necessary exterior equipment shall be depressed below surrounding grade to limit the overall height to a maximum of eight (8) feet above surrounding grade. Rooftop equipment shall be designed or located so as to be low-profile and completely screened as specified above.
  - e. No portable storage containers, shipping containers, or truck trailers used as storage facilities shall be permitted within any front or side yard setback in this district or within any area visible from East Main Street.
  - f. Exterior storage of materials of eight (8) feet in height or more must be visually screened from adjacent rights-of-way by walls constructed of similar materials to those of the building or by sight-obstructive fencing a minimum of eight (8) feet in height.
- (5) *Landscaping requirements.*
- a. *Landscaped buffers.*
    - 1. Each development shall include a landscaped green space buffer a minimum of ten (10) feet in depth at each front lot line. Each buffer shall extend the entire length of the lot, exclusive of driveway entrances. Such buffer shall be required along all public streets within a development complex.
    - 2. Each development abutting an existing residential use or residential district shall have a minimum twenty-five (25) foot landscaped buffer from the property line(s) abutting such residential use or district.
    - 3. Each development abutting the boundary of property (properties) containing the Old McKendree Chapel and McKendree Cemetery shall have a minimum twenty-five (25) foot landscaped buffer from the property line(s) abutting these properties.
    - 4. Trees and vegetation installed within landscaped buffers adjacent to public rights-of-way shall meet the height and location restrictions of chapter 63.
    - 5. No parking, storage facilities or areas, maintenance structures, places of business, accessory structures, temporary structures, or pavement other than pedestrian walkways shall be placed within these buffers.
    - 6. Parking lot islands within this district shall be landscaped, except portions of islands used as a pedestrian walkway from a parking area to a building, structure, trail, or connecting walkway.
    - 7. Stormwater detention basins, where required, and open swales shall be incorporated as aesthetically pleasing features of the design. Dry detention basins shall be landscaped and incorporated into the design in such a way as to minimize their depth and visibility.
    - 8. Interior landscaping shall be provided in addition to the ten-foot buffer along streets and roadways. Each development shall include interior landscaped area(s) totaling a minimum of ten (10) percent of the total lot size. Landscaped parking lot islands and portions of wet basins or landscaped dry basins located on the lot may be included as part of the minimum landscaping requirement. Interior landscaping shall include shade trees.
    - 9. Long-term viability of landscape, ease of upkeep, disease resistance, and drought tolerance should be included in the selection criteria for landscaping materials.

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10. Large spaces with uninterrupted areas of gravel, pine straw, mulch, or bare soil are prohibited. Such areas shall be landscaped with turf, seed, sod, or groundcover.
  11. It is encouraged to preserve existing, mature tree cover whenever possible.
  12. All landscaping shall be completed within sixty (60) days after completion of building construction, provided, however, if weather conditions do not at such time permit, such landscaping shall be completed as soon thereafter as weather permits.

(6) *Screening.*

- a. All dumpsters and bulk waste receptacles shall be visually screened from rights-of-way, internal roadways, and pedestrian ways by solid walls a minimum of six (6) feet in height, constructed to match the building facades in materials and color. Dumpsters and other bulk waste facilities shall not be located within a front setback.
- b. Service areas, loading docks, and storage areas shall be incorporated into the building design and oriented so that they are visually screened from adjacent rights-of-way and publicly accessed portions of internal roadway systems in a manner integral to the architecture of the building.
- c. Chain link fencing shall be prohibited in any required front yard.
- d. No woven wire or barbed wire fencing shall be allowed in this district except on land used for agricultural purposes when such fencing is used for the keeping of livestock on the property. Electric fencing shall be prohibited.
- e. Development within this district shall be visually screened along any property boundaries adjacent to residential uses, residential districts, Old McKendree Chapel property, or Old McKendree Cemetery property by a privacy fence a minimum of six (6) feet in height which shall be constructed with the finished face of the fence toward the residential property or Old McKendree property. Visual screening consisting of a privacy fence a minimum of six (6) feet in height or a densely-planted evergreen buffer a minimum of eight (8) feet in height will be required along property boundaries adjacent to public rights-of-way when residential uses or residential districts abut the opposite side of the street. Such visual screening shall be terminated and maintained thirty (30) feet from any street intersection or driveway entrance.
- f. No screening will be required within a thirty-foot front setback serving the front face of the building.

(7) *Utility services.*

- a. Poles for parking lot lighting or other private lighting shall be of an aesthetically pleasing style. No wooden light poles shall be permitted in these locations. Poles used for public utilities may be exempt from this requirement when approved by the director.
- b. No lighting fixtures shall have blinking, flashing, or fluttering lights or other illuminating devices which have changing light intensity or brightness, nor shall any beacon light be permitted, except those required for fire alarm and/or emergency systems.
- c. Color corrected lighting, mercury vapor, metal halide, or incandescent lighting shall be permitted. Low-pressure sodium lighting is prohibited.
- d. Fixtures used for architectural lighting, such as facade, feature, and landscape lighting, shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.
- e. All electric services less than twelve thousand four hundred seventy (12,470) volts shall be buried from the transmission source to the facility being served.

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- f. Site lighting should create safe lighting conditions for visibility, accent important elements of the landscape, create clear visual nighttime order to the site, and distinguish between various site uses such as roads, parking, walkways, recreation spaces, etc.
- (8) *Pedestrian circulation.*
- a. To encourage pedestrian circulation, all development within this district shall include recreation trails and/or sidewalks, including, at a minimum, sidewalks along both sides of all public rights-of-way and along at least one (1) side of publicly accessed portions of internal roadway systems.
  - b. Sidewalks and recreation trails shall be developed to connect with adjacent properties and developments in order to promote and reinforce pedestrian connectivity. Sidewalks shall connect building entries within and between developments where possible.
  - c. Sidewalks shall have a minimum unobstructed width of four (4) feet and shall be constructed to the city's standards for sidewalk construction.
  - d. All sidewalks shall meet ADA accessibility standards for disabled users.
  - e. Pedestrian seating shall be included along pedestrian ways and shall be designed to harmonize with the overall character of the development.
- (9) *Existing buildings/modifications.*
- a. If an existing building, structure, or development is expanded by fifty (50) percent or more in size or total assessed value of the existing building, the building or development shall be brought into compliance with this section, including all landscaping requirements.
  - b. Any addition in size to an existing building shall comply with the requirements of this section.
  - c. If the number of existing parking spaces for an existing building, structure, or development is expanded by fifty (50) percent or more, then the entire parking lot shall comply with the requirements of this section.
  - d. Any addition to the size of an existing parking lot or increase in the number of parking spaces shall comply with the requirements of this section.
  - e. If a new and separate building, structure, or development is constructed on the same lot of record as an existing building, structure, or development, only the new building, structure, or development must meet the requirements of this section. However, if the new building, structure, or development is connected physically to the existing building or structure so as to make it appear the existing and new building or structure are part of the same business or establishment, this exception shall not apply.
- (10) *Maintenance.*
- a. During construction, construction sites shall be kept free of accumulations of debris, rubbish, and scrap materials. All construction trailers, vehicles, temporary structures, and other construction equipment shall be kept in a neat and orderly manner.
  - b. The property owner shall promptly replace all dying landscaping materials within the growing season in which they are determined to be dying and shall maintain all buildings, fences, signs, lighting, and other appurtenances in a well-kept manner and in proper working condition.
  - c. Once approved, buildings and structure finishes, landscaping design, green space area, parking requirements, material and merchandise storage, enclosures, screenings, signage, and other requirements of this section shall not be altered in a manner that does not conform with the requirements of this section.

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- d. In the event any building or structure is destroyed by casualty or otherwise, the owner shall promptly clear all debris resulting therefrom and rebuild or repair the damaged structures and appurtenances or shall clear and seed or landscape the site with permanent vegetation until such time as the site is redeveloped for use.

(11) *Plans.*

- a. In addition to plans required by other sections of this code for building or infrastructure construction purposes, the following plans shall be submitted for review and approval prior to beginning of any site grading, development, or construction:
  - 1. A comprehensive site plan showing all existing and proposed buildings, walkways, parking areas, service areas, entrance drives, and signage. Dimensions and other related site development information and calculations should also be included.
  - 2. A complete landscaping plan shall be submitted for review and approval as part of the construction plans. Such plans shall include information regarding type and location of all sodding, seeding, trees, hedges and shrubs, and information regarding other customary landscape treatment for the entire site, including fences, walls, and screening. Locations of vegetation and/or trees to be preserved shall be indicated. Calculations of landscaped areas in relation to site size shall also be included. Preliminary site grading may be performed prior to submission of the landscaping plan. All preliminary site clearing and grading shall comply with chapter 21 (environment) of the City Code and all other regulations of the city.

( Ord. No. 13-73 , § 1, 11-18-13)