

ORDINANCE NO. 2024-13

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 82 - ZONING,
OF THE CODE OF ORDINANCES OF THE VILLAGE OF CHERRY VALLEY,
ILLINOIS REGARDING PARKING LOTS**

WHEREAS, the Village of Cherry Valley, Illinois (“Village”) has adopted a Code of Ordinances (“Code”) for the Village; and

WHEREAS, the Chapter 82 of the Code governs zoning of property within the Village limits; and

WHEREAS, the various provisions of Chapter 82 govern parking lots; and

WHEREAS, the Village wishes to amend Chapter 82 regarding parking lot regulations as set forth herein; and

WHEREAS, the Village Planning and Zoning Commission conducted a public hearing on these proposed amendments on May 15, 2024 and made a unanimous recommendation regarding these proposed amendments; and

WHEREAS, the Village has determined that it is in the best interest of its residents to amend the Code as set forth herein.

NOW THEREFORE, be it ordained by the President and Board of Trustees for the Village of Cherry Valley, Illinois, as follows:

SECTION 1: Chapter 82—Zoning, Section 82-234(b) regarding Special Uses in the Commercial Community (CC) zoning district is amended to read as follows (new language in **bold**, language to be removed show as a ~~strikethrough~~):

(b) *Special uses*. The following uses may be allowed by special use permit in accordance with the provisions of this chapter:

Ambulance service.

Automobile accessory store where there is servicing or installation of accessories including automobile laundries.

Automobile repair, minor.

Automobile sales and services.

New and used, on an open lot or within a building.

Automobile service station.

Bus terminals, bus garages, and bus lots.

Construction of billboards.

Construction of radio towers.

No tower constructed on the premises pursuant to the special use permit granted in this chapter shall exceed 150 feet in height. In measuring the height requirement set forth in this subsection, the measurement shall be taken from the ground level at the base of the tower to the highest point of the tower or any extensions thereto.

Any building constructed on the premises described in this subsection shall have a brick exterior.

Liquor establishments, including package liquor stores and taverns.

Parking Lot, which is accessory to and serving a principal use on a separate parcel which is not within, but adjacent to, Village Limits.

Portable establishments, including package liquor stores and taverns.

Public service uses, including:

Filtration plant, pumping station and water reservoir.

Sewage treatment plant.

Police and fire stations.

Telephone exchange.

Electric and gas substations and booster stations.

Other governmental uses.

Radio towers, tv towers and cell towers

Recreational cannabis sales.

Sexually oriented business, subject to the following special uses criteria:

A sexually oriented business may not be operated within 1,000 feet of the following previously established uses:

A church, synagogue or regular place of worship.

A public or private elementary or secondary school.

Any property legally used or zoned for residential purposes.

A public park.

A day care facility.

Another sexually oriented business.

For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of a church, school, park, residential use or other sexually oriented business, or to the nearest boundary of a residential zoning district.

Nothing in this subsection shall be interpreted to authorize or permit any activity or conduct prohibited by any activity or conduct prohibited by any local, state or federal law including, but not limited to, obscenity and prostitution.

Storage facilities.

Teen entertainment centers.

Veterinary clinics or veterinary hospital.

Water detention area.

Wind-operated energy devices, for site service only, provided that the lot area has a minimum of 2.5 acres.

SECTION 2: Chapter 82—Zoning, Section 82-235(b) regarding Special Uses in the Commercial General (CG) zoning district is amended to read as follows (new language in **bold**, language to be removed show as a ~~strikethrough~~):

(b) *Special uses.* The following uses may be allowed by special use permit in the CG district in accordance with the provisions of this chapter:

Automobile body and fender repair, including welding.

Automobile (car) washes.

Automobile repair, major.

Buildings in excess of three and one-half stories in height.

Construction of billboards.

Construction of radio towers.

Liquor establishments, including package liquor stores and taverns.

Outdoor theaters.

Parking Lot, which is accessory to and serving a principal use on a separate parcel which is not within, but adjacent to, Village Limits.

Public service uses, including:

Filtration plant, pumping station and water reservoir.

Sewage treatment plant.

Police and fire station.

Telephone exchange.

Electrical and gas substations and booster stations.

Other governmental uses.

Radio and television towers, commercial.

Recreational cannabis sales.

Sexually oriented business may not be operated within 1,000 feet of the following previously established uses:

A church, synagogue or regular place of worship.

A public or private elementary or secondary school.

Any property legally used or zoned for residential purposes.

A public park.

A day care facility.

Another sexually oriented business.

For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of a church, school, park, residential use or other sexually oriented business, or to the nearest boundary of a residential zoning district. Nothing in this subsection shall be interpreted to authorize or permit any activity or conduct prohibited by any local, state or federal law including, but not limited to, obscenity and prostitution.

Storage facilities.

Tattoo parlors.

Teen entertainment centers.

Truck and trailer service.

Water detention area.

Welding shops.

Wildlife parks.

Wind-operated energy devices, for site service only, provided that the lot area has a minimum of 2.5 acres.

SECTION 3: Chapter 82—Zoning, Section 82-446 regarding Control of Off-Site Parking Facilities is amended to read as follows (new language in **bold**, language to be removed show as a ~~strikethrough~~):

Sec. 82-446. - Control of off-site parking facilities.

When required parking facilities are provided on land other than the zoning plat on which the building or use served by such facilities is located, they shall remain in the same possession or ownership (**or in the possession or ownership of an affiliated entity with substantial common ownership**) as the zoning plat occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no certificate of zoning compliance shall be issued where the plans call for parking facilities other than on the same zoning plat until and unless the board of appeals has reviewed the plans and heard the applicant and made findings that the off-site parking facilities will be maintained at all times during the life of the proposed use of building.

SECTION 4: Chapter 82—Zoning, Section 82-448 regarding Additional Parking Regulations is amended to read as follows (new language in **bold**, language to be removed show as a ~~strikethrough~~):

Sec. 82-448. - Additional parking regulations.

(a) *Use of parking facilities.* Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of such occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors or customers of business or manufacturing establishments.

(b) *Joint parking facilities.* Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any nonresidential zoning district in which separate parking facilities for each constituent use would be permitted; provided, however, that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use (except as otherwise provided by this chapter).

(c) *Existing parking.* Off-street parking, existing at the time a new use or change in use is made, may be considered by the zoning board of appeals in granting a variation of parking requirements. However, such off-street parking shall be adjacent to, or directly across the street or alley from, but in no case at a distance in excess of 450 feet, a use in a residential district and in the case of a use in a commercial or industrial district, the municipal off-street parking shall be within 1,000 feet from the use. The zoning board of appeals shall not grant variations of parking requirements for more spaces than 80 percent of each off-street parking lot, nor shall any one use receive a parking variation of more than 20 percent of that 80 percent, nor shall more than 25 percent of the off-street parking requirements of any one use be subject to variation.

(d) *Computation.* When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fraction of one-half or less, that fraction may be disregarded; while a fraction in excess of one-half shall be counted as one parking space.

(e) *Size.* A required off-street parking space shall be at least nine feet in width and at least 18 feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven feet.

(f) *In yards.* A parking space shall not be located in a required front yard or side yard set back requirements, except in the office, commercial or industrial districts.

(g) *Design and maintenance.*

(1) *Open and enclosed parking spaces.* Accessory parking spaces located on the same plat as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a residential district elsewhere than on the same plat occupied by the use served shall be open to the sky except where otherwise allowed as a special use.

(2) *Surfacing.* All open off-street parking areas, except those parking spaces accessory to a single-family dwelling, shall be improved with a minimum of a six-inch base and an A-2 bituminous covering. Such parking area shall be so graded and drained as to dispose of all surface water, and in no case shall drainage be allowed across sidewalks. Alternate surfacing is allowable provided it is of a higher standard than those required by this chapter.

(3) *Screening or landscaping.* All open automobile parking areas containing five or more parking spaces in commercial or industrial districts shall be screened from the abutting **residential district** properties or those properties which are

located across an alley from residential districts with a solid fence, wall, or compact hedge not less than five feet nor more than eight feet in height.

(4) *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.

(5) *Signs.* Signs are permitted on parking areas when related to and accessory to the parking area.

(h) *Floor area exemptions.* When two or more uses are located on the same zoning plot, only one exemption in terms of floor area, as set forth in section 82-450, shall be permitted.

(i) *Parking for the physically impaired.*

(1) If any parking is provided for employees, visitors, or both, the minimum number of accessible parking spaces to be provided for physically impaired persons are as follows:

| Total Off-street Parking Spaces Required | Required Minimum Number of Accessible Parking Spaces |
|--|--|
| 1—20 | 1 |
| 21—50 | 2 |
| 51—75 | 3 |
| 76—100 | 4 |
| 101—150 | 5 |
| 151—200 | 6 |
| 201—300 | 7 |
| 301—400 | 8 |
| 401—500 | 9 |
| 501—1,000 | 2 percent of total number 20 plus |
| Over 1,000 | 1 for each 100 over 100 |

(2) The parking stalls for the physically impaired shall be at least 16 feet wide by 20 feet long for 90-degree parking and shall be proportionately large at other angles. All stalls shall be appropriately marked and signed, be located in close proximity to the principle building and shall offer barrier free access to the principle building.

(3) No accessible parking shall be required if only attendant or valet parking is provided and is available at all times the facility is open for public use. However, if accessible at-grade parking is available, at least one space for self parking of a vehicle with sensitive specialized control devices shall be provided. The designation of physically impaired parking stalls shall constitute consent by the property owner to the enforcement of the restriction of such spaces to physically impaired motorists by the village.

(4) The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved in consideration of such factors as anticipated usage, number and location of entrances and level of parking areas.

(j) Parking lots which are accessory to and serving a principal use on a separate parcel which is not within, but adjacent to, Village limits shall conform to all applicable parking lot regulations set forth in this Code of Ordinances, including, but not limited to, parking stall sizes, drive aisle and circulation requirements, drainage regulations, construction and composition standards, lighting requirements, screening and landscaping, unless otherwise provided for.

SECTION 5: Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect ten (10) days after its approval, passage and publication in pamphlet form as required by law.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: MIKE NEVILLE

BY ROLL CALL VOTE THIS 18TH DAY OF JUNE, 2024

AS FOLLOWS:

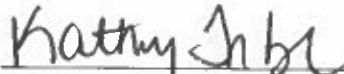
VOTING "AYE": NANCY BELT, JEFF FUSTIN, SALLY HOLLEMBEAK,
MIKE NEVILLE, BRANDI PEARSE CARL WEDIG

VOTING "NAY": NONE

ABSENT, ABSTAIN, OTHER NONE

APPROVED: JUNE 18, 2024

ATTEST:


KATHY TRIMBLE, VILLAGE CLERK


DAVID SCHROEDER, VILLAGE PRESIDENT