

CHAPTER 19

ZONING

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DIVISION 1

DEFINITIONS AND GENERAL PROVISIONS

19-1-1

DECLARATION OF INTENT AND PURPOSE

It is the intent and purpose of this Ordinance to:

- a) promote and protect public health, safety and general welfare;
- b) provide a framework for rational, orderly and planned growth;
- c) fix reasonable standards for the construction and use of structures and buildings;
- d) encourage the logical development and arrangement of land uses;
- e) provide for adequate space, light, air, privacy and access to properties

19-1-2

DEFINITIONS

In the language of this Ordinance, the rules contained in this section shall be observed and applied.

- a) Words used in the present tense shall include the future. Words used in the singular shall include the plural and vice versa, unless the context clearly indicates to the contrary. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The word "lot" shall include the words "plot", "piece" or "parcel". The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "occupied for" and "maintained for".
- b) The word "City" or "municipality" shall refer to and be interpreted to mean the City of St. Elmo, Illinois, a municipal Corporation. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation or any other legal entity. The particular or specific shall control the general. The masculine shall also include the feminine.

c) When the meaning of words and/or terms used in this Ordinance are not clear, or are subject to doubt, the definition of such word or term shall be taken from the following, in order of preference:

- 1) as defined within any existing ordinances of the City of St. Elmo;
- 2) as defined in the latest available edition of the Building Official- and Code Administration International, Inc. (BOCA) National Existing Structures Code;
- 3) as defined by the Fayette County Health Department or the Illinois Department of Public Health;
- 4) as defined in the latest available edition of Webster's English Language Dictionary.

d) Words and Phrases Defined:

Adult-Use Cannabis Business Establishment – An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization. Amended 3/4/2020

Adult-Use Cannabis Craft Grower – A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. Amended 3/4/2020

Adult-Use Cannabis Cultivation Center – A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. Amended 3/4/2020

Adult-Use Cannabis Dispensing Organization – A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. Amended 3/4/2020

Adult-Use Cannabis Infuser Organization or Infuser – A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product

formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. Amended 3/4/2020

Adult-Use Cannabis Processing Organization or Processor - A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. Amended 3/4/2020

Accessory building or use - A subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.

Adult-Use Cannabis Transporting – An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as is may be amended from time-to-time, and regulations promulgated thereunder. Amended 3/4/2020

Agriculture - The use of land for farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing produce.

Apartment - A room or suite of rooms in a multiple family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities permanently installed must always be included for each apartment.

Automobile or truck repairs - General repair, engine rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting of motor vehicles.

Automobile service station - A place where gasoline stored only in underground tanks, kerosene or motor oil and lubricants or grease for operation of automobiles are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile repairs and rebuilding.

Auto junk yard - Any place where two or more motor vehicles not in operating condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structures used for wrecking or storing of

such motor vehicles or parts thereof; and including any farm machinery or farm vehicles, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging and scavenging of any other goods, articles or merchandise.

Board - The Board of Zoning Appeals of the City St. Elmo.

Boarding/Rooming House - A building other than a hotel or restaurant where meals and sleeping quarters are provided (usually for compensation), to three or more persons, but not more than fifteen who are not members of the keeper's family. Services are provided on a weekly, or longer, basis but the facility is not open on a daily, overnight or per meal basis to transient guests. This definition shall not include community residences.

Building - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Building Official - The officer or individual designated by the City and charged with the responsibility of administering and enforcing the standards of this ordinance.

Building, height of - The vertical measurement from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

Building Permit - A certificate issued by the Building Official permitting a person, firm or corporation to erect, construct, enlarge, alter, move, improve, convert or demolish any building or structure within the municipality, or cause the same to be done. A permit shall be required only in those instances when any of the aforementioned activities results in a change to the external dimensions of the building or structure or in a change of a property to a special or non-conforming use. Revised 6/3/1991

Building, principal - A building in which is conducted the main or principal use of the lot on which said building is situated.

Building, setback line - The line, established by this Ordinance, beyond which a building shall not extend unless varied according to procedures in this Ordinance. Also called a "building line", "yard setback" or "lot setback".

Certificate of compliance - A permit issued by the Building Official indicating that a newly completed structure complies with all pertinent requirements of this ordinance and may, therefore, be occupied or used.

Clinic - An establishment wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not required.

Club/lodge - A non-profit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Community Residence - Community Residence is a specialized, appropriately supervised residential care home facility serving unrelated persons with mental and/or physical disabilities which is licensed, certified or accredited by appropriate local, state or national bodies. A small community residence shall serve eight (8) or fewer persons, (not including staff), in a family-like atmosphere. A large community residence shall serve nine (9) to twenty (20) persons, (not including staff). Community residences shall be located not less than 1200 feet from another community residence, except upon due issuance of a special use permit.

Convenience store - Any small retail commercial establishment typically offering goods/services, including cold cuts, snack foods, automotive maintenance products, diary products, soft drinks, sandwiches and gasoline.

District (zoning) - A designated part of the City of St. Elmo and surrounding one and one half miles of unincorporated area wherein restrictions as stipulated in this Ordinance are uniform.

Dormitory - Multi-family housing units designed primarily to house students or military personnel. Such units are divided into separate quarters which, in combination, are capable of accommodating more than ten persons. Individual living quarters contain no kitchen or bath facilities.

Dump - A lot or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Drive-through Restaurant - An establishment principally used for the sale of fast-order food.

Dwelling - Any building or portion thereof used exclusively for residential purposes.

Dwelling, multi-family - A dwelling consisting of two (2) or more dwelling units, including condominiums, with varying arrangements of entrance and party walls.

Dwelling, single family - A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space. Single-family dwelling shall include modular homes, mobile homes and manufactured homes.

Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for living, bathing, sleeping, cooking and eating. The term shall include travel trailers or recreational vehicles.

Family -

- a) A single individual living upon the premises as a separate housekeeping unit; or
- b) A collective body of persons living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or,
- c) A group of not more than eight unrelated persons living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity, or hotel).

Floor Area - The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior walls. It includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses. The gross floor area is generally applied in residential use.

Group Home - A single residential unit, occupied by unrelated persons cohabitating for reasons of convenience, domestic shelter, homelessness, psychiatric counseling, or religious affiliation. Such homes shall, as applicable, be properly licensed and supervised by qualified staff. Group home does not include residences whose primary purpose is to address drug or alcohol abuse, treatment of a communicable disease, or provide an alternative to incarceration.

Hazardous Operations -

- a) Creation of unreasonable physical hazard by fire, explosion, radiation or other cause to persons or property.

- b) Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into or on the ground, so as to contaminate any water supply, including underground water supply.
- c) Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin or insects.
- d) Emission of smoke, which constitutes an unreasonable hazard to the health, safety or welfare of any person.
- e) Fly ash or dust which can cause damage to the health of persons, animal or plant life or to other forms of property.
- f) Creation or causation of any unreasonable offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.
- g) Creation or maintenance of unreasonable reflection or direct glare, by any process, lighting or reflection material at or beyond any property line of the premises on which the aforesaid reflection or direct glare is created or caused.
- h) Creation or maintenance of any unreasonable distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.

Home Occupation - An occupation conducted in a dwelling unit, provided that:

- a) No more than one person other than members of the family residing on the premises shall be engaged in such occupation.
- b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty three percent (33%) floor area of the dwelling unit shall be used in the conduct of the home occupation.
- c) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance, and shall not be permitted or located in a required front yard.

- d) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal sense outside of the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
- e) Internet based business shall be exempt as long as the above requirements are met.

Hospital - An institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment or care of members of the general public suffering from disease, injury or other abnormal physical conditions. The term "hospital" as used in this chapter includes sanitariums but excludes institutions operating solely for the treatment of insane persons, drug addicts and alcoholics and convalescent/nursing homes.

Hotel, Motel, Apartment House - A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a rooming house, boarding house, community residence or dormitory which is here separately defined.

Institution - Building(s) and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

Junk Yards - Any land, property, structure, building, or combination of the same on which junk is stored or processed. Junk shall include wrecked automobiles, scrap iron and other metals, paper, rags, rubber tires, bottles, etc. The junk yard shall be enclosed.

Kennel - Any premises where four (4) or more animals, including fowl, over four (4) months of age are housed, groomed, bred, boarded, trained and/or sold and which may offer provisions for medical treatment of animals.

Amended 5/1/19

Loading Space, off street - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lot - A parcel of land occupied or suitable for occupancy by one main building or use, with accessory buildings, including the open spaces required by

this Ordinance and having its principal frontage upon a public street or highway.

Lot corner - A lot situated at the intersection of two or more streets.

Lot, coverage - The portion of a lot's total area, expressed as a percentage, which is consumed by the lot's principal structure.

Lot, width - The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Manufactured Home - A factory constructed, transportable structure designed for permanent residential use when placed upon a foundation and connected to utilities, provided, however, that all wheels shall be removed from the manufactured home and the manufactured home shall be set on concrete slabs or piers of at least 4 inches thickness. Each manufactured home shall be underpinned and either anchored or banded so as to withstand a wind pressure of 15 pounds per square inch. Underpinning shall consist of material manufactured specifically for that purpose. The minimum length of a manufactured home shall not be less than sixty-four (64) feet excluding the hitch and other transporting mechanism and shall have a total floor area of not less than 780 square feet. A manufactured home must have a roof pitch of not less than 5:12 and exterior walls of 2 x 6 construction. Manufactured homes must meet or exceed Federal and State manufactured home construction codes, and the Department of Housing and Urban Development (HUD) red metal label must be permanently affixed to the rear of each towable unit. Manufactured homes are those homes which were manufactured after June 15, 1976, and no manufactured home shall be placed on site more than 15 years after its date of manufacture.

Revised 1-3-2005

Manufactured/Mobile Home Park - A tract of land or 2 or more contiguous tracts of land upon which contain sites with the necessary utilities for 5 or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being part of a mobile home park. Manufactured/mobile home parks shall be operated in compliance with the IL Mobile Home Park Act 210 ILCS 115/1 et seq. as in effect and amended from time to time. (See appendix 1 of Chapter 19, Zoning Ordinance of the City of St. Elmo Ordinance Manual.) Revised 10/1994, 8-7-1995, 1-3-2005

Mobile Home - A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; manufactured no more than 15 years prior to its being placed on site. All wheels shall be removed from the mobile home and the mobile home shall be set on concrete slabs or piers of at least 4 inches thickness. Each mobile home shall be underpinned and either anchored or banded so as to withstand a wind pressure of 15 pounds per square inch. Underpinning shall consist of material manufactured specifically for that purpose. Mobile homes are those homes which were manufactured before June 15, 1976.

Modular Home - A building assembly or system of building subassemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating, and other service systems, which of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation. A modular home must not be less than forty (40) feet in length and twenty-eight (28) feet in width and must have a roof pitch of not less than 5:12 and exterior walls of 2 x 6 construction. Each modular home must comply with all applicable Federal and State construction codes and must have a yellow seal on the electrical panel box or on the inside of the kitchen sink.

Revised 1-3-2005

Non-conforming Use - Any building, structure or land lawfully occupied by a use or lawfully situated at the time of the passage of this Ordinance or amendments thereto, which does not conform with the regulations of this Ordinance or amendments after its passage.

Nuisance - Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Revised 10/1994, 8-7-1995

Nursing Home - A private hospital for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders but not including facilities for the treatment of sickness or injuries or for surgical care.

Nursery School/Day Care Center - An establishment for the part-time care and/or instruction at any time of day of four (4) or more unrelated children of pre-elementary school age.

Office Space - A room or suite of rooms in which are offered services such as real estate agents, insurance agents, attorneys, physicians or others trained and qualified to offer or perform services of a professional nature.

Permanent Foundation - A closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which shall include, but not necessarily be limited to, cellars, basements, or crawl spaces, but does not exclude the use of piers.

Revised 1-3-2005

Principal building/structures/uses - The main structure erected on or the main use occupying lot, as distinguished from an accessory structure or use.

Public Utility Facility - Includes such uses as: electrical power plants, gas regulator stations, telephone exchange facilities, water or sewer treatment plants, public water supply reservoirs, storage tanks, etc.

Public Utility Services - Equipment and accessories permitted in all districts reasonably necessary for the furnishing and maintenance of adequate public utility service. This may include underground or overhead gas, electrical, stream, water, collection, communication, supply, disposal, transmissions or distribution systems. This includes poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment, but not including buildings except substations.

Retail - The sale of goods or services directly to the consumer rather than to another business.

Sanitary Landfill - A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the state's environmental protection agency. At a "sanitary landfill" the refuse is periodically covered with topsoil.

Service Station, Automobile - Any land, building, structure, or premises used for the sale, at retail, of motor vehicle fuels, oils or accessories, or for servicing or lubricating motor vehicles, or for installing or repairing parts and accessories, but not including: the repairing or replacing of motors, bodies or fenders of motor vehicles; painting of motor vehicles; public garages; and the open storage of rental vehicles or trailers.

Setback - The distance in linear feet measured on a horizontal plane from the lot line to the foundation or base of a building or structure on the lot and perpendicular to the lot line.

Setback Line - A line established by the Zoning Ordinance, generally parallel with and measured from the lot line (property line) defining the limits of a yard in which no building or structure may be located above the ground, except as may be provided in said Ordinance.

Sign, Illuminated - Any sign illuminated by electricity, gas, or other artificial light, including reflecting or phosphorescent light.

Special Use - A use permitted within a district other than a principally permitted use, requiring approval of the Board of Zoning Appeal because of its unusual nature.

Stable - A structure, situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling.

Structure - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, sheds, pet shelters, play houses, guard houses, mass transit passenger shelters and phone booths etc. Structures do not include signs and fences.

Swimming Pool - A pool or open tank containing at least eighteen inches (18") of water at any point and maintained by the owner or manager.

Variance - A permit granted by the Board of Zoning Appeals, varying specific area/bulk regulations, due to unusual circumstances. This is not the same as a rezoning.

Wholesale - The sale of goods or services by one (1) business to another business.

Yard - An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

Yard, Front - A yard across the full width of the lot extending from the front lot line of the principal building to the street right-of-way.

Yard, Rear - A yard extending the full width of the lot between a principal building and the rear lot line or lines.

Yard, Side - A yard between the principal building and side lot line, and extending from the front yard line of said building to the rear line of said building.

Zoning - A police power measure, enacted by the governing body of local governments, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement and other development standards. Requirements vary from district to district, but they must be uniform within districts. The Zoning Ordinance consists of two parts: a text and a map.

19-1-3

COMPLIANCE WITH REGULATIONS

- a) **Use of Buildings** - No building, structure, or premises shall be used or occupied, and no buildings or parts thereof or other structure shall be erected, razed, moved, placed, replaced, enlarged or altered except in conformity with the regulations herein specified for the zoning district in which it is located, or relocated, except as may be otherwise specifically provided for by this Ordinance. Repair or reconstruction of non-conforming structures will be permitted provided that the dimensions and cubic content of the structure shall not be increased.
- b) **Dimension of Buildings** - No building, structure or premises shall be constructed, altered or used so as to produce smaller yards, less unoccupied area, less parking space, and no residential building space shall be occupied by more families or unrelated persons than prescribed for such building for the district in which it is located, except as may be otherwise specifically provided for by this Ordinance.
- c) **Use of Land** - No lot, plot or parcel of land shall be used or occupied for any purpose other than those herein specified for the zoning district in which it is located, except as may be otherwise specifically provided for by this Ordinance.

19-1-4

RELATIONSHIP TO EXISTING ORDINANCES AND PERMITS

- a) **Existing Restrictions** - Where this Ordinance imposes a greater restriction upon land use or structures than is imposed or required by existing provisions of law or ordinance, the provisions of this Ordinance shall govern.
- b) **Existing Permits** - This Ordinance is not intended to annul any development permits, certificates of occupancy, variances or other lawful permits or licenses issued prior to the effective date of this Ordinance.
- c) **Existing Construction** - Any building or structure for which a development permit has been issued prior to the effective date of this Ordinance may be completed and used in accordance with the speci-

cations as listed in the permit application, provided that construction commences within 180 days of the date upon which the permit was issued. Existing construction shall also include any construction, with or without a permit, which has begun or been contracted for, at the time this Ordinance becomes effective.

- d) **Non-Conforming Lots of Record in Combination** - If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.
- e) **Existing Municipal Code** - No structure, land use, condition or operation will be permitted within any zoning district in the municipality which conflicts with any provision of the existing municipal code, (except as provided for under Section IV, Item (a) of this Ordinance.)
- f) **Excluded Uses** - Any land use, condition, operation or structure which creates a nuisance or causes detrimental noise, odor, fumes, smoke, vibration or traffic congestion, (as determined by the Building Official with the Board of Zoning Appeal's concurrence), shall not be permitted within any of the City's zoning districts. Furthermore, uses which are determined to be blighted, unsafe or unsanitary, or which are found to be dangerous due to the inadequately regulated use, production, processing or transfer of highly flammable or otherwise hazardous materials, shall also be prohibited anywhere within the City of St Elmo's zoning jurisdictional area.
- g) **Essential public utility services** shall be permitted, as appropriate and required, in all zoning districts of the City of St Elmo. Such services shall include water and sewer lines, manholes, fire hydrants, meters, gas and electric lines, utility poles, pump stations, etc. Public utility facilities are not to be included in this section.

19-1-5

DISTRICTS AND BOUNDARIES

Pursuant to aforementioned provisions of this Ordinance, all land within the municipal limits of the City of St. Elmo shall be divided into the following districts and shown on the St. Elmo Zoning Map hereto attached. Said Zoning Map is hereby approved and adopted and is hereby made a part of this Ordinance.

- a) Agricultural, (A-1)
- b) Single Family Residential, (R-1)
- c) General Residential, (R-2)
- d) Central Business, (B-1)
- e) General Commercial, (B-2)
- f) Industrial, (I-1)

19-1-6

AGRICULTURAL DISTRICT, A-1

a) Principal Uses and Structures -

- (1) Agriculture and agricultural buildings and uses in connection with a bona fide farming operation. Provided, however, that the sheltering and feeding of livestock, (not including horses and cattle), shall not be permitted within 500 feet of any other adjoining district boundary or within 250 feet of any adjoining property line. Animal kennels shall also be governed by this restriction.
- (2) Agri-business uses
- (3) Grain elevator
- (4) Churches, temples
- (5) Single and multi-family dwellings, boarding houses
- (6) Public and private schools
- (7) Parks and playgrounds
- (8) Animal Kennels, Commercial stables
- (9) Recreational facilities
- (10) Agricultural storage operations
- (11) Veterinarian hospital
- (12) Cemeteries
- (13) Manufactured home parks, Individual modular or manufactured homes.
- (14) Nurseries, Greenhouses, Produce stands
- (15) Agricultural Implement sales
- (16) Home Occupations
- (17) General Commercial uses
- (18) Private Reservoirs
- (19) Small Community Residences, Boarding Houses

Revised 11/1992

- b) Special Uses -** After due notice, consideration and appropriate safeguards, the Board may permit special uses as follows:
 - (1) Public Utility Facilities
 - (2) Hospital or Nursing home

- (3) Raising and breeding of non-farm animals
- (4) Oil fields
- (5) Group homes, Dormitories
- (6) Institutional facilities
- (7) Seasonal fishing and hunting lodges
- (8) Penal or Correctional Institutions
- (9) Manufacturing or Industrial buildings
- (10) Junk yards, Salvage yards, Dumps
- (11) Airports
- (12) Livestock Auctioning
- (13) Amusement facilities
- (14) Research facilities, involving nonhazardous chemicals, materials or live animals
- (15) Warehousing uses
- (16) Mass transit and Trucking operations
- (17) Any other related uses deemed appropriate and permitted by the board.

c) Accessory uses and Structures - Accessory uses and structures customarily incidental to permitted principal or special uses and on the same or adjoining parcel, including:

- (1) Garages
- (2) Resident, Customer and Client Parking
- (3) Sale of produce grown on premises
- (4) Livestock shelters, Pet houses
- (5) General storage structures
- (6) Farm labor living quarters
- (7) Truck or equipment storage buildings
- (8) Other uses customarily associated with permitted uses and approved by Building Official.

d) Prohibited Uses-

- (1) Livestock slaughtering
- (2) Mining and Dredging
- (3) Rock quarries, Sand pits
- (4) Railroad yards
- (5) Hazardous waste operations
- (6) Sanitary landfills
- (7) All other uses deemed inappropriate by Building Official with concurrence of Board
- (8) Mobile home parks and mobile homes.

Revised 11/1992

e) Lot and Building Specifications

- (1) Minimum lot area: 11,000 sq. ft.
- (2) Front yard setback: 30 ft.

- (3) Rear yard setback: 25 ft. (10 ft. for accessory structures)
- (4) Minimum side yard: 35 ft. total, with a minimum of 15 ft. on one side (10 ft. for accessory structures)
- (5) Minimum lot width: 75 ft.
- (6) Minimum off street parking: agricultural uses-none; all other uses shall be governed by parking regulated as delineated under the appropriate corresponding district
- (7) Maximum number of structures permitted on lot: 2 principal use

The keeping of horses and cattle is permitted in all St. Elmo Zoning Districts, (excepting B-1), subject to the following conditions.

- (1) Only one horse, or cow shall be allowed to be kept for up to each 1 acre of land which is utilized to shelter and feed the animal. Property between 1 and 2 acres in size shall permit the keeping of 2 horses or cattle. Property between 2 and 3 acres in size shall permit the keeping of 3 horses or cattle, etc. and so forth in similar proportion to the aforesaid.
- (2) The written permission of all persons whose property, residence, or places of business adjoins or is within one hundred feet, (100') of the property upon which the horse(s) or cattle would be kept.

19-1-7

SINGLE FAMILY RESIDENTIAL, R-1

a) Principal Uses and Structures

- (1) Single family dwellings
- (2) School (public or private, K-8)
- (3) Parks and playgrounds
- (4) Small Community Residences
- (5) Modular Homes

Revised 1-3-2005

b) Special Use – After due notice, consideration and appropriate safeguards, the Board may permit special uses as follows:

- (1) Duplexes
- (2) Home occupations
- (3) Libraries, Museums
- (4) Churches, Temples
- (5) Manufactured homes
- (6) Civic Centers
- (7) Golf Courses
- (8) Home-based day care facilities, Nursery schools
- (9) Funeral Homes
- (10) Agricultural land uses, (when the property to be affected is greater than 1/2 acre in size), may be permitted on an individual case-by-case basis as deemed appropriate by the Board of Appeals.
- (11) Other uses deemed appropriate and permitted by the Board

c) Prohibited Uses -

- (1) Any commercial uses, except as provided as special uses
- (2) All industrial uses
- (3) All agricultural uses
- (4) Animal kennels, Stables
- (5) Residential uses, except as provided for above
- (6) Institutional facilities
- (7) Illuminated signs
- (8) Junk and salvage yards, Dumps
- (9) Recreational uses, except as provided for above
- (10) Public utility facilities
- (11) Warehousing
- (12) All other uses
- (13) Individual mobile homes and mobile home parks.

(d) Accessory Uses and Structures - Accessory uses and structures customarily incidental to permitted principal or special uses and on the same or adjoining parcel, including:

- (1) Garages and carports
- (2) Sheds
- (3) Client or public parking areas
- (4) Household gardens
- (5) Pet houses
- (6) TV antennas and satellite dishes
- (7) Private swimming pools, tennis courts
- (8) Other uses customarily associated with permitted uses and approved by Building Official.

Revised 11/1992

e) Lot and Building Specifications - (See District B-2 for commercial uses)

- (1) Minimum lot area: 7100 sq. ft.
- (2) Minimum lot width: 50 ft.
- (3) Front yard setback: 20 ft.
- (4) Minimum side yard: 10 ft. (5 ft. for accessory structures)
- (5) Rear yard setback: 10 ft. (6 ft. for accessory structures)
- (6) Minimum ground floor area: 1000 sq. ft. single family, 1400 sq. ft. two families
- (7) Maximum building height: 35 ft.
- (8) Maximum lot coverage: 33% single or double family residential; 70% all Others
- (9) Minimum off street parking: one per dwelling unit, see B-2 district for non-residential requirements
- (10) Vision clearance on corner lots: required
- (11) Maximum number of structures permitted on lot: 1 principal use, 2 accessory

Vision clearance shall consist of a triangular space of the street corner of a corner lot, free from any kind of obstruction to vision. Such triangular space shall be determined by a diagonal line connecting a point on each lot line which is situated 15 feet equidistant from the intersection of said lot lines.

19-1-8

GENERAL RESIDENTIAL, R-2

a) Principal Uses and Structures

- (1) All principal uses as permitted within a R-1 district
- (2) Multi-family housing
- (3) Condominiums
- (4) Boarding houses
- (5) Schools for grades 9-12
- (6) Small or Large Community Residences
- (7) Duplexes
- (8) Libraries, Museums
- (9) Churches, Temples
- (10) Golf courses
- (11) Funeral Homes

Revised 8-7-1995, 1-3-2005

b) Special Uses - After due notice, consideration and appropriate safeguards, the Board may permit special uses as follows:

- (1) All special uses as permitted within R-1 District, except as provided for as principle uses within this section
- (2) Convenience stores
- (3) Medical clinic facilities
- (4) Professional office space, governmental offices
- (5) Hospitals, Nursing homes
- (6) Institutional Facilities
- (7) Group homes, Dormitories
- (8) Recreational facilities
- (9) Clubs, Lodges
- (10) Cemeteries
- (11) Illuminated signs
- (12) Utility service substations
- (13) Agricultural land uses, (when property to be affected is greater than 1/2 acre in size), may be permitted on an individual case by case basis as deemed appropriate by the Board of Appeals.
- (14) Other similar uses deemed appropriate and permitted by the board

Revised 1-3-2005

c) Prohibited Uses

- (1) All commercial uses; except as provided as special uses

- (2) All agricultural uses, except as provided as special uses
- (3) All industrial uses
- (4) Animal kennels, Stables
- (5) Stock yards, Livestock auctioning
- (6) Junk and salvage yards or Dumps
- (7) Warehousing and trucking operations
- (8) Landfills
- (9) Mining and excavation activities
- (10) Oil fields
- (11) Research facilities
- (12) All other uses deemed inappropriate by Building Official with concurrence of Board
- (13) Individual mobile homes and mobile or manufactured home parks.

Revised 11-1992, 8-7-1995, 1-3-2005

- d) **Accessory Uses** - Accessory uses and structures customarily incidental to permitted principal or special uses and on the same or adjoining parcel, including:
- (1) All accessory uses permitted within an R-1 district
 - (2) Resident, customer and patient parking areas
 - (3) Other uses customarily associated with permitted uses and approved by Building Official.
- e) **Lot and Building Specifications** - (See District B-2 for commercial use)
- (1) Minimum lot area: 6500 sq. ft. single family or duplex; 4000 sq. ft. multi-family
 - (2) Minimum lot width: 40 ft.
 - (3) Front yard setback: 20 ft.
 - (4) Minimum side yard: 8 ft. (4 ft. for accessory structures)
 - (5) Rear yard setback: 10 ft. (5 ft. for accessory structures)
 - (6) Minimum ground floor area: 780 sq. ft. single family, 600 sq. ft. multi-family
 - (7) Maximum building height: 50 ft.
 - (8) Maximum lot coverage: 40% single family residential, 80% all other
 - (9) Minimum off street parking: one per dwelling unit, see B-2 district for non-residential requirements
 - (10) Vision clearance on corner lots: required
 - (11) Maximum structures permitted on lot: 1 principal use, 2 accessory

19-1-9

CENTRAL BUSINESS, B-1

a) Principal Uses and Structures

- (1) Professional office space of all types
- (2) Retail establishments including the following uses: appliance, furniture, and fixtures, drugs, hardware, sporting goods, walk-in restaurants,

books and magazines, videos, novelties and antiques, shoes, clothing, office supplies, auto parts, music and records, other similar uses deemed appropriate by Building Official.

- (3) Service establishments including the following uses: beauty and barber shops, insurance, finance, real estate, travel, governmental, other similar uses as deemed appropriate by Building Official
- (4) Apartments above commercial establishments
- (5) Illuminated signs

b) Special Uses - After due notice, consideration and appropriate safeguards, the Board may permit special uses as follows:

- (1) Drive-through businesses and restaurants, Convenience Stores
- (2) Hotels
- (3) Churches or Temples
- (4) Clubs or Lodges
- (5) Apartment buildings
- (6) Grocery stores
- (7) Automobile sales
- (8) Service stations
- (9) Meeting halls
- (10) Libraries, Museums
- (11) Health and Fitness clubs
- (12) Theaters, Auditoriums, Civic centers
- (13) Lawn and Garden Shops
- (14) Other similar uses as deemed appropriate and permitted by Board
- (15) Warehousing or storage operations

c) Prohibited Uses

- (1) Commercial uses other than those permitted as principal and special uses.
- (2) All agricultural uses
- (3) All industrial uses
- (4) Animal kennels, Stables, Livestock auctioning, Stockyards
- (5) Junk and salvage yards, Dumps
- (6) Trucking facilities
- (7) All residential uses except as noted above
- (8) Schools and playgrounds, Institutional facilities of any type
- (9) Cemeteries
- (10) Mineral extraction activities
- (11) Recreational facilities, except as provided for above
- (12) Public utility facilities
- (13) Sanitary landfills
- (14) All other uses deemed inappropriate by Building Official with concurrence of Board.
- (15) Individual mobile homes and mobile home parks.

- f) **Accessory Uses** - Accessory uses and structures customarily incidental to permitted principal or special uses and on the same or adjoining parcel, including:
 - (1) Customer, client, resident and public parking areas
 - (2) Loading areas
 - (3) Storage structures
 - (4) Other uses as customarily associated with principal or special use.

- e) **Lot and Building Specifications:** (See District R-2 for residential uses.)
 - (1) Minimum lot area: 2500 sq. ft.
 - (2) Minimum lot width: 30 ft.
 - (3) Front lot setback: none
 - (4) Side lot setback: none (12 ft. when adjacent to a residential district)
 - (5) Rear lot setback: 10 ft.
 - (6) Maximum building height: 50 ft.
 - (7) Maximum lot coverage: 90%, 80% for residential uses
 - (8) Minimum off street parking: none for principal use, as provided under District B-2 for special uses, District R-2 for residential uses
 - (9) Maximum structures permitted on lot: 1 principal, 1 accessory

19-1-10

GENERAL BUSINESS DISTRICT, B-2

a) Principal Uses and Structures

- (1) All commercial and retail business uses are permitted unless specifically prohibited under stipulations of this district
- (2) All principal and special uses permitted within District R-2, except as provided for as special uses within this section
- (3) Governmental offices
- (4) Churches, Temples
- (5) Meeting halls
- (6) Cemeteries
- (7) Hotel, Motels
- (8) Illuminated signs
- (9) Clubs, Lodges

Revised 11/1992

- b) **Special Uses** - After due notice, consideration and appropriate safeguards, the Board may permit special uses as follows:
 - (1) Animal kennels (with proper setback requirements)
 - (2) Moving equipment storage and warehousing operations, Distribution centers, Mass transit operations
 - (3) All recreational uses
 - (4) Public or private utility facilities
 - (5) Hospitals, Nursing Homes, Institutional uses not provided for above

- (6) Car and truck service garages
- (7) Multi-family housing units, large Community Residences, Group Homes, Dormitories, Boarding Houses
- (8) Lumber yards
- (9) Light industrial uses, agribusiness uses
- (10) Wholesale businesses
- (11) Amusement facilities
- (12) Trucking Terminals
- (13) Manufactured Home Parks
- (14) Agricultural land uses, (when the property to be affected is greater than 1/2 acre in size), may be permitted on an individual case-by-case basis as deemed appropriate by the Board of Appeals.
- (15) Other uses as deemed appropriate and permitted by Board
- (16) Modular or manufactured homes

Revised 1-3-2005

c) Prohibited Uses

- (1) Livestock auctioning or slaughtering
- (2) All agricultural uses involving farming operations
- (3) Manufacturing uses; except as permitted above
- (4) Mineral extraction activities, Oil fields
- (5) Rock quarries, Sand pits
- (6) Sanitary landfills
- (7) Airports
- (8) Penal or correctional institutions
- (9) Railroad yards
- (10) Reservoirs
- (11) Research facilities
- (12) Junk and/or Salvage Yards, Dumps
- (13) All others deemed inappropriate by Building Official with concurrence of Board
- (14) Individual mobile homes and mobile home parks.

d) Accessory Uses

- (1) Off-street parking and loading areas in conjunction with principal or permitted special uses
- (2) Storage structures or areas directly related to and subsidiary to principal or permitted special uses

e) Lot and Building Specifications - Commercial Uses, (See District R-2 for residential uses)

- (1) Minimum lot area: 3000 sq. ft.
- (2) Minimum lot width: 40 ft.
- (3) Front yard setback: 10 ft.
- (4) Minimum side yard: 8 ft. (20 ft. when adjacent to a residential district)
- (5) Rear yard setback: 10 ft.

- (6) Maximum building height: 50 ft.
- (7) Maximum lot coverage: 80%, (40% for single family residential)
- (8) Minimum off street parking: All non residential uses shall provide sufficient off-street parking space for each employee and shall also provide sufficient off-street parking to meet the maximum expected needs of clients, customers, students, visitors, etc. Furthermore, the parking, entry, exit and docking needs of all trucks and other vehicles loading, unloading or standing on the business shall be accommodated. All residential uses shall provide one off-street parking space for each dwelling unit.
- (9) Vision clearance on corner lots: required
- (10) Maximum number of structures permitted on lot: a total of three structures are permitted for non-residential use: residential uses are limited to one principal structure and two accessory

19-1-10A

SPECIAL BUSINESS DISTRICT, B-3

a) Principal Uses and Structures

- (1) All commercial and retail business uses are permitted unless specifically prohibited under stipulations of this district
- (2) All principal and special uses permitted within District R-2, except as provided for as special uses within this section
- (3) Governmental offices
- (4) Churches, Temples
- (5) Meeting halls
- (6) Cemeteries
- (7) Hotel, Motels
- (8) Illuminated signs
- (9) Clubs, Lodges

b) Special Uses - After due notice, consideration and appropriate safe guards, the Board may permit special uses as follows:

- (1) Animal kennels (with proper setback requirements)
- (2) Moving equipment storage and warehousing operations, Distribution centers, Mass transit operations
- (3) All recreational uses
- (4) Public or private utility facilities
- (5) Hospitals, Nursing Homes, Institutional uses not provided for above
- (6) Car and truck service garages
- (7) Multi-family housing units, large Community Residences, Group Homes, Dormitories, Boarding Houses
- (8) Lumber yards
- (9) Light industrial uses, agribusiness uses
- (10) Wholesale businesses
- (11) Amusement facilities
- (12) Trucking Terminals

- (13) Manufactured Home Parks
- (14) Agricultural land uses, (when the property to be affected is greater than 1/2 acre in size), may be permitted on an individual case-by-case basis as deemed appropriate by the Board of Appeals.
- (15) Other uses as deemed appropriate and permitted by Board
- (16) Modular or manufactured homes
- (17) Adult Use Cannabis Business Establishment, Adult Use Cannabis Craft Grower, Adult Use Cannabis Cultivation Center, Adult Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting (subject to provisions of Section 19-1-20 and the Cannabis Regulation and Tax Act (P.A. 101-0027))

c) Prohibited Uses

- (1) Livestock auctioning or slaughtering
- (2) All agricultural uses involving farming operations
- (3) Manufacturing uses; except as permitted above
- (4) Mineral extraction activities, Oil fields
- (5) Rock quarries, Sand pits
- (6) Sanitary landfills
- (7) Airports
- (8) Penal or correctional institutions
- (9) Railroad yards
- (10) Reservoirs
- (11) Research facilities
- (12) Junk and/or Salvage Yards, Dumps
- (13) All others deemed inappropriate by Building Official with concurrence of Board
- (14) Individual mobile homes and mobile home parks.

d) Accessory Uses

- (1) Off-street parking and loading areas in conjunction with principal or permitted special uses
- (2) Storage structures or areas directly related to and subsidiary to principal or permitted special uses

e) Lot and Building Specifications - Commercial Uses, (See District R-2 for residential uses)

- (1) Minimum lot area: 3000 sq. ft.
- (2) Minimum lot width: 40 ft.
- (3) Front yard setback: 10 ft.
- (4) Minimum side yard: 8 ft. (20 ft. when adjacent to a residential district)
- (5) Rear yard setback: 10 ft.
- (6) Maximum building height: 50 ft.

- (7) Maximum lot coverage: 80%, (40% for single family residential)
- (8) Minimum off street parking: All non-residential uses shall provide sufficient off-street parking space for each employee and shall also provide sufficient off-street parking to meet the maximum expected needs of clients, customers, students, visitors, etc. Furthermore, the parking, entry, exit and docking needs of all trucks and other vehicles loading, unloading or standing on the business shall be accommodated. All residential uses shall provide one off-street parking space for each dwelling unit.
- (9) Vision clearance on corner lots: required
- (10) Maximum number of structures permitted on lot: a total of three structures are permitted for non-residential use: residential uses are limited to one principal structure and two accessory.

Amended 3/4/2020

19-1-11

INDUSTRIAL DISTRICT, I-1

a) Principal Uses and Structures

- (1) Facilities designed to provide for the manufacturing, fabricating, processing, assembly, dismantling, storage or disposal of raw materials
- (2) All special uses stipulated under District B-2, excepting Residential and Recreational uses, Institutional uses and Amusement facilities
- (3) Trucking terminals
- (4) Wholesale business, Distribution centers
- (5) Moving, equipment storage and warehousing operations
- (6) Mass transportation vehicle terminals and storage operations
- (7) Railroad yards
- (8) Public utility facilities
- (9) Reservoirs
- (10) Construction firms
- (11) Agri-business uses

b) Special Uses

- (1) Livestock auctioning or slaughtering
- (2) Mineral extraction activities, oil fields
- (3) Rock quarries, sand pits
- (4) Sanitary landfills
- (5) Shooting ranges
- (6) Junk and salvage yards, dumps
- (7) Airports
- (8) Penal or correctional institutions
- (9) Research facilities involving nonhazardous chemicals, materials or live animals
- (10) Properly regulated manufacturing uses involving flammable, or in any other manner, hazardous materials; hazardous operations
- (11) Grain elevators

- (12) Recreational Uses
- (13) Agricultural land uses, (when the property to be affected is greater than 1/2 acre in size), may be permitted on an individual case-by-case basis as deemed appropriate by the Board of Appeals.

c) Prohibited Uses

- (1) Agriculturally related uses, other than as permitted above
- (2) Residential uses of any type
- (3) Institutional facilities of any type, other than penal or correctional
- (4) Churches, clubs, lodges, meeting halls, auditoriums, libraries, museums, etc.
- (5) All recreational uses
- (6) Commercial uses, other than as provided for above
- (7) All other uses except as previously provided for in this section
- (8) Individual mobile homes and mobile home parks

d) Accessory Uses

- (1) Off-street parking and loading areas
- (2) Storage structures and areas

e) Lot and Building Specifications

- (1) Minimum lot area: 15,000 sq. ft.
- (2) Minimum lot width: 80 ft.
- (3) Front lot setback: 30 ft.
- (4) Minimum side lot: 20 ft. (40 ft. if bordering on any other district)
- (5) Rear lot setback: 20 ft. (40 ft. if bordering on any other district)
- (6) Minimum off-street parking: All manufacturing uses shall provide one parking space for each employee and shall also provide sufficient off-street parking for the maximum expected number of visitors. Further more, the parking, entry, exit and docking needs of all trucks and vehicles loading, unloading or standing at the business shall be properly accommodated.

Revised 11/1992

19-1-12

ZONING MAP AND DISTRICT BOUNDARIES

- a) The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of this municipality. This official map, including all notations and other information thereon, is hereby made a part of this ordinance by reference. The official zoning map shall be kept on file in the Building Official's office.
- b) Annual publication. In accordance with Illinois Revised Statutes, Chapter 24, paragraph 11-13-19, the building official shall publish the zoning map of this municipality not later than March thirty-first of each year. However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations.

- c) All streets, alleys, and railroad right-of-way, unless otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
- d) Annexed territory. Upon the effective date of this Ordinance whenever any territory is annexed to this municipality, the board shall determine its district classification at the time of annexation.

19-1-13

MUNICIPAL PLAN

The official plan of the City of St. Elmo is hereby established. It shall consist of the following:

- a) A map of the municipality and extraterritorial jurisdictional area demonstrating classes of existing land use.
- b) A map delineating projected future land use and growth areas within the City of St. Elmo's zoning jurisdictional area.
- c) The entire contents of this ordinance, including the zoning map and district boundaries.

19-1-14

ESTABLISHMENT OF OFFICE OF BUILDING OFFICIAL

The office of St. Elmo Building Official is hereby established. The Building Official shall be appointed by the Mayor with the approval and consent of the Board of Alderman. The Building Official is hereby authorized and directed to administer and enforce the provisions of this ordinance. The responsibilities of the Office shall include, but not necessarily be limited to, the following:

- a) Receive, review and approve or disapprove applications for building permits.
- b) Issue or deny certificates of compliance following construction but prior to occupancy.
- c) Periodically inspect land, structures and uses to determine compliance with this ordinance.

- d) Review and forward to the zoning board of appeals, requests for variances; special use permits; temporary use permits; rezoning classifications and ordinance amendments.
- e) Maintain up-to-date and properly organized information and records pertaining to all applicable provisions of this ordinance.
- f) Upon finding that any of the provisions of this ordinance have been violated, notifying in writing the person(s) responsible for such violation, ordering the action necessary to correct such violation. Such action(s) shall be taken in conjunction with the counsel of the city attorney.
- g) Provide information to the general public on matters related to this ordinance.
- h) Perform other duties as the Board of Alderman may, from time to time prescribe.

19-1-15

BUILDING PERMITS/CERTIFICATES OF COMPLIANCE

- a) No building or other structure shall not be erected, moved, reconstructed, placed or structurally altered; nor shall any building, structure, or land use be established or changed in use without a building permit issued by the Building Official. **Structures of any type which are not set on top of a permanent foundation and do not have a ground floor area of more than 200 sq. ft. shall be exempt from permit requirements.** No permit shall be issued unless the proposed structure and use is in conformity with the City of St. Elmo Building and Property Maintenance Code and any other applicable provisions of duly enacted ordinances. The building permit shall also serve as a zoning permit provided that the proposed use is found to be in compliance with the requirements of the zoning district in which it is located (as set forth in this ordinance) or with the stipulations of a duly issued variance, special use or interpretation appeal.
- b) Application for a building permit shall be made in duplicate and signed by the owner or applicant attesting to the accuracy of all information supplied by the application. **Each application shall clearly state that the permit shall expire and be revoked if work has not begun within 180 days.**
- c) In addition to location and ownership information, all applications for permits shall be accompanied by a plat or sketch in duplicate, drawn to scale, showing the dimensions of the lot or lots to be built upon, the size of the building to be erected or expanded ground floor area, its location on the lot or lots, and such other information as may be necessary to provide for the enforcement of the provisions of this ordinance. A careful record of said application shall be maintained by the Building Official. Infor-

mation shall also be provided concerning proposed use, building height, parking spaces, accessory structures and vision clearance (on corner lots). The applicant for a permit shall satisfy the Building Official that his property corners are properly staked and that the building or structures shall be located in strict accordance with the provisions of this ordinance.

- d) Within thirty (30) days after the receipt of an application for a building/zoning permit, the Building Official shall either approve or disapprove the application. One set of the plans shall be returned to the applicant by the Building Official and will be marked either "approved" or "disapproved" with the Building Official's signature on the copy to attest. One set of the plans, similarly marked, shall be retained by the City. If the application is approved, a copy of the permit shall be conspicuously placed at the permitted property. If disapproved, the Building Official shall indicate the reasons in writing.
- e) **No building, or structure hereinafter erected or structurally altered shall be occupied and used until a certificate of compliance has been issued by the Building Official.** The certificate of compliance shall be issued only after the Building Official makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of this ordinance and all other applicable laws and in accordance with building permit. The certificate of compliance shall be applied for, coincidental with the application for a building permit, and shall be issued within ten (10) days after the erection or alterations of such buildings shall have been satisfactorily completed. A record of all certificates shall be kept on file in the office of the Building Official or City Treasurer and copies shall be furnished, upon request and after payment of copy service fee, to any person having a proprietary or tenancy interest in the building affected.

Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of any existing construction as defined in this Ordinance provided actual construction commences within 180 days of the issuance date.

- f) Record of Building Permit - The City Clerk shall maintain a complete record of all building permits and certificates of occupancy and copies shall be furnished or presented for review to any person upon request to the City Clerk.
- g) **Failure to obtain a building permit shall be a violation of the ordinance and be punishable under the provisions of Section 19-1-19 of this ordinance.**

- h) Changes to Plans and Applications - Building permits/certificates of compliance are issued on the basis of plans and applications approved by the Building Official. Any changes to plans and applications as originally submitted must be approved by the Building Official prior to applicable construction. Any changes made without the Building Official's approval will be considered a violation punishable under Section 9-1-18 of this ordinance.
- i) A fee of Twenty dollars (\$20.00) shall be paid for each permit/certificate application submitted. A separate permit shall be required for each principal structure or use. The permit/certificate application fee shall be paid to the City Treasurer. Until all appropriate fees have been paid in full, no action can be taken on any application.

Revised 6/4/07

19-1-15a

DEMOLITION PERMITS

- a) No building or other structure shall be demolished without a demolition permit issued by the Building Official. **No permit shall be issued to allow the on-site demolition of any mobile or manufactured home as such are defined in this ordinance nor shall any mobile home or manufactured home be demolished within the corporate limits except as authorized pursuant to court order obtained under the provisions of Section 11-31-1 of the Illinois Municipal Code.**
- b) Application for a demolition permit shall be made in duplicated and signed by the owner or applicant attesting to the accuracy of all information supplied by the applicant. **Each application shall clearly state that the permit shall expire and be revoked if work has not finished within 90 days of the permit issuance, unless renewed or extended by the Building Official.**
- c) All recipients of City demolition permits must comply with all municipal regulations pertaining to the permit issued. Such regulations have been printed on the back of your permit.
- d) All applications for permit for demolition of a building or structure shall include the method of demolition, means of transportation/removal of materials and debris from the site, and the name of the contractor for dumpsters or refuse containers if all material is not immediately removed from the site on each day of demolition. Failure to remove or contain materials and debris from any demolition site shall be considered a violation of this ordinance and subject to the penalty provisions under Section 19-1-19 of this ordinance.

- e) Record of Demolition Permit – The City Clerk shall maintain a complete record of all demolition permits and copies shall be furnished or presented for review to any person upon request to the City Clerk.
- f) A fee of Twenty (\$20.00) dollars shall be paid for each permit application submitted. Until all appropriate fees have been paid in full, no action can be taken on any application. A fee of One Hundred (\$100.00) dollars shall be paid for a 30 day demolition permit extension/renewal.
- g) The applicant is responsible for abandoning and capping off the sewer services. It is required for the Superintendent of Water and Sewer to be present and inspect the abandoned sewer service before backfill can be done.
- h) **Penalty.** Any violation of the provisions of this Section 19-1-15a shall be subject to a fine of not less than \$150.00 and not more than \$500.00. Any offense for which an individual has been previously convicted under this Section and which violation has not been corrected within 30 days from the date of conviction shall be considered a subsequent offense. The minimum fine for any subsequent offense shall be not less than \$300.00 and not more than \$500.00. Revised 6/4/07

19-1-16

BOARD OF APPEALS

- a) The Zoning Board of Appeals is hereby established in accordance with Illinois Revised Statutes, Chapter 24, paragraph 11-13-3. The Board shall consist of seven (7) members, all of whom reside within the City of St. Elmo. Each member shall be appointed by the Mayor with the advice and consent of the Board of Alderman. Members of the board of appeals should be appointed to serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years, the successor to each member so appointed to serve for a term of five years. Members shall not hold concurrent terms as Aldermen. Vacancies shall be filled for the unexpired term of the member who has vacated his/her position in the same manner as provided for the appointment of new members. One member of the Board shall be designated as Chairperson by the Mayor, with the advice and consent of the Board of Alderman. Chairperson shall serve for a period of one (1) year. Revised 6-5-1995
- b) All meetings of the board of appeals shall be held at the call of the chairman and at such times as the board may determine. All board meetings shall be open to the public. The board may adopt their own rules of meeting procedures consistent with this ordinance and the applicable state statutes. The Board may select such officers as deemed necessary. The chairman, or in his absence the acting chairman, may administer oaths and

compel the attendance of witnesses. Four (4) members of the board shall constitute a quorum, and the affirmative vote of at least four (4) members shall be necessary to authorize any board action. The board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every decision of the Board shall be filed and shall be public record.

- c) In exercising its duties, the Board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm wholly or partly, or modify the order, requirement, decision, or determination of the Building Official upon appeal. The concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Official or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance. For the purpose of this ordinance, the Board has the following specific responsibilities:
- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Building Official.
 - (2) To authorize such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.
 - (3) To grant special uses as specified in the applicable district including such additional safeguards as will uphold the intent of this ordinance.
 - (4) Make a recommendation to the St. Elmo Board of Alderman in regards to requests for ordinance amendments concerning alterations of district boundaries, proposed changes in the status of uses, zoning reclassifications, etc. While performing this function, the Zoning Board of Appeals will assume the role of a municipal planning commission.
 - (5) The Board of Appeals shall, upon receiving notification of application of appeal, schedule a meeting to act upon such appeal to be held within thirty (30) days of the date of the application. Actions concerning variances, special uses and ordinance amendments shall require the holding of public hearings as described in Section 9-1-17 of this ordinance.
 - (6) All questions concerning interpretation and enforcement of this ordinance, raised by members of the general public, shall first be presented

to the Building Official. Such questions shall be presented to the Board only on appeal from the Building Official's decision. Recourse from the decisions of the Board of Appeals, or Board of Alderman, in the case of ordinance amendments, shall be to the courts as provided by law.

19-1-17

VARIANCES, SPECIAL USES, ORDINANCE AMENDMENTS

- a) A variance is a relaxation of any of the requirements of this ordinance, (by specific zoning district), that are applicable to a particular lot, structure or use. Every application for a variance shall be filed with the Building Official on a prescribed form. The Zoning Board of Appeals shall not grant any variance unless it is determined that:
- (1) The proposed variance is consistent with the general purposes of this ordinance; and
 - (2) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property; and
 - (3) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and
 - (4) The plight of the applicant is due to peculiar circumstances not of his own making; and
 - (5) The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
 - (6) The variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of this municipality's general development plan.
- b) A special use is a use that has operational, structural or other characteristics that distinguish it from the principal permitted uses of a zoning district, but one which can be made compatible with the overall development character within a district. Applications for special use permits shall be filed with the Building Official on a prescribed form. Applications shall be reviewed on a case-by-case basis by the Board of Appeals and shall not be granted unless it is determined that the use:
- (1) Is in fact a permissible special use as established under the provisions of the applicable district;

- (2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's overall development plan and/or Zoning Ordinance;
- (3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such will not change the essential character of the same area
- (4) Will not be hazardous or disturbing to existing or future neighboring uses and will not have a clearly detrimental effect on the value of neighboring property;
- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- (6) Will not create excessive additional requirements at public expense for public detrimental to the economic welfare of the community;
- (7) Will have vehicular approaches to the property designed so as not to create an interference with traffic on adjacent and surrounding streets.

A special use permit shall be deemed to authorize only one particular use and said permit shall automatically expire if for any reason the use has not commenced within one (1) year. Further, the special use is a conditional use and subject to revocation and/or fine if the conditions are not met. In addition, the special use is not transferable.

Applications for **temporary use permits** shall be considered and acted upon as special use requests, the sole exception being that all temporary use permits shall be issued and **be valid for a clearly specified period of time.**

- c) The St. Elmo Board of Alderman may amend this Ordinance in accordance with Illinois Revised Statutes, Chapter 24, paragraph 11-13-14 and the provisions of this section. Alterations of district boundaries, changes in the status of uses within a district, changes in regulations governing non-conforming uses, etc. and/or rezoning of specific property shall be deemed to be ordinance amendments. Each application for amendment shall be filed with the Building Official or Chairman of the Board of Appeals on a prescribed form. Amendments may be proposed by City Alderman, the Building Official, the Board of Appeals, or any interested person of the general public. An amendment may be enacted only upon majority vote of the City Board of Alderman taken after the holding of a public hearing and recommendation of the Board of Appeals as described in items (e) and (f) of this section.

- d) There shall be a **fee of forty-five dollars (\$45.00) paid for each application filed for a variance, special use or ordinance amendment.** A separate application shall be required for each principal structure or use. The application fee shall be paid to the City Treasurer. Until all appropriate fees have been paid in full, no action can be taken on any application.
- e) The Board of Zoning Appeals shall schedule and conduct public hearings as follows: The Board shall publish an official notice of public hearing in **a local newspaper of their choice**, (at least one time), **not less than 10 (ten) days nor more than 20 (twenty) days before the meeting** of the Board at which the application is to be acted upon. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice of the public hearing shall be delivered, by first class mail, to all persons, (including tenants or lease holders), whose property, place of residence, or place of business would be within two hundred fifty, (250) feet of the property to be affected by a proposed variance, special use or ordinance amendment. This notification by mail shall be done concurrently with the publication of same in a newspaper of general circulation within the community. The public notice shall state the following:
- (1) Purpose of the public hearing.
 - (2) The name(s) of the petitioner(s), including property owner if different from petitioner.
 - (3) The address of the subject property named in the application, both legal description and street address.
 - (4) The date, time and place of the Board of Appeals meeting.
 - (5) A brief statement of the proposed variation, special use, or zoning ordinance change.
- Revised 6-1-98, 6-5-95
- f) Within ten (10) days after holding of the public hearing, the Board of Zoning Appeals shall approve, conditionally approve, or disapprove requests for variance or special use permits. The Board of Appeals shall describe and document the reasoning for approval or disapproval based upon information either contained within the application submitted or brought forward at the public hearing. In the case of requests for amendments to this ordinance, the Board of Appeals shall not be granted final decision making authority but will rather make a recommendation for approval or disapproval to the City Board of Alderman in the same manner as described above.

19-1-18

LEGAL STATUS PROVISIONS

Interpretation - In applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Whenever the provisions of any other lawfully

adopted ordinance shall be deemed more restrictive than those of the Zoning Ordinance, then the most restrictive ordinance shall govern.

Severability - The requirements and provisions of this ordinance are severable, and should any section, part or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the decision of the court shall not affect the validity of the ordinance as a whole or any section thereof other than the section, part, or provision thereof so declared to be invalid or unconstitutional.

Repeal of Conflicting Ordinance - All ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

19-1-19

PENALTIES FOR VIOLATION

a) Any person, persons, firm or corporation that violates any of the provisions of this Ordinance shall, upon conviction, be fined in any sum not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day of violation shall constitute a separate offense.

Amended April 5, 2010; Amended October 5, 2011

b) Nothing contained in this section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this ordinance.

19-1-20

ADULT-USE CANNABIS REGULATIONS

1. Purpose and Applicability: It is the intent and purpose of the Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the City of St. Elmo. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

2. Special Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a special use permit in the respective districts in which they are requested shall be processed in accordance with Section 19-1-17 Variances, Special Uses, Ordinance Amendments of the Chapter 19 and this Section 19-1-20 as provided herein.

3. Adult-Use Cannabis Facility Components: In determining compliance with Section 19-1-17 Variances, Special Uses, Ordinance Amendments of the Chapter, the following components of the Adult-Use Cannabis Facility

shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

- 3.1 Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - 3.2 Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code.
 - 3.3 Hours of operation and anticipated number of customers/employees.
 - 3.4 Anticipated parking demand and available private parking supply.
 - 3.5 Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - 3.6 Site design, including access points and internal site circulation.
 - 3.7 Proposed signage plan.
 - 3.8 Compliance with all requirements provided in Section 4 (Adult-Use Cannabis Craft Grower); Section 5 (Adult-Use Cannabis Cultivation Center); Section 6 (Adult-Use Cannabis Dispensing Organization); Section 7 (Adult-Use Cannabis Infuser Organization); Section 8 (Adult-Use Cannabis Processing Organization); or Section 9 (Adult-Use cannabis Transporting Organization), as applicable.
 - 3.9 Other criteria determined to be necessary to access compliance with Section 19-1-17 Variances, Special Uses, Ordinance Amendments of the Chapter.
4. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:
- 4.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - 4.2 Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
 - 4.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - 4.4 Petitioner shall file an affidavit of with the City of St. Elmo affirming compliance with Section 19-1-20 as provided herein and all other requirements of the Act.

5. **Adult-Use Cannabis Cultivation Center:** In those zoning districts in which as Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

5.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning and vocational/trade centers shall not be classified as a public or private school for purposes of the Section.

5.2 Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

5.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

5.4 Petitioner shall file an affidavit with the City of St. Elmo affirming compliance with Section 19-1-20 as provided herein and all other requirements of the Act.

6. **Adult-Use Cannabis Dispensing Organization:** In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

6.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of the Section.

6.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

6.3 At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on this premises other than as authorized in Section 6.5 below in the same tenant space.

6.4 Facility may not conduct any sales or distribution other than as authorized by the Act.

6.5 Petition shall file an affidavit with the City of St. Elmo affirming compliance with Section 19-1-20 as provided herein and all other requirements of the Act.

7. **Adult-Use Cannabis Infuser Organization:** In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

- 7.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of the Section.
 - 7.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purpose.
 - 7.3 At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - 7.4 Petitioner shall file an affidavit with the City of St. Elmo affirming compliance with Section 19-1-20 as provided herein and all other requirements of the Act.
8. Adult-Use cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:
 - 8.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of the Section.
 - 8.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
 - 8.3 At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - 8.4 Petitioner shall file an affidavit with the City of St. Elmo affirming compliance with Section 19-1-20 as provided herein and all other requirements of the Act.
9. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

- 9.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of the Section.
 - 9.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
 - 9.3 At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - 9.4 Petitioner shall file an affidavit with the City of St. Elmo affirming compliance with Section 19-1-20 as provided herein and all other requirements of the Act.
10. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, 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 Act.
 11. Co-Location of Cannabis Business Establishments. The City of St. Elmo may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both subject to the to the provisions of the Act and the Conditional Use criteria within the City of St. Elmo Municipal Code. In a colocation, the floor space requirements of Section 6.3 and 7.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

Amended 3/4/2020

SECTION 6: SEVERABILITY. If any provision of the Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of the Ordinance is severable.