

Section 15
SPECIAL USES

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15.01 PURPOSE

The principal objective of this Zoning Code is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required for the social and economic welfare of the City. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this Zoning Code. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These "special uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community. The conditions controlling the location and operation of such "special uses" are established by the following provisions of this Section 15.

15.02 GENERAL REQUIREMENTS

The general requirements of the specific zoning district in which the requested use will be located are applicable except where specifically modified by a special use permit. All conditions and requirements, as determined by the City Council and based on recommendations of the Planning and Zoning Commission and City staff, shall be considered as additions to the general requirements as found in this Zoning Code. The special use permit shall include the approved specific conditions required to address circumstances unique to the proposed use.

15.03 STANDARDS FOR SPECIAL USES

The City Council may authorize a special use permit as provided herein upon determining and finding as fact, the following:

1. That the proposed use will not be detrimental to the public health, safety, comfort or general welfare, nor substantially diminish or impair the value of other properties or improvements in the vicinity.
2. That the proposed use will comply with the regulations of the zoning district in which it is located and this Zoning Code generally, including, but not limited to all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, wetlands and flood plain regulations, building and fire codes, and all other applicable City ordinances, or if exceptions are requested, that such exceptions are justified.

3. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and if appropriate or required, will contribute financially, in proportion to its impact, to upgrading roadway systems.
4. That the proposed use will not negatively impact existing public utilities, facilities and municipal service delivery systems without due consideration for adequate means of upgrading such utilities, facilities and systems.
5. That the proposed use will not negatively impact the environment by creating air, noise or water pollution, ground contamination, or unsightly views without due consideration for adequate means of controlling, mitigating or buffering such impacts.
6. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; and provide appropriate landscaping.
7. That the proposed use will meet standards and requirements established by jurisdictions other than the City, such as federal, state, county or other governmental units or agencies requiring licensing, permitting or health/safety inspections, and submit written evidence thereof.
8. That the proposed use shall conform to the regulations established for specific special uses as provided in this Section 15.

15.04 **MOTOR VEHICLE SPECIAL USES**

Motor vehicle sales and services, parking; used car sales; and sales and service of agriculture implements shall be a special use in any business district. Before a Certificate of Zoning Compliance is issued for any sales and/or used motor vehicle car sales lot special use, the following requirements must be met:

1. The applicant shall demonstrate that the proposed use is economically compatible with existing uses.
2. The special use will not injure surrounding property values.
3. Lighting sources shall be directed away from surrounding properties.
4. Display area shall have a paved surface.

In the event that an sales and/or used motor vehicle sales lot is proposed to be established on a previously improved zoning lot where no Certificate of Zoning Compliance was required, the requirements of this Section 15.04 must be met prior to the issuance of any occupancy permit for such use.

15.05 **MOTOR VEHICLE SERVICE STATION**

Motor vehicle service station shall be a special use subject to the following:

1. All gasoline pumps and other service facilities shall be located at least 25 feet from any street right-of-way line, side lot line or rear lot line.
2. Every access way shall be located at least 200 feet from the principal building of any fire station, school, public library and church at least 30 feet from the corner of the lot when the

lot is at the intersection of public streets.

3. All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.
4. Whenever the use of a service station has been discontinued for 12 consecutive months or for 18 months during any three-year period, the Zoning Administrator shall order that all underground storage tanks be removed or filled with material approved by the fire chief.
5. Auto repair stations:
 - a. All body shop repairs to motor vehicles shall be conducted wholly within an enclosed building whose doors shall be kept shut tightly during all body repairs or painting work. Such enclosed building shall be located at least 40 feet from the nearest property line with doors not facing toward any residentially zoned or occupied lot.
 - b. here shall be no outside parking of motor vehicles except on a temporary basis not to exceed 14 days. Junk parts and junk vehicles shall not be kept outside the building unless in an enclosed privacy fence. This fence must meet all City fence requirements.
 - c. Parking shall be provided on the site at a ratio of one parking space for each 3,000 square feet of site area.

15.06 KENNEL SPECIAL USE

A kennel is considered a special use subject to the following:

1. The lot on which the kennel is situated shall have a minimum of three acres.
2. Every kennel shall be located at least 200 feet from the nearest dwelling and not less than 100 feet from any lot line.

15.07 REST HOMES, NURSING HOMES

Rest home and nursing home are a special use in any use district provided that when located in a business district such uses shall be established above the first floor when located in a building constructed for a business use. A building originally constructed for residential use in a business district may be used in whole or in part for rest homes or nursing homes.

15.08 GROUP HOMES

Group home is a special use in any residential zoning district that is licensed or certified by the State of Illinois, supervised and has 9 or more persons plus staff, subject to the following:

1. A minimum distance of 1,000 feet is maintained between group homes;
2. The group home conforms to all current provisions of the Zoning Code, City building code and State of Illinois licensing standards, if applicable to the use. Said conditions may be waived by the City Council.

15.09 EARTH MATERIALS EXTRACTION, PROCESSING, SITE RECLAMATION, AND RELATED OPERATIONS

- A. Definitions: In addition to the definitions in Section 3 herein, terms (whether capitalized or not) used in this Section 15.09 shall have the following meanings:

Concrete building materials production plant: A facility that incorporates machinery and earth materials to produce cement or concrete-based products used in the construction of structures or in the building and landscaping industry for marketing and sale.

Concrete recycling plant: A facility that incorporates machinery and a supply of used concrete, cement products and debris to crush and process such materials into raw products to be utilized for sale or incorporation into other products. The term "concrete" herein specifically excludes bituminous concrete, also known as asphalt.

Earth materials extraction: The mining of any natural earth materials or minerals, such as gravel, sand, stone, clay or aggregate by removing the overburden lying above natural deposits thereof and mining directly from natural deposits thereby exposed, or from the deposition of overburden therefrom. The term "surface mining" shall be deemed synonymous with "earth materials extraction."

Earth materials processing: The transporting, washing, sorting, screening, grading, crushing and similar processing of natural earth materials or minerals, such as gravel, sand or aggregate, in order to prepare such materials for marketing, sale or incorporation into other earth materials-based products.

Ready-mix plant: A facility used for the dispensing of cement, water, stone and sand into mixer trucks in order to create liquid concrete products to be transported off-site for use in construction of concrete structures and products.

- B. Intent: The purpose of this Section 15.09 is to recognize that earth materials extraction and processing and related operations, such as ready-mix plants, concrete recycling plants and concrete building materials production plants, as well as the associated exterior storage of raw and recyclable materials, are uses requiring unique regulatory controls to ensure that:

1. Operations are conducted in a manner that are compatible with the natural and man-made environment;
2. Adverse impacts on surrounding areas, including, without limitation, property values, air quality and noise are minimized; and
3. Mined areas are restored to productive use compatible with the surrounding areas.

It is the further purpose of this Section 15.09 to:

4. Establish regulations and standards for earth materials extraction and processing, ready-mix plants, concrete recycling plants and concrete building materials production plants; the storage and stockpiling of associated raw and recyclable materials; and the trucking and other related operations pertaining to these activities; and
5. Provide for the conservation and reclamation of lands affected by earth materials extraction, processing and related operations in order to restore them to optimum future productive use consistent with the protection of public health and the environment.

Therefore, earth materials extraction and processing, and the operation of ready-mix plants, concrete recycling plants, and concrete building materials production plants shall only be

permitted on a special use basis.

- C. **Applicable Zoning Districts and Operations:** In M Manufacturing Districts only, an operator desiring to extract and/or process earth materials shall apply for a special use permit jointly with the owner or any person who is entitled to legal possession of the property to be affected and shall comply with the operation and reclamation regulations in this Section 15.09.
- D. **Compliance with State and Federal Regulations:** It shall be unlawful for any owner/operator to engage in surface mining in an area where the overburden shall exceed 10 feet in depth or where the operation will affect more than 10 acres during the permit year without first obtaining from the Illinois Department of Mines and Minerals a permit to do so, pursuant to the Surface-Mined Land Conservation and Reclamation Act, 225 ILCS 715/1 *et seq.*, as amended.

All owner/operators shall comply with the regulations of the United States Environmental Protection Agency, the United States Army Corps of Engineers, the Illinois Environmental Protection Agency, and any other applicable state or federal laws or regulations, including, but not limited to, occupational health and safety. Any necessary permits shall be obtained prior to issuance of the special use permit. Before the onset of any operations, the City Administrator must be provided with copies of all necessary permits. Such permits must be kept valid and in force for the special use permit to be valid and in force.

- E. **Application for special use permit:** All owner/operators shall apply for a special use permit. In addition to the other requirements of this Section 16, the owner/operator shall present the statements, maps and plans required in Sections 15.09-F and 15.09-G herein. Review and approval of the special use permit and any terms and conditions imposed upon and included with said special use permit shall take into account the materials provided in Sections 15.09-F and 15.09-G herein.
- F. **Statements:** The following statements shall accompany an application for a special use permit:
 - 1. Ownership of land.
 - 2. Minerals to be mined.
 - 3. Character and composition of vegetation and wildlife on land to be affected.
 - 4. The nature, depth and proposed disposition of the overburden.
 - 5. The estimated depth to which the mineral deposit will be mined.
 - 6. Estimated type and volume of excavation.
 - 7. The techniques and equipment proposed to be used, as applicable, for:
 - a. earth materials extraction;
 - b. earth materials processing;
 - c. ready-mix plant;
 - d. concrete recycling plant; and
 - e. concrete building materials production plant.

8. Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface or underground water.
 9. The method of recycling water used for washing and grading.
 10. The proposed usage or drainage of excess water.
 11. Location of existing roads, and anticipated access and haulage roads planned to be used or constructed in conducting surface mining.
 12. Location and names of all streams, creeks and bodies of water within lands to be affected.
 13. Drainage on and away from the lands to be affected, including directional flow of water, natural and artificial drainways and waterways, and streams or tributaries receiving the discharge.
 14. Proposed days and hours of operation of all excavation, processing and operations on the property.
 15. Projected dates of commencement and completion of all excavation, processing and operations on the property.
- G. Maps and Plans: The following maps and plans, which shall constitute the Operations Plan, shall accompany an application for a special use permit:
1. A map or maps (scale of 1" = 100') showing the following:
 - a. Existing topography at 2' contour intervals.
 - b. Location of existing water courses or drainage systems.
 - c. Location and extent of flood hazard areas.
 - d. Boundaries of the area to be excavated and of each phase if excavation is to proceed or be contemplated to proceed in phases.
 - e. Locations of proposed and existing structures, equipment and material storage areas and processing areas.
 - f. Existing or proposed locations of equipment used for grading, crushing, sorting and other related purposes.
 - g. Location, orientation and dimensions of all proposed landscaping, berming, screening, fencing and gates.
 - h. Location, dimensions and surface treatment of proposed entrance and exit drive(s), on-site haul roads and parking areas.
 - i. Access routes between the property and nearest arterial street designated on the City's comprehensive plan.
 - j. Location, width and grade of all right-of-ways or easements on or abutting the

property.

- k. Cross-sections showing extent of overburden, extent of deposits to be extracted and water table.
- l. North arrow, scale, date of preparation, name of registered civil engineer, landscape architect or surveyor that prepared the map.
- m. Existing or proposed location of ground water monitoring well(s).

2. A Reclamation Plan meeting the following requirements:

- a. Map (scale of 1" = 100') showing the final condition of the site after extraction and processing activities have been completed.
- b. Locations of proposed water courses, water features and drainage systems.
- c. Future structures, land uses, roadways and open spaces.
- d. Staged schedule of reclamation actions by area detailing dates of completion and reclamation methods.
- e. Future landscaping and ground cover.
- f. Final grading.

3. All approvals of special use permits for earth materials extraction and processing shall expire 10 years from the date they are approved by the City Council, unless a longer time is approved by the City Council. The maximum allowable time limit will be 20 years. The City Administrator or his designee will be responsible for monitoring the operation throughout the life of the operation and special use.

H. Renewal of a Special Use Permit: A renewal of a special use under this Section 15.09 shall be for a period of time not more than 10 years.

- 1. A request to renew a special use permit that involves acreage or equipment in addition to that allowed in the original special use permit, shall be treated in the same manner as the initial application.
- 2. A request to renew a special use permit when no additional acreage or equipment will be brought into use shall be handled in the following manner:

If an owner/operator is unable to finish mining the acreage described in the original special use permit in the time specified, he shall apply to the Zoning Council of Appeals for renewal of the special use permit. A public hearing will be held. The maps required by this Section 15.09 for the initial hearing shall be revised, updated and resubmitted, along with a statement of the current status of the mining reclamation.

Any application for a renewal of a special use under this Section 15.09 shall be filed with the Commission not less than 120 days before the expiration date of the original special use permit or any renewal thereof. A failure to file a request for renewal within the required time designated in this Section 15.09 shall result in a required cessation of mining and sale of product upon the expiration of the special use permit.

- I. Surety: All owner/operators shall be required to obtain the proper permits and submit an acceptable irrevocable letter of credit to ensure the completion of the reclamation of the site. If any form of surety is required by the state, the owner/operator shall only be required to provide the City Administrator with a photocopy. A letter of credit will be required by the City of not less than \$3,500.00 for each acre to be affected. The actual dollar amount will be established by the City Administrator based upon 150 percent of the City Engineer's estimate of the cost of reclamation per acre average at the time mining is to be performed. This estimate shall take into consideration inflation of costs in future years. The actual operation shall be monitored by the City Administrator, or his designee, and he/she shall prepare a written report for review by the City Council on the progress before partial or full release or reduction of the letter of credit.

The surety shall be held by the City. Such surety shall remain in effect until the affected lands have been reclaimed in accordance with the Reclamation Plan, and the work is approved by the City Administrator at the annual review of the operation (see Section 15.09-N herein). Land shall not be mined unless a surety for that land has been filed with the City. The surety shall be approved by the City Attorney. The surety shall be for assurance of completion of reclamation, and the initial surety amount shall be set on an anticipated three years working basis with reasonable allowance for inflation of costs. Before the end of each one-year period, the City Administrator's evaluation and the approval of the past year's work shall be required for release of or reduction of the letter of credit amount, and at that time, the surety level shall be established for the next one-year period or fraction thereof. Decisions of the City Administrator relative to any aspect of this Section 15.09-I are appealable to the City Council, whose decision is final.

- J. Reclamation Regulations; The Reclamation Plan map and statement of sequential operation and reclamation shall be followed to produce a finished condition that complies with the Reclamation Plan map and the provisions of this Section 15.09 so as to provide for the return to a useful purpose of the affected land.
- K. Changing the Reclamation Plan: In the event a change in the Reclamation Plan is necessary due to the unanticipated characteristics of the area concerned, the City Administrator, after being provided with appropriate documentation, shall study the proposed change, and give a report to the City Council for its review. Changes may be made in the Reclamation Plan upon the mutual consent of the owner/operator and the City Administrator and approval by the City Council. The change shall preserve as substantially as possible the original Reclamation Plan, but shall also provide for the previously unknown variables.
- L. Finished Conditions: The finished conditions of all land affected by surface mining shall:
1. Be back-filled with earth or other suitable fill material approved by the City and graded to a rolling topography traversable by machines necessary for maintenance in accordance with planned use, with slopes having no more than 15 percent grade. In the case of those lands to be reclaimed in accordance with the filed plan for forest plantations, recreation or wildlife, the final cut spoil, the outside slope of the box cut spoil, the outside slopes of all overburden deposition area, and the side slopes of haulage road inclines shall not exceed 30 percent grade; but such slopes need not be reduced to less than the original grade of the overburden of the area prior to mining;
 2. Be designed to control conditions that could cause erosion on the site or on surrounding streets or properties;
 3. Be designed to eliminate large undrained depressions other than artificial lakes, or

depositions designed specifically for erosion control;

4. Be designed so that any surface drainage from the property shall leave the property at the original natural drainage points. If this is not possible, the drainage plans must be reviewed by the City Engineer as part of the overall submission. Drainage volume shall not be increased over what it would have been if the site was left in its former use and water conservation practices were applied. The finished condition must meet the City standards for storm water retention-detention contained within the Municipal Code;
 5. Be covered with arable topsoil (except for areas under water) to a minimum depth of six inches, and shall have a minimum of 10 percent organic material, except that no greater depth of topsoil or percentage of organic material shall be required than that originally existed on the property prior to commencement of operations;
 6. Be successfully planted (after replacement of the topsoil) with trees, shrubs, legumes, grasses or other vegetative ground cover in accordance with the Reclamation Plan in order to avoid erosion.
 7. Whenever production and/or processing on any property shall have been completed, then all processing plants, buildings (other than those shown on the Reclamation Plan), structures (except fences), and equipment, shall be entirely removed from the property within one year after completion, including, but not limited to, such items as stumps, boulders and other debris resulting from excavation and related activities.
- M. Operations and Reclamation Requirements and Performance Standards: The operation and reclamation of the property shall be in accordance with the following conditions:
1. Existing trees, shrubs and other types of woody vegetation along road frontages shall be protected and maintained. Weeds and other unsightly noxious vegetation shall be cut or trimmed as may be necessary to present a reasonably neat appearance, to prevent grass fires or the hazard of grass fires.
 2. The following apply to protection of ground water levels and quality:
 - a. No extraction operations shall be conducted in such a manner that the ground water table of surrounding properties is harmfully lowered or impacted. The maximum excavation depth shall not go below existing ground water, except where the approved Reclamation Plan provides for a water feature or for refilling of such excavation. Any such refilling shall be in compliance with applicable state and federal laws and regulations governing ground water pollution.
 - b. Water pumped from the site for the purpose of washing shall be retained in a pond until the silt and clay settles and then the water shall be recycled in the area affected.
 - c. The owner/operator shall install a ground water monitoring well or wells, the location, type and number of which shall be shown on the Operations Plan. Such wells and related gauges shall be located and constructed to provide measuring data relative to the movement of ground water and changes in the levels thereof and water quality testing. The City shall have the authority to establish and periodically update ground water parameters consistent with standards in the field of earth materials extraction monitoring typical in the State of Illinois. As of the date of the adoption of this Section 15.09-M2, which

is August 26, 2002, the following parameters shall apply:

- I. The owner/operator shall provide ground water level reports quarterly using the data from the monitoring well or wells and related gauges, at times and upon forms provided by the City Administrator.
 - II. The owner/operator shall provide annual ground water quality reports at times and on forms provided by the City Administrator using samples from the monitoring well or wells. If the operations involve the removal of materials from below the elevation of the ground water, or if the standing water exists within the area of active operation or disturbed area, then the owner/operator shall provide ground water quality data to the City Administrator quarterly with the ground water level reports.
3. If the subject areas shall front on a township road which is used for access to the site, the owner/operator shall, coincidental with commencement of operations, bring that township road up to the paving standards defined for industrial roads in the *Schedule of Minimum Design Requirements for Subdivision Roads in McHenry County*, from the entrance to the subject area to the nearest federal, state or county road used by the operator. The owner/operator shall repair any section of road damaged as a result of gravel hauling operations, but shall not be responsible for the normal wear and tear of the road. This provision shall not be construed to require the operator to purchase additional right-of-ways.
 4. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements and wells, and damage to any street by slides, sinking or collapse of supporting soil adjacent to an excavation.
 5. The following apply to surface mining conditions only, not to reclamation conditions:
 - a. Surface mining operations that remove and do not replace the lateral support shall not approach property lines, established right-of-way lines of any public roads, streets or highways closer than a distance equal to 100 feet unless a lesser distance is mutually agreed to by the operator and adjacent property owner and submitted in writing for review and approval by the City.
 - b. The bottom of the slope of the mined face of the excavation shall not be closer to the point determined per Section 15.09-M5a herein, than a distance equal to 1½ times the depth of the excavation.
 - c. If consolidated materials occur in the mined face, the slope of the face may be steeper than 1½ to 1 slope per Section 15.09-M5b herein for the depth(s) of those materials; however, all other mined slopes of unconsolidated materials shall be no steeper than those per Section 15.09-M5b herein.
 - d. Overburden shall not be removed from more land than is to be mined within one year. No overburden shall be removed from additional land until vegetative ground cover in conformance with the Reclamation Plan is installed on all land where excavation is complete and the land is not being used for earth material storage.
 6. Notwithstanding any other provisions of this Section 15.09 or of other ordinances and codes relating to screening, all active operations shall be screened and buffered by an

earthen berm of not less than six feet in height and/or a farm fence of not less than 54 inches in height, of such a design so as to allow the free flow of wild animals, but to discourage trespass by humans and farm animals. Berms that will remain in place for one year or longer shall be planted with grass or suitable vegetative ground cover, shrubs and trees and maintained as a visual and acoustical screen. They shall be designed so they do not erode into the road or highway right-of-way or onto the adjoining property. Such berms shall be installed prior to the commencement of any operations adjacent to said activity. The berm design and the landscaping plan, including the type, quantity and species of plants, shrubs and trees, shall be subject to review and approval of the City. Trees and shrubbery shall be planted on the berm. Trees planted shall be approximately 10 feet or more in height and shall be planted in two rows approximately 16 feet apart, and shall be centered approximately 20 feet apart in each row, with the back row staggered. Random shrubbery shall also be planted. The trees shall be as specially developed and recommended for rapid growth and appearance by the United States Forestry Service, and shall be in accordance with the standards adopted by the Illinois Department of Mines and Minerals pursuant to the Illinois Surface-Mined Land Conservation and Reclamation Act. Until such growth is established, the owner or operator shall be responsible for weed control and may be required to do re-seeding or re-planting for areas where the vegetation dies or does not take. A gate shall be placed at all entrances that will be kept locked whenever the owner, operator or their agent is not on site.

7. The processing and stockpiling of earth materials and recyclable materials shall not be conducted within 300 feet of the property lines of any adjoining residentially zoned property. There shall be no importation onto the site of materials that do not relate to the approved uses, including, but not limited to, mixed construction debris and asphalt. The maximum height of stock piles of any materials shall not exceed the height of the earthen berm on the perimeter of the property.
8. Other than maintenance functions, no earth extraction and processing operations, ready-mix or concrete production, or recycling of concrete, shall take place at any time on Sundays, or holidays recognized by both state and federal governments, or on Saturday prior to 6:00 a.m. and after 4:00 p.m. or between 6:01 p.m. and 5:59 a.m. on all other days.
9. Operations shall be conducted so that noise levels and air and water standards comply with federal and state standards.
10. To minimize airborne dust and the deposit of dirt and gravel on public streets, all access ways and on-site roads shall be maintained in a dust-free condition either by paving or spraying with calcium chloride or other products of like effect.
11. The premises shall be neat and orderly, free from junk, trash, abandoned equipment, or unnecessary debris. Debris, including, but not limited to rebar from concrete recycling, shall be regularly removed from the site. The site shall not be used as storage for debris not related to the special use permit. Buildings and structures shall be maintained in a sound condition, in good repair and appearance. Salvageable equipment stored in a non-operating condition shall be suitably screened or garaged. Berms and fences shall be kept in good repair.
12. Enough topsoil must be stockpiled to meet the finished conditions of Section 15.09-M5 herein.

13. Trucks hauling excavated materials shall be loaded so as to prevent spillage onto public streets. All trucks shall be covered. Any spillage on streets must be removed by the owner or operator within 24 hours of a spill. The entrances into the site shall be swept on a regular basis, with no less a frequency than weekly during peak season (April 1 to November 30). The owner or operator shall attempt to minimize the migration of loose gravel onto public streets by requiring that spread pans, side rails, suspension systems and the like be kept free of sand and gravel to an extent as is reasonably possible.
 14. All equipment, machinery and vehicles operating on the site shall be operated and maintained so as to minimize the possibility of oil or fuel leaks. Should a leak or similar accident occur, the owner or operator shall have a written emergency plan and the proper equipment and materials necessary to contain and clean up any such leak. If a leak occurs such that the plan is put into effect, the City shall receive a report of the incident. The plan shall be updated as technology evolves.
 15. Only those vehicles and items of equipment which relate to the approved activities on the site may be parked or stored on the site.
 16. In case of conflict between any Operations Plan or Reclamation Plan or map and the provisions of this Section 15.09-M, the greatest restriction or highest standard shall govern, unless an exception is specifically provided for in a special use permit.
- N. Enforcement: The City Administrator, or his designee, in conjunction with the City Engineer, shall annually review each special use granted under this Section 15.09. Such inspections shall include all activities permitted on the property.

In addition to the Reclamation Plan/map, the owner/operator shall provide the City Administrator with an annual aerial photo of his total operation, enlarged to a scale of one inch equal 100 feet or other scale that would adequately display the property affected on a 30-inch square format. The first photo shall be taken during the first year in operation and subsequent photos shall be taken in the same month of the following years. Each year's photo shall be presented at the same scale for the purpose of comparison. The photo shall be taken in clear daylight when the area is without foliage or snow. Every three years, the City shall be provided with a new topographical map of the site drawn at two-foot contour intervals.

The City Administrator, in conjunction with the City Engineer, shall prepare a report and submit it to the City Council for its review and approval. If it is determined that the operator is not in compliance with this Section 15.09-N, the surety requirement, the operations and reclamation statements, plans or maps, or any other aspect of the approved special use permit, the City Administrator shall issue a stop-work order on all operations other than reclamation work needed to bring the operation into compliance.

Before release or reduction of a surety, an on-site inspection of the acreage reclaimed shall be made by the City Administrator and the City Engineer to check for compliance with the Reclamation Plan and any additional conditions of the special use permit. A random count procedure shall be used to check seeding, plantings and depth of topsoil.

The full costs of all inspections shall be borne by the owner/operator. Failure to pay invoices for such costs after the expiration of 30 days after the date the invoices are mailed or delivered to the owner/operator, shall result in a stop-work order being issued by the City.

15.10 **ADULT BUSINESSES**

- A. Purpose and Intent: It is the intent of this Section 15.10 to protect and preserve the health, safety, welfare and morals of the citizens of the City by regulating adult business within the City.
- B. General Standards:
1. A special use permit must be issued for each adult business pursuant to this Section 15.
 2. Location Restrictions: No adult business shall be operated within 1,000 feet of a residential zoning district or within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, public housing, nursing home, rest home, sheltered care facility and place of religious worship. The distance limitation shall be measured in a straight line from the lot lines of said adult business and applicable residential zoning district, school, day care center, cemetery, public park, public housing, nursing home, rest home, sheltered care facility and place of religious worship.
 3. Only one adult business shall be permitted per block face.
 4. Sign Requirements: The following sign requirements shall apply to any adult business:
 - a. All signs shall be flat wall signs.
 - b. The amount of allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, or as permitted by the ordinances of the City, whichever is more restrictive.
 - c. Window areas shall not be covered or made opaque in any way. No sign shall be placed in any window. One 1 square foot sign may be placed on the door to state hours of operation and admittance to adults only.
 5. Advertising: No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building.
 6. Alcoholic Liquor Prohibited: It shall be unlawful for any adult business to sell, distribute or permit beer or alcoholic beverages on the premises.

15.11 **CONDITIONS OF APPROVAL**

- A. Development of Conditions: The Planning and Zoning Commission may recommend, and the City Council may impose, such conditions of approval upon a special use permit as to the establishment, location, construction, maintenance and operation of a special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of Section 15.03 herein.
- B. Landscape Plan: A Landscape Plan shall be required for all applications for a special use permit. The Landscape Plan shall be prepared in accordance with Chapter 21, Landscaping Code, of the Marengo Municipal Code. The Commission or the City Council may request or require the review of all landscape plans as part of the consideration of a petition for a special use permit.

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