

Chapter 2.3: Commercial Districts

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2.301 Purposes

The purposes of commercial districts established in this Chapter are to:

- A. Provide for a range of commercial uses at appropriate scales and locations.
- B. Encourage quality and variety in building and landscape design.
- C. Ensure land use compatibility with residential and other adjacent uses.
- D. Provide for limited mixed commercial and residential uses.

2.302 Commercial Districts

The commercial districts are:

Neighborhood Commercial (NC). This district permits small scale neighborhood retail, office, and service uses under 10,000 square feet per user or stand-alone building.

Community Commercial (CC). This district permits small to medium scale retail, office, service and entertainment uses under 25,000 square feet per user or stand-alone building.

General Commercial (GC). This district permits a broad range of small to large scale retail, service, entertainment, and institutional uses of any size.

2.303 Land Use Regulations

- A. ***Regulations.*** Table 2.303: Land Use Regulations – Commercial Districts sets forth the land use regulations for commercial districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"L" designates uses that are permitted subject to certain limitations. Number designations refer to the limitations listed at the bottom of Table 2.303: Land Use Regulations – Commercial Districts.

"T" designates uses that are permitted to be conducted for a temporary period of time. Time limitations are listed in Table 4.509: Temporary Uses.

"A" designates uses that require an Administrative Use Permit pursuant to Chapter 5.4: Use Permits.

"C" designates uses that require a Conditional Use Permit pursuant to Chapter 5.4: Use Permits.

- B. **Unlisted Uses.** Uses are defined in Chapter 6: Glossary. If a proposed use is not listed in the Glossary, the Planning and Zoning Officer shall determine if the proposed use is substantially similar to a permitted use; in that event, the Planning and Zoning Officer shall assign the proposed use to a permitted use definition.
- C. **Prohibited Uses.** Uses not listed in Table 2.303: Land Use Regulations – Commercial Districts below or not assigned to a Use Definition pursuant to Section 2.303.B: Unlisted Uses are prohibited.
- D. **Additional Use and Development Regulations.** Additional use and development regulations for commercial districts are set forth in Section 2.305: Additional Use and Development Regulations.

Use Classification	NC	CC	GC (L6)	Additional Regulations
Amplified Artistic Performance	--	P, L7	P, L7	
Animal Services				
<i>Animal Grooming</i>	P	P	--	
<i>Animal Training</i>	--	P	--	
<i>Small Animal Clinics</i>	P	P	--	
Automated Teller Machine (ATM)	A	A	A	See Section: 2.305.F
Automated Teller Machine (ATM), Remote	--	A	A	See Section: 2.305.F
Banks and Other Financial Institutions				
<i>Without Drive Through Facilities</i>	P	P	P	
<i>With Drive Through Facilities</i>	--	P	C, LI	
Banquet Facility	C	P	P	
Brewpub	--	P	P	
Building Material and Home Improvement Sales and Service, Retail	--	P	P	
Business Services	P	P	P	
Carnival	T	T	T	See Section: 4.509
Cannabis Business Establishment				See Section 4.515
<i>Cannabis Dispensary, Medical</i>	C	C	C	
<i>Cannabis Dispensary, Recreational</i>	--	--	C	
Child Day Care	P	P	--	
Conference Center	--	C	C	
Cultural Institutions	P	P	--	
Currency Exchange	--	C	C	
Drive-Through	--	C	C	Unless otherwise regulated in this table
Dry Cleaning and Laundry Outlet	P, L2	P, L2	P, L2	
Eating and Drinking Establishments				
<i>Bars/Taverns/Nightclubs/Lounges</i>	C	P	P	
<i>Restaurants, Full Service</i>	P	P	P	

Table 2.303: Land Use Regulations – Commercial Districts				
Use Classification	NC	CC	GC (L6)	Additional Regulations
<i>Restaurants, Limited Service</i>	P, L3	P	P	
Entertainment and Recreation, Indoor				
<i>Large-Scale</i>	--	C	C	
<i>Small-Scale</i>	P	P	P	
Entertainment and Recreation, Outdoor	--	C	C	
Farmers' Market	A	A	A	
Firing Range, Indoor	--	--	C	L8
Food Preparation				
<i>Small-Scale</i>	P	P	P	
Fortune Telling Business	C	C	C	
Funeral and Undertaking Services	--	C	--	
Garden Supply Stores and Plant Nurseries	--	P	P	
Government Offices and Facilities	C	C	--	
Haunted House	--	T	T	See Section: 4.509
Health Care Facilities				
<i>Urgent Care Facility</i>	--	P	P	
<i>Medical Offices and Clinics</i>	P	P	--	
Hotels and Commercial Lodging	--	P	P	
Instructional Services, Specialized	P	P	P	
Laboratories, Commercial	P	P	--	
Laundry Services	P	P	--	
Massage Establishment	C	C	C	
Offices, General	P	P	P, L4	
Over-The-Air Reception Device	P	P	P	See Chapter 4.8
Pawn Shops	--	--	P	See Title 3-5-C
Personal Services	P	P	P	
Residential, Permanent				
<i>Loft Unit</i>	P	P	P	
Retail Sales, Convenience	C	P	P	
Retail Sales, Furniture	P	P	P	
Retail Sales, General	P	P	P	
Satellite Dish Antenna, Large	P, L5	P, L5	P, L5	See Chapter 4.8
Seasonal Sales	T	T	T	See Section: 4.509
Smoking Lounge	--	C, L8	--	
Swap Meet, Flea Market and Auction, Indoor	--	P	P	
Swap Meet and Auction, Outdoor	--	T	T	
Tattoo Parlor / Piercing Studio	--	C	--	
Teen Nightclub	--	C	--	
Utilities				
<i>Customer Service Center</i>	--	--	P	
<i>Facilities</i>	--	C	C	
<i>Well Site</i>	P	P	P	
Vehicle and Equipment Sales, Leasing and Services				See Section: 4.512
<i>Car Wash</i>	--	P	P	
<i>Commercial Vehicle/Equipment Sales and Rental; New and Used</i>	--	C	C	
<i>Fueling Facility</i>	C	P	P	
<i>Fueling Facility, Alternative</i>	A	P	P	
<i>Motor Vehicle Sales and Leasing, New and Used</i>	--	C	C	
<i>Non-Commercial Vehicle Rental</i>	--	C	C	
<i>Tent Sale, Vehicle</i>	--	T	T	
<i>Vehicle and Equipment Services, Light</i>	--	P	P	See Section: 4.509
Video Gaming Establishment	C, L9	C, L9	C, L9	See City Code Title 3, Chapter 26
Wireless Communication Facilities	--	C	C	

Use Classification	NC	CC	GC (L6)	Additional Regulations
L1: Financial Service Establishments with drive-through facilities are prohibited within 250 feet of any Kane County or State of Illinois right-of-way, or right-of-way designated as an arterial in the Comprehensive Plan				
L2: Drive-through Dry Cleaning and Laundry Outlets are prohibited in GC and require Administrative Design Review in other districts				
L3: Drive-through restaurants require a Conditional Use Permit				
L4: Offices are permitted above the first floor				
L5: Only as a use incidental to the principal use of the property				
L6: <i>Non-Retail Sales Tax Producing Business</i> cannot occupy more than 25% of the gross square footage of a multi-tenant building in the GC District.				
L7: Accessory Use to an Approved Use				
L8: Use must be located in a free-standing building without other occupancies				
L9: Conditional Use Permit is required for either a principal or accessory/incidental use.				

2.304 Site Development Regulations

Table 2.304: Site Development Regulations – Commercial Districts sets forth the site development regulations for commercial districts, which are in addition to the development regulations set forth in Section 2.305: Additional Use and Development Regulations and Chapter 4. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.304: Site Development Regulations – Commercial Districts.

Standards	NC	CC	GC	Additional Regulations
Maximum Size of Use or User (sq. ft.)	10,000	25,000	--	
Maximum Building Height (ft.) / (Stories)	25/1 30/2	35/2	45	
Building Step-back	No	No	Yes	(A)
Minimum Setbacks (ft.)				(B)
<i>Front</i>	20	20	25	
<i>Side (Corner)</i>	15	20	20	
<i>Side (Transitional to Residential)</i>	15	30	75	
<i>Side (Nonresidential)</i>	10	15	20	
<i>Rear (Transitional to Residential)</i>	15	40	75	
<i>Rear (Nonresidential)</i>	15	15	20	
Separation between Buildings (ft.)				
<i>Single story</i>	10	15	15	
<i>Multiple story</i>	--	20	20	
Minimum Required Perimeter Landscape Area (ft.)				(C)
<i>Front</i>	20	20	25	
<i>Side (Corner)</i>	15	20	20	
<i>Side (Residential)</i>	15	25	40	
<i>Side (Nonresidential)</i>	10	15	20	(D)
<i>Rear (Residential)</i>	15	30	40	
<i>Rear (Nonresidential)</i>	15	15	20	(D)
Landscaping (% of net lot area)	15	15	15	See Chapter 4.3
Transitional Setback Landscaping				As Specified by Required Setback, See 4.303.N.4
Exterior Lighting Standards, maximum height (ft.)	15	20	25	See Section 4.211.B.3
Building Setback to Parking (ft.)	7	10	10	See Section 4.203.N

Table 2.304 Site Development Regulations – Commercial Districts				
Standards	NC	CC	GC	Additional Regulations
(A) Building Step-back.				Where a building in a GC district is within 50 feet of property designated for residential use in the General Plan, a building step-back of one foot for every one foot of building height above 2 stories or 35 feet is required.
(B) Commercial Uses Adjacent to Residential Districts.				Commercial activity occurring within 50 feet of property designated for residential use in the Comprehensive Plan shall be conducted within an enclosed building.
(C) Street Frontage Landscape.				Unless otherwise permitted by the Zoning Code, street frontage landscape areas shall not contain parking areas, buildings, fences, parking screen walls or other permanent improvements other than sidewalks, permitted signs, stormwater management areas and lighting.
(D) Shared Access Aisles and Shared Parking in Perimeter Landscape Areas.				Shared access aisles and shared parking accessed from shared aisles may occupy Required Perimeter Landscape Areas on a Side or Rear Setback, when such facilities are located in recorded easements for such purposes.

2.305 Additional Development Regulations

A. **Accessory Structures.** Accessory structures shall be identified on an approved Final Design Review site plan and shall comply with the following regulations:

1. **Establishment.** An accessory structure shall not be constructed prior to construction of a principal structure.
2. **Location.** Accessory structures may be located:
 - a. In the building envelope.
 - b. In a required side or rear setback, but not within a required landscape area.
3. **Maximum Height.** The maximum height shall be 15 feet.
4. **Separation.** Accessory structures shall be separated from principal structures and other accessory structures by a minimum of 10 feet, measured from the exterior walls.

B. **Gated Facility Entrances.** A minimum of 40 feet of vehicle queuing area shall be provided behind each security control point. The minimum width of the vehicular entry shall be 20 feet. A vehicular turn-around area shall be provided between the control point and the security gate. The vehicular turn-around area shall have a minimum interior turning radius of 35 feet and an exterior turning radius of 55 feet.

C. **Drive-Through Facilities.** Drive-through facilities shall be a minimum of 50 feet from property designated for residential use in the Comprehensive Plan.

D. **Vehicle and Equipment Sales, Leasing and Services.**

1. *Fuel Canopies.*
 - a. The clear height of a canopy over fuel pumps shall be a minimum of 13'-6" and shall not exceed 16'-6". Clearance height shall be measured from finished grade to the bottom of the fuel canopy fascia.
 - b. The fuel pump canopy shall be a minimum of 150 feet from property designated for residential use in the Comprehensive Plan.
2. *Service Bays.*
 - a. No part of a building within 50 feet of property designated for residential use in the Comprehensive Plan shall contain bay or roll-up doors or similar service openings.
 - b. Service bays located within 200 feet of property designated for residential use in the General Plan shall not face the adjacent residential property.
 - c. All service activities shall be conducted within the service bays. No used or discarded vehicle parts, equipment, or disabled, junked, or wrecked vehicles may be located outside the service bays.
- E. ***Outdoor Dining Areas.*** Uncovered outdoor dining areas are permitted within the required setback areas adjacent to street frontages, no closer than 10 feet from the property line. Permanent installations shall require Administrative Design Review approval.
- F. ***Automated Teller Machines.*** Exterior Automated Teller Machines shall require an Administrative Use Permit (AUP). The location and security measures shall be approved by the Police Department prior to issuance of the AUP. The AUP shall consider signage, pedestrian accessibility and availability of parking.
- G. ***Hours of Operation.*** In the NC District, the hours that a business may be open to the public are limited to between 6:00 a.m. and 11:00 p.m. Increased hours of operation may be permitted with approval of a Conditional Use Permit to insure that there will be no significant adverse impact on nearby uses.
- H. ***Outdoor Storage.*** Outdoor storage is prohibited, except for *Building Material and Home Improvement Sales and Service, Retail* uses in an area fully enclosed by a solid fence. No stored material shall exceed the height of the fence. This section does not apply to trash and recycling enclosures.
- I. ***Outdoor Retail Sales and Merchandise Display.*** Outdoor retail sales and merchandise displays shall be located and conducted in compliance with the following requirements. Garden Supply Stores and Plant Nurseries and uses that are permitted to be conducted for a temporary period of time as listed in Table 2.303:

Land Use Regulations – Commercial Districts are not outdoor retail sales and merchandise display under this section.

1. *Location.* Outdoor retail sales and merchandise displays shall not obstruct ingress and egress to a building, obstruct fire lanes, interfere with vehicular circulation or sight distance, be located in landscaped areas, or extend into the right-of-way. Outdoor retail sales and merchandise display areas shall be adjacent to the structure containing the business selling the merchandise. Final Design Review plans shall designate permitted areas for outdoor retail sales and merchandise display. For properties developed without design review or with Final Design Review plans approved prior to the effective date of the Zoning Code, the location of outdoor retail sales and merchandise display require Administrative Design Review approval.
2. *Maximum Area.* Other than New and Used Motor Vehicle Sales and Leasing, the maximum area of outdoor retail sales shall be the lesser of 5 percent of the gross floor area of the use or:
 - a. *Neighborhood Commercial:* 250 square feet for each use.
 - b. *Community Commercial:* 500 square feet for each use.
 - c. *General Commercial:* 1,000 square feet for each use.
3. *Height.* Display merchandise shall not exceed a height of 10 feet above finished grade. Construction equipment including fork lifts, boom trucks, cranes, bucket trucks and similar equipment shall be displayed in an unextended position.
4. *Temporary Use of Parking Area.* The temporary use of a parking area for sales and display is permitted pursuant to Section 4.203.J: Temporary Use of Parking Area.

J. *Personal Property Storage.*

1. *Indoor.* Indoor Personal Property Storage units shall be used only for the storage of personal property. No residential or commercial use shall be conducted in a storage unit. No hazardous materials shall be stored in a storage unit.
2. *Outdoor.* Outdoor Personal Property Storage shall be used only for the storage of personal property. No residential or commercial use shall be conducted in vehicles, trailers or other personal property stored in an outdoor personal property storage facility.

K. *Fueling Facility Abandonment.* All Fueling Facility structures and tanks that are unused and/or vacant for 1 year or more are assumed to be abandoned. Abandoned

structures and facilities, including canopies, shall be removed, and the fuel tanks shall be removed within 90 days from the date a notice of abandonment is mailed to the property owner.

- L. ***Fueling Facility Reuse.*** Fueling Facility buildings that are occupied with a use that does not involve the dispensing of fuel shall have all underground fuel tanks removed prior to occupancy of the building. All pumps, pump islands, canopies, fuel dispensing equipment and price signs shall be removed prior to occupancy of the building, or within one year from the effective date of this code.
- M. ***Access to Residential Property.*** Use of commercially zoned property to provide primary vehicular access to a residential use is prohibited.
- N. ***Limitation on Nonresidential Uses in Neighborhood Commercial District.*** Non-residential uses in the Neighborhood Commercial District are limited to the first floor.