

“5.12 C-3 TOWN CENTER BUSINESS DISTRICT

5.12.01 Description of District: The C-3 Town Center Business (“TCB”) District is intended to accommodate retail, service, office, and residential uses which are characteristic of a traditional main street business district.

5.12.02 District Limits: The C-3 TCB District shall be limited to an area defined as being between Spencer Street and Gardner Avenue and between Chicago Avenue and the east line of the west half of section 29 in Jackson Township.

5.12.03 Uses Permitted: No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this Ordinance, for other than one or more of the following specified uses:

1. Civic Buildings;
2. Dwelling units, above the first floor level;
3. Eating and Drinking establishments;
4. General retail;
5. Offices-General, business or professional, medical or dental;
6. Photography studios, including the developing of film when conducted as part of the retail business on the premises;
7. Theaters (indoor);
8. Pharmacy, drug store;
9. Florists;
10. Video Store;
11. Antique Store;
12. Music Shop;
13. Delicatessen, meat market, butcher shop;
14. Services, including but not limited to barber shops, beauty shops, laundries, tailor shops, shoe repair, banks and financial institutions (including drive-thru facilities when located to the rear of the building) and similar stores for the conducting of a service; and
15. Other uses consisting of the same general character as the above permitted uses as recommended by the Zoning Officer and approved by the Village Board.

5.12.04 Special Uses Permitted: The following uses shall be permitted only if specifically authorized by the Village Board:

1. Community Centers;
2. Cultural institutions;
3. Farmer’s markets;
4. Day care and nursery schools;
5. Parking lots and garages;
6. Public and private utility facilities;
7. Planned unit developments; and
8. Outdoor eating and drinking establishments.

5.12.05 Temporary Uses Permitted: Upon application to and issuance by the Building Commissioner of a permit therefore, the following uses may be operated as temporary uses:

"C-2" Temporary permitted uses.

5.12.06 Required Conditions: The following conditions shall be required:

1. Subdivisions must be submitted and developed as Planned Unit Developments.
2. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
3. Residential units are only allowed above the first floor of mixed use buildings where the first floor is devoted to business uses. Residential units shall contain a minimum of 800 square feet of livable area.
4. Buildings should be located upon or at a "build to" line established as part of the Planned Unit Development. A "build to" line shall be situated within the minimum and maximum setback requirements established by this District. Existing lots without a "build to" line shall have structures placed according to the setback requirements in this District.
5. All businesses, services or processing, except for outdoor eating and drinking establishments, shall be conducted within completely enclosed buildings. The outdoor sale of merchandise shall be permitted in accordance with applicable Village regulations related to outdoor sales and seasonal sales.
6. No outdoor storage of goods, materials and other products is allowed.
7. Landscaping, screening and outdoor lighting shall conform to applicable Village regulations, except that landscaping requirements may be varied as part of a Planned Unit Development as determined by the Village Board.
8. All developments and buildings are subject to site plan approval by the Village Board.

5.12.07 Site and Structure Requirements

1. *Minimum Lot Area:* 5,000 square feet.
2. *Minimum Lot Width:* 25 feet.
3. *Yards:*
 - A. *Front Yard:* All buildings shall be setback a minimum of ten (10) feet from the front and corner side lot lines. No building shall be setback further than fifteen (15) feet from the front or corner side lot line.
 - B. *Side Yard:* No side yards are required if abutting a non-residential use. A minimum of ten (10) feet is required for any side yard abutting a residential use.

- C. *Rear Yard:* No rear yard is required if abutting non-residential use. When abutting a residential use, a rear yard equivalent to that required in the adjoining residential district is required.

- 4. *Frontage Build-Out:* A minimum of 75% of the lot frontage of each TCB lot must be occupied by a principal building located in accordance with the established front yard requirements.

- 5. *Building Height Limitations:* The maximum height for all buildings and structures in the TCB District shall be three (3) stories not to exceed 40 feet. No one-story buildings shall be allowed within the TCB District.

- 6. *Signs:* Permitted in accordance with Chapter 10 of this Ordinance, except that:
 - A. Free Standing Signs shall be permitted only when the height does not exceed 4' and the total sign area does not exceed 20 square feet;
 - B. Sidewalk signs shall be permitted and shall not exceed one per business and not more than 8 square feet in total sign area; and
 - C. Signs shall be included in the site plan submittal and shall be designed to be complementary to the architectural character of the downtown.

- 7. *Off-Street Parking and Loading:* Permitted in accordance with Chapter ___ of this Ordinance, except that the following additional conditions shall apply:
 - A. Parking shall not be allowed between the building and the street, except that one row of on-street parking shall be allowed.
 - B. Parking shall be either to the side of a building or to the rear.
 - C. Parking should not be located at an intersection.
 - D. The Village Board may waive the off-street parking requirements or a portion thereof where it is deemed prudent or justified by a parking/use study showing that adequate on-street or municipal parking is available.
 - i. In such cases, a payment in-lieu-of parking may be imposed equal to the cost of surface parking spaces required but not provided.
 - ii. Payment in-lieu-of parking shall be made prior to the issuance of a certificate of occupancy.

5.12.08 Additional District Regulations

- A. Developments shall be designed to create a distinctive retail and civic center that marks the center of the community.

- B. Design considerations shall be implemented to be pedestrian-friendly and accessible.

Pedestrian amenities such as benches, walkways and pocket parks should be utilized. Additional design details shall be established through the Planned Unit Development.

C. Architectural guidelines shall be established as part of the Planned Unit Development and shall provide for the construction of buildings which are representative of traditional, historic "Main Street" architecture. Buildings or lots not part of a PUD shall be designed in the same manner."

SECTION 3. REPEALER All Ordinances of the Village of Elwood inconsistent herewith, to the extent of such inconsistency and no further, are hereby repealed upon the effective date hereof.

SECTION 4. SEVERABILITY Should any section, subsection or other provision of this Ordinance for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the Ordinance as a whole or any part not declared invalid.

SECTION 5. RECORDING The Village Clerk is hereby directed to record with the Recorder of Deeds and to file with the County Clerk a certified copy of this Ordinance.

SECTION 6. PUBLICATION The Village Clerk is hereby authorized and directed to publish this Ordinance, by publication in pamphlet form for general distribution in the manner provided by law.