
APPENDIX A ZONING ORDINANCE¹

CHAPTER 1. GENERAL PROVISIONS

1.1. PURPOSE AND APPLICABILITY

An Ordinance dividing Boone County into districts, regulating and restricting the location and use of buildings, structures and land for trade, industry, residence and other uses within these districts; regulating and restricting the intensity of such uses, and establishing setback lines in order to promote the orderly development of the unincorporated portion of Boone County in accordance with the Official Comprehensive Plan and Illinois Compiled Statutes.

In addition, it is the intent of Boone County to conserve, to protect and to encourage the development and improvement of its prime agricultural land for the production of food and other agricultural products. It is also the intent of Boone County to conserve and to protect prime agricultural land as valued natural and economic resources. Agricultural land is the county's most valuable economic resource and its long term viability is desirable for future operations. Agriculture in many parts of the county is under pressure from expanding growth areas. This pressure takes the form of uncoordinated development in agricultural areas, encourages conflicts in uses of land, and creates higher costs for public services. As scattered development extends into productive farm areas, viable farming may be inhibited by raising real estate taxes and reluctance to make long term investments in farm improvements. Prime agricultural lands constitute unique and irreplaceable land and economic resources of statewide, nationwide and worldwide importance. It is the intent of this ordinance to provide a means by which agricultural land may be wisely protected as a valuable segment of the county. Agricultural districts have been established herein in accordance with the Boone County Comprehensive Plan for the following purposes:

- A. To conserve resources in land and land use values.
- B. To protect, strengthen and maintain the economic base that agricultural pursuits provide the county.

¹Editor's note(s)—Ord. No. 08-20, § 2, adopted July 9, 2008, repealed the former App. A, §§ 1.1—1.3, 2.1, 2.2, 3.1—3.25, 4.0—4.8, 5.0—5.9, 6.0—6.12, 7.0—7.9, 7A.0—7A-11, 8.0—8.10, 9.0—9.10, 10.0—10.11, 11.0—11.10, 12.0—12.11, 13.0—13.10, 14.0—14.8, 15.0—15.11, 16.0—16.13, 17.0—17.19, 18.0—18.25, 19.0—19.9, 20.0—20.11, 21.1, 21.2, 22.0, 22.1, 23.1—23.11, 24.1—24.13, 25.1—25.4, App. A, App. B. Section 3(Exh. A) of said ordinance enacted a new App. A as set out herein. The former App. A pertained to similar subject matter and derived from Ord. No. 84-9A, adopted April 11, 1984, as amended. See the Code Comparative Table for complete derivation.

Obvious misspellings and punctuation errors have been corrected without notation. For stylistics purposes, a uniform system of headings, catchlines, citation to state statutes, and expression of numbers in text has been used to conform to the Boone County Code. Additions made for clarity are indicated by brackets.

Cross reference(s)—Planning, zoning, and building committee, § 2-73; licenses in certain areas prohibited, § 6-11; buildings and building regulations, ch. 18; food and food establishments, ch. 30; unfit residences, § 38-111 et seq.; massage establishments and services, § 38-246 et seq.; application procedure for massage establishment license, § 38-248; historic preservation, ch. 42; planning, ch. 62; sewers and sewage disposal, ch. 66; subdivisions, app. B; enterprise zone, app. D.

State law reference(s)—County zoning authority generally, 55 ILCS 5/5 12001.

1.1. PURPOSE AND APPLICABILITY

- C. To avoid incompatibilities and conflicts resulting from a mixture of rural and urban land uses.
- D. To prevent haphazard or premature urbanization by guiding growth in an orderly fashion.
- E. To prevent an unfair shifting of construction and service costs to agriculture landowners.
- F. To maximize police, fire and health protection.
- G. To maintain and enhance rural community values.

Be it ordained by the Boone County Board, Boone County, Illinois as follows:

1.1.1. Short title.

This ordinance may be cited as the "Boone County Zoning Ordinance," the "Zoning Ordinance," or the "ordinance."

1.1.2. Scope of regulations.

The regulations set forth in this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided and except as variations are applied through section 2.8.

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof, shall hereafter be constructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or structure shall hereafter be erected or altered:
 - 1. To exceed the height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area than permitted;
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.
- C. No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing prior to the adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the adoption of this ordinance shall meet at the least the minimum requirements established by this ordinance.

1.1.3. Exempted uses.

- A. The following uses are exempt from this Zoning Ordinance and permitted in any district (although they may still be subject to the county building code and subdivision regulations): poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distributing equipment for telephone or other communications, electric power, gas, water and sewer lines, provided that the installations shall conform to Illinois Compiled Statutes, the Federal Communications Commission, and Federal Aeronautics Administration rules and regulations and the regulations of other authorities having jurisdiction.

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- B. The provisions of this ordinance shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to building or setback lines.

1.1.4. Grandfathered right to develop or use property.

- A. An existing lot of record at the time of adoption of this ordinance, which does not meet the minimum lot area, width, depth, and road frontage requirements contained in this ordinance, shall be developed in accordance with the use district in which it is located under this ordinance, but may be developed in accordance with the lot area, width, depth, and road frontage requirements of the Zoning Ordinance adopted April 11, 1984.
- B. A lot which was a lot of record prior to April 11, 1984, which does not meet the minimum lot area, width, depth, and road frontage requirements contained in this ordinance, shall be developed in accordance with the use district in which it is located under this ordinance, but may be developed in accordance with the lot area, width, depth, and road frontage requirements of the Zoning Ordinance adopted July 12, 1973.
- C. A lot which was a lot of record prior to July 12, 1973, which does not meet the minimum lot area, width, depth, and road frontage requirements contained in this ordinance, shall be developed in accordance with the use district in which it is located under this ordinance, but may be developed in accordance with the lot area, width, depth, and road frontage requirements of the ordinance adopted May 14, 1958.
- D. All undeveloped lots of record in the A-1 district in lawful existence prior to May 10, 1978, may be developed with one single-family residence per lot provided that other provisions of this ordinance and other applicable Boone County Codes and Ordinances are met.
- E. None of the foregoing shall be construed to relieve the owner or builder from providing an adequate sewage treatment system.

1.1.5. Severability.

This ordinance and any amendment hereto and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance or amendment hereto shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional by a court of competent jurisdiction or invalid as applied to a particular property, building or other structure, it is hereby provided that the application of such portion of this ordinance to other property, buildings or structures shall not be affected thereby.

1.1.6. Repeal of conflicting ordinances.

All prior ordinances or parts of ordinances of Boone County in conflict herewith are hereby repealed.

1.1.7. Relationship to other laws.

Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulations, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.

1.1.8. Effective date.

This ordinance shall be in full force and effect after its passage, approval, and publication as required by law.

1.2. DEFINITIONS

1.2.1. Use of definitions.

In the construction of this ordinance, the definitions contained in this ordinance shall be observed and applied, except when the context clearly indicates otherwise;

1.2.2. Rules.

In the construction of this ordinance, the rules contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.
- B. The words "shall" and "will" are mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "plot", "piece", and "parcel".
- E. Unless otherwise specified, all distances shall be measured horizontally, between zones, or lot line to lot line.
- F. Whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in the definition thereof.
- G. The masculine gender shall include the feminine and neuter.
- H. All measured distances shall be expressed in feet and shall be rounded up or down to the nearest integral foot.
- I. The word "person" shall include the words "association", "professional corporation", "limited liability partnership", "limited liability company", "estate", "governmental agency", "individual", "joint venture", "partnership", "venture", or any other legal entity.
- J. The word "building" shall include the word "structure".
- K. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

1.2.3. Definitions.

The following words and terms when used in the interpretation and administration of this ordinance shall have the meaning set forth herein except where otherwise specifically indicated. Words and terms not defined here shall be defined as specified in the latest published edition of Webster's New Collegiate Dictionary.

Accessory structure: Shall mean a structure customarily subordinate to and auxiliary to the use of a principal structure on the same lot with such principal structure. When the wall of an accessory structure is a part of or joined to the wall of the principal structure such accessory structure shall be construed as a part of the principal structure.

Adult uses: See section 4.7.

Adult-use cannabis business establishment: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

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.

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.

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.

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.

Adult-use cannabis transporting organization or transporter: 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 it may be amended from time-to-time, and regulations promulgated thereunder.

*All cannabis related definitions will be updated in accordance with the Cannabis Regulation and Tax Act, (P.A.101-0027) and directed by the State of Illinois.

Agriculture: Shall mean (1) the production of livestock, livestock products, and/or crops in the open, or land devoted to a natural resource, soil conservation, forestry management, or similar program. Not included is land principally used for residences, commerce or industry; or, (2) Land used for agricultural purposes includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land (see "Farm").

Agricultural land, prime: Shall mean land with a score of 76 or higher for the Land Evaluation portion of the LESA System, as rated by the Boone County Soil and Water Conservation District.

Agricultural land, marginal prime: Shall mean land with a score of 58 or higher, but less than 76, for the land evaluation portion of the LESA System, as rated by the Boone County Soil and Water Conservation District.

Agricultural structure: Shall mean a structure on agricultural land designed and constructed for agricultural purposes (see "Agriculture").

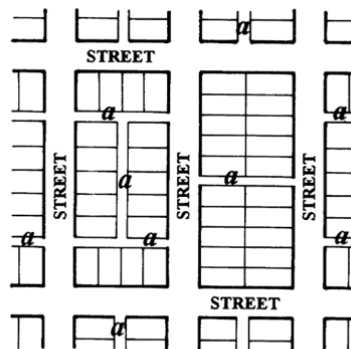
Agricultural processing plant: Shall mean a facility used for the refinement, treatment, or conversion of agricultural products where physical, chemical, or similar change of an agricultural product occurs. Agricultural processing shall not include manufacturing of secondary products using agricultural products such as commercial

kitchens, bakeries, breweries, woodworking, and wood processing plants. Agricultural processing may include warehousing and packaging as secondary uses.

Agriculture, intensive: Shall mean agricultural uses that include but are not limited to: (a) slaughter areas, (b) areas for the storage and processing of manure, garbage, or spent mushroom compost, (c) structures housing more than 1,000 animal units; and, (d) agricultural processing plants.

Airport: Shall mean any area of land used or intended to be used for the landing and take off or use for airport buildings or other airport facilities or rights of way, including all necessary taxiways, aircraft storage and tie down areas, hangers, and other necessary buildings and open spaces. Refer to additional definitions in section 4.5.

Alley: Shall mean a public right-of-way, with a width not exceeding 24 feet, which affords a secondary means of access to abutting property.



Alley (a)

Alterations, structural: See "Structural change."

Amusement park: Shall mean a commercially operated park with various devices for entertainment.

Animal clinic: See "Veterinary hospital."

Animal shelter: Shall mean any premises or portion thereof, or any facility containing:

- A. More than ten dogs of any sex or more than five breedable female dogs over four months of age; or
- B. More than ten domestic (non-feral) cats of any sex or more than five breedable female cats over four months of age; or
- C. More than any combination of ten dogs and/or non-feral cats or more than any combination of five breedable females (dogs and/or non-feral cats) over four months of age;

that shelters, feeds, grooms, and cares for homeless animals. This definition excludes any shelter operated by the county.

Animated signs: Any sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement. This does not include signs that show time and temperature.

Antenna: Shall mean an arrangement of wires, metal rods, parabolic or concave dishes, or similar materials used for the transmission and/or reception of electromagnetic waves.

Antenna tower: Shall mean any structure designed for the purpose of mounting an antenna.

Artificial lake: Shall mean an inland body of standing water not created by natural processes.

Assembly hall: Shall mean any building or part of a building whose primary use is as a meeting place for any public or private group of ten or more persons.

Auction sales yards: Shall mean building(s) or structure(s) or land(s) used for storage of goods and materials, which are to be sold on the premises by public auction, and for the sale of the said goods and materials by public auction and on an occasional basis.

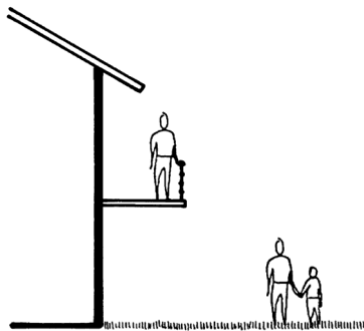
Automobile collision services: Shall mean a facility for body, frame, or fender repair, and overall painting.

Automobile repair services: Shall mean a facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers,. This use excludes collision repair, dismantling or salvage.

Automobile service station: Shall mean any building or premises used for dispensing, sale, or offering for sale any automotive fuels stored in underground tanks or oils and including minor (incidental) accessories and servicing of automobiles when rendered wholly within lot lines. An automobile service station does not include automobile repair, automobile collision repair, auto and trailer sales, and the outdoor storage of automobile wreckage and parts.

Awning: Shall mean a roof-like cover that is temporary in nature and which projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

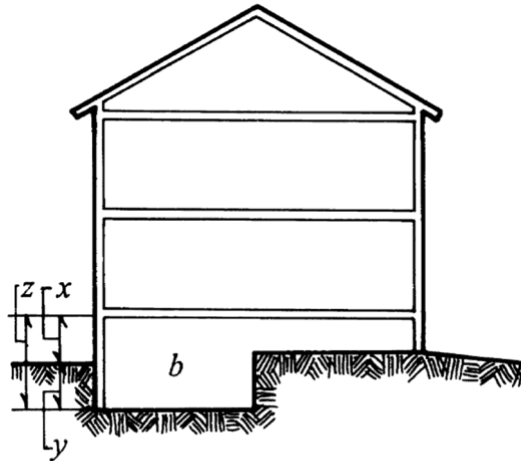
Balcony: Shall mean an elevated platform open to the elements, not supported by the ground and projecting from an upper story and enclosed entirely by a railing.



Balcony

Bar: Shall mean a room(s) or a counter accessory to the principal use of the building or tenant space in the building where alcoholic beverages are served for consumption on the premises and may provide for dancing.

Basement: Shall mean a space within a building which has one-half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet.



Basement (b),
Where $x > y$ and $z \leq 14$ feet

Bay window: Shall mean a window projecting beyond the wall line of the building and not supported by a foundation.

Bed and breakfast establishment: Shall mean an operator and/or owner-occupied residence providing accommodations for a charge to the public with not more than five guest rooms for rent. It shall be in operation for more than ten nights in a 12-month period. Breakfast may be provided to the guests only. A guest room is intended to serve not more than two adults per night, for a period not to exceed 15 days. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

Beer garden: Shall mean a privately owned outdoor location accessory and adjacent to premises licensed for retail sale of any alcoholic liquor where alcoholic liquor may be sold and/or consumed.

Berm: Shall mean soil of good quality, uncompacted, raised generally above the surrounding finish grade with side slopes generally no steeper than three horizontal units to one vertical unit (3:1); generally a man-made slope.

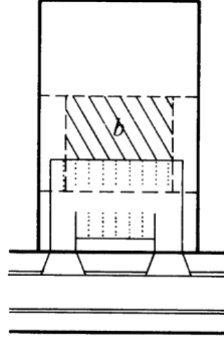


Best Management Practices (BMP): Shall mean conservation practices or systems and management measures that: (a) control soil loss and reduce water-quality degradation caused by nutrients, animal waste, toxins, and sediment; (b) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and (c) includes allowing proper use and storage of fertilizers and pesticides.

Boarding house: Shall mean a building containing a single dwelling unit and lodging rooms accommodating, for compensation, three or more persons, but not exceeding 12, who are not of the keeper's family. Lodging may be provided with or without meals.

Breezeway: Shall mean a covered pedestrian passageway, as between a house and a garage, but otherwise exposed to the elements.

Buildable area: Shall mean the area of a lot or parcel remaining after yard, parking or any other requirements of this ordinance have been satisfied.

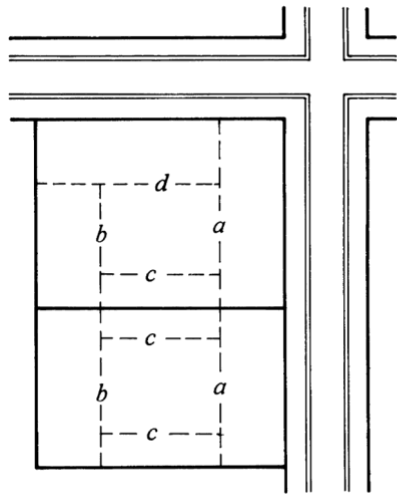


Buildable Area (b)

Building: Shall mean a roofed, structure designed or intended for the enclosure, shelter or protection of persons, animals or other property. All forms of vehicles, even if immobilized, are excluded from this definition.

Building coverage: Shall mean the area of a lot occupied by the principal building(s) and accessory structures.

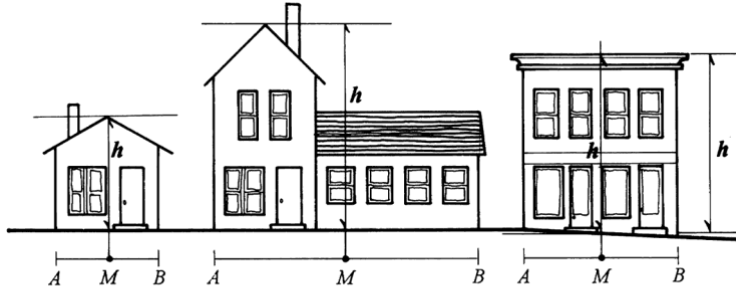
Building line: Shall mean a line parallel to adjacent property lines at a specified distance from said property lines establishing the minimum open space to be provided between building(s) and an adjacent lot line. Also known as "building setback line" or "setback line."



Building Lines (Setbacks)

Where *a* = Front Building Line
b = Rear Building Line
c = Side Building Line
d = Corner Side Building Line

Building height: Shall mean the vertical distance of a building measured at the midpoint of the front wall of a building between the finished grade at the front wall of the building and the highest point of the roof or parapet walls, excluding chimneys, mechanical equipment, cooling towers, storage tanks, bulkheads, spires, water towers, and antennae attached to or resting upon the building.



Building Height (h)

Where building height (h) is measured at M, the midpoint between A and B

Building, principal: The structure on the property that one or more persons occupy the majority of the time for personal or business reasons (residence, commercial buildings, industrial buildings, hospitals, schools, etc.).

Build-to line: See "Building line."

Bulk: Shall be the term used to describe the size and mutual relationships of buildings and other structures as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center line of streets, to other walls of the same building, and to all open spaces relating to the building or structure.

Bulking agent: Shall mean a material used to increase porosity, to improve aeration or to absorb moisture from decomposing waste.

Burning, controlled: Shall mean an intentional and closely monitored grass fire which benefits plant species diversity and soil nutrition; typically considered a normal part of prairie land maintenance conducted every few years.

Burning, intense: Shall mean a rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.

Burning, moderate: Shall mean a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

Caliper: Shall mean the diameter of a tree trunk six inches above the existing grade or proposed planted grade and in conformance with the provisions of the Code of Standards (Z60.1-1986 or latest version) published by the American Association of Nurserymen, Inc.

Car wash: Shall mean a structure, or portion thereof, containing facilities for washing automobiles and may utilize production-line methods using a conveyor, blower, steam-cleaning device, or other mechanical devices, and may include detailing services.

Cellar: See "Basement."

Charitable institutions: Shall mean an establishment engaged in the giving of foods, goods, financial assistance or grants, or offering services or other socially useful programs on a benevolent, nonprofit basis.

Class One Rail Road: Class 1 railroads are the top six freight railroads that own the majority of tracks in North America. Their lines span the continent, and each day their yards and terminals send forth hundreds of trains carrying goods of all types.

Clinic: Shall mean an establishment of physicians or dentists, or both who have their offices in a common building.

Cocktail lounge: Shall mean a room or an establishment where alcoholic beverages are served for consumption on the premises and may provide for dancing or live entertainment on the premises (excluding adult entertainment).

Collector street: Shall mean a street which carries traffic from minor streets to a thoroughfare.

Commercial establishment: Shall mean any place where admission, services, performances, or products are provided for or upon payment of any form of pecuniary gain.

Commercial facility for breeding and raising nonfarm fowl and animals: Shall mean any premises or establishment that boards, breeds, raises, grooms or trains animals not classified as farm animals.

Commercial feed lot: Shall mean as defined in the Illinois State Livestock Management Facilities Act.

Commercial recreation: Shall mean any establishment or use of land which provides active recreational opportunities, including but not limited to, waterslides and water parks, batting cages, miniature golf, go-cart racing, carnival games, and the like.

Commercial semi-trailer: Any motor vehicle and trailer combined designed or suited to carry freight, commodities, materials, produce and passengers for a fee, or merchandise in the furtherance of any commercial enterprise and having a gross weight of more than 10,000 lbs. Agricultural equipment used as part of a permitted agricultural use shall not be considered a commercial semi-trailer.

Commercial semi-trailer parking: Shall mean the remote parking of commercial semi-trailers at an off-site location other than the principle location or operation of the business. In no instance shall the commercial semi-trailer parking mean an impounding facility or storage yard (no outdoor storage, no home-based business, no commercial trucking operations or other commercial activities, other than the disconnection and reconnection of trailers from one commercial vehicle to another, shall occur at the property.) If additional materials are stored at the site or base of operations is provided then the land use becomes a commercial or industrial enterprise.

Commercial use: Shall mean an activity carried out for pecuniary gain.

Commercial vehicle: Any motor vehicle designed or used to carry freight, commodities, materials, produce and passengers for a fee or merchandise in the furtherance of any commercial enterprise and having a gross weight of more than 10,000 pounds. Agricultural equipment used as part of a permitted agricultural use shall not be considered a commercial vehicle.

Commercial vehicle parking: Shall mean the remote parking of commercial vehicles at an off-site location other than the principal location or operation of the business. In no instance shall commercial vehicle parking mean an impounding facility or storage yard (no outdoor-storage, no home-based business, no commercial trucking operations or other commercial activities shall occur at the property). If additional materials are stored at the site or a base of operation is provided, then the land use becomes a commercial or industrial enterprise.

Commission: Shall mean the Boone County Regional Planning Commission.

Condominium: Shall mean an estate in real property consisting of an individual interest in common with other purchasers in a portion of real property, together with a separate interest in space in a building and/or separate interest in other portions of such real property.

Conservation development: Shall mean a tract(s) of land to be developed as a single entity for a number of dwelling units, the plan for which is designed to preserve and enhance; natural systems for stormwater conveyance, infiltration, and water quality improvements; native habitat and vegetation; maintain viable agricultural activities; maintain views and vistas; and to conceal development from view from adjacent roadways and nearby properties.

Contractors office and business: Shall mean an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products and interior storage, but which does not use any exterior storage.

Convalescent home or rest home: Shall mean an establishment for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, but excluding contagious or communicable diseases and excluding surgery.

Conventional development: Shall mean a development or subdivision that is not a conservation development or planned development (PD).

Conventional energy system: Shall mean an energy system utilizing fossil fuel, nuclear, or hydroelectric energy and components of such system, including transmission lines, burners, furnaces, tanks, boilers, related controls, distribution systems, room or area units, and other components.

Cooking facilities: Shall mean any area within a structure that contains a gas or electric range, an oven (not including a microwave oven), a refrigerator in excess of five cubic feet in size, and a kitchen sink.

Crawl space: Shall mean the space between the ceiling of one story and the floor of the next story above, which normally contains pipes, ducts, wiring and lighting fixtures and permits access but is too low for an individual to stand. A crawl space may be a cellar area no more than four and one-half feet in height, or, if between a ceiling and a shed roof or a flat roof, a cockloft.

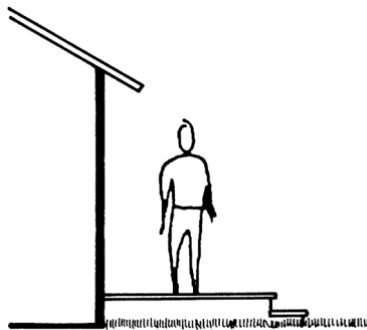
Cul-de-sac: Shall mean a short street having one end open to traffic and being terminated at the other end by a vehicular turn-around.

Day care center: Shall mean a facility commonly called "infant and toddler centers", "child care centers", "day nurseries", "nursery schools", "play groups", "kindergartens", and "after school programs for young school age children" licensed by the Illinois Department of Children and Family Services.

Day care home: Shall mean a residence licensed by the Illinois Department of Children and Family Services for the care of at least three but not more than 12 children for less than 24 hours per day. The maximum number of children permitted includes the family's natural, foster or adopted children and all other persons under the age of 12. The term does not include residences or facilities which receive only children from a single household.

Deciduous: Shall mean plants which do not retain leaves or needles during the winter season of the year.

Deck: Shall mean a level, unenclosed platform serving as a floor and located above the finished grade, and usually directly adjoining or attached to a building or structure.



Deck

Development envelope: Shall mean the area of a lot where site disruption will occur, including grading areas, building area, paved areas, utilities, yards and other areas on non-native vegetation and areas devoted to on-site septic systems.

Disability: Shall mean a personal condition which is: *(i)* attributed to mental, intellectual, or physical impairment or a combination of mental, intellectual, or physical impairments; *(ii)* likely to continue for a significant amount of time or indefinitely; and, *(iii)* results in functional limitation in three or more of the following areas of

major life activities self-care: recaptive or expressive language; learning; mobility; self-direction; capacity for independent living; economic self-sufficiency; and reflects the person's need for a combination and sequence of special interdisciplinary or generic care treatment, or other service of life-long or extended duration, but is not the result of a communicable disease or substance abuse or alcohol abuse.

District, zoning: Shall mean a section of the areas of Boone County within which the regulations governing the use of land are uniform.

Drive-through window: Shall mean an opening in the wall of a building or structure used to proved sales and/or service to patrons who remain in their vehicles.

Dwelling: Shall mean a building or group of rooms designed or used primarily for residency, but not including hotels, motels, boarding houses, tourist homes, or trailers.

Dwelling, accessory unit: Shall mean a residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in the ordinance.

Dwelling, attached single-family: Shall mean a building consisting of dwelling units each of which is attached by common vertical wall to at least one other dwelling unit with each dwelling unit having a separate exterior entrance and occupying the ground, including, but not limited to, the following: "townhouse", "rowhouse", "duplex", "four-plex", "three-plex". In addition, no dwelling unit or portion thereof within an attached dwelling shall be located above or below another dwelling unit, and each dwelling unit shall have its primary access to the outside on the ground floor.

Dwelling, apartment: Shall mean a building or portion thereof in which a dwelling unit or a portion thereof is located above or below another dwelling unit, or above or below any other independently used portion of the building.

Dwelling, detached single-family: Shall mean a free-standing building containing one dwelling unit.

Dwelling, duplex: Shall mean a building containing two dwelling units where one dwelling unit is joined with the other dwelling unit on one side by a common wall. No dwelling unit or portion thereof within a duplex dwelling shall be located above or below another dwelling unit. Each dwelling unit shall have an exterior entrance located on the ground floor.

Dwelling, efficiency: Shall mean a dwelling unit consisting of not more than one habitable room together with cooking and sanitary facilities.

Dwelling, farm: Shall mean a single-family detached residence for those (a) resident owners or (b) immediate family members, of a farm. Resident's primary income must be from the farm activities on-site. For purposes of this definition, a "farm" is the land, buildings, and machinery used in the commercial production of agricultural products.

Dwelling, mobile home: See "Mobile home."

Dwelling, multiple-family: Shall mean a building, or portion thereof, consisting of three or more dwelling units with varying arrangements of entrances and party walls and one or more of the dwelling units do not occupy the ground, including but not limited to the following: "apartment", "condominium", "cooperative", "manor home", "coach house", "three-flat", and "six-flat".

Dwelling, rooming house: Shall mean a building or a portion thereof utilized as a dwelling unit which is the primary residence of the owner and which contains lodging rooms for occupancy at a monthly rate of compensation by permanent residents who are not related to the owner. A rooming house maintains a common household. Rooming house dwellings include boarding houses and lodging houses, but exclude residential care facilities.

Dwelling, single-family: Shall mean a building containing one dwelling unit only, including factory built (manufactured) dwelling units when installed on permanent foundations and issued building permits.

Dwelling, two-family: Shall mean a building consisting of two dwelling units where one dwelling unit is located on the first floor and the second dwelling unit is located on the second floor and each dwelling may or may not have a separate exterior entrance.

Dwelling unit: Shall mean one or more rooms including a bedroom, with not more than one kitchen, which are arranged, designed or used as living quarters.

Easement: Shall mean a legal, recorded grant by a property owner for the use of a strip or parcel of his land by the general public, a corporation, or a certain person(s) for a specific purpose(s).

Eave: Shall mean the projecting lower edges of a roof, overhanging the wall of a building.

Electronic message center: A type of sign or portion thereof that is capable of displaying words, symbols or alphanumeric characters defined by a small number of matrix elements using different combinations of light emitting diodes (i.e., LEDs), fiber optics, light bulbs, or other illuminated devices that can be electronically or automatically programmed and may be changed by remote or automatic means.

Energy facility: Shall mean any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other sources of energy.

Energy system, small scale: Shall mean energy production facilities that are incidental and subordinate to a principal use established on the property. These systems include but are not limited to, solar, wind, water hydrologic, and biomass systems. This does not apply to a facility that produces more than 1.0 Megawatts (1,000,000 watts) of electricity.

Evergreen: Shall mean plants which continuously retain leaves or needles over four seasons of the year.

Extended care facility: Shall mean an institution or a distinct part of an institution which is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients.

Fair grounds: Shall mean an area where outdoor fairs, circuses, or exhibitions are held.

Family: Shall mean (1) one or more persons related by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household; (2) not more than three persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common housekeeping unit; (3) any domestic servants and not more than one gratuitous guest residing with the family with such servants and guest being included, not in addition to, the unrelated persons herein defined.

Farm: Shall mean the land, buildings, and machinery used in the commercial production of farm products, and "farm products" are those plants and animals and their products which are produced or raised for commercial purposes. For purposes of this ordinance, "farm" does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use. Also see "Agriculture."

Farm, animals: Shall mean animals commonly raised or kept in an agricultural environment including, but not limited to horses, mules, donkeys, burros, cattle, sheep, goats, llamas, emus, rheas, ostriches, rabbits, chinchilla, turkeys, chickens, pheasants, geese, ducks and pigeons.

Farm machinery: Shall mean any equipment related to the operation of any farm.

Feed lot: Shall mean any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep, or poultry. Also see, "Agriculture, Intensive."

Flood plain: Shall mean those areas along rivers and streams subject to periodic flooding. The flood plain is defined by the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration and dated November 17, 1982, Community Panel Number 170807 or as amended thereafter. (Refer to section 3.13 of this ordinance for other definitions relevant to the flood plain requirements).

Floor area (for determining off-street parking and loading requirements and floor area ratios): Shall mean the sum of the gross horizontal area of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Foot candle: Shall mean a unit of illumination equal to the illumination at all points that are one foot from a uniform point source of one candle power.

Forest management: Shall mean the application of sustainable business methods and forestry principles to the operation of a forest property for the purpose of maintaining forest resources and producing a continuous supply of forest products. Forest management practices include, but are not limited to, site preparation, planting, selective cutting or harvesting, road construction, insect and disease control, inventory and fire protection.

Frequency: Shall mean the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

Frontage: Shall mean that part of a lot (a lot line) abutting a street or public way. Where buildings exist on the lot, the principal frontage may be established by the orientation of the building, or the main entrance.

Garage, private: Shall mean an accessory building or an accessory portion of the principal building which is intended for and used to store the private vehicles and/or possessions of the family or families' resident upon the premises.

Grade: Shall mean the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Greenhouse, commercial: Shall mean a light-admitting enclosure used for the cultivation or protection of plants for which any fee is charged.

Greenhouse, private: Shall mean an enclosure used for the cultivation or protection of plants used exclusively by the occupants of the building to which it is accessory and involving no sales of goods and/or services.

Gross developable acreage (GDA): Shall mean the portion or dimension of a given property remaining after subtracting those portions which cannot be developed due to floodplain, wetlands, water retention/detention, poor soils, or other sensitive natural features which should be preserved.

Ground floor area: Shall mean the area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

Group home: Shall mean a place where unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility. Group homes do not include convents, orphanages and monasteries. The limitation of occupation is based on building code requirements.

Habitable space: Shall mean space in a structure designed for living, sleeping, eating or cooking, but excluding bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas.

Health club: Shall mean a facility designed for the major purpose of physical conditioning and fitness or weight reduction which includes, but is not limited to such equipment as free weights, weight resistance machines, cardiovascular machines, whirl pools, saunas, showers, lockers, swimming pools, or basketball and racquet courts. This shall not include government owned recreation buildings.

Health and welfare facility: Shall mean a facility specializing in medical treatment, physical therapy (alcohol and drug treatment), assisted living for all ages, retirement communities, and shelters.

Highway, public: Shall mean a right-of-way established to afford the movement of vehicular traffic, and including all types of classifications.

Highway, state/county/township: Shall mean public highways including existing and proposed routes, but not including platted minor subdivision streets.

Home based business: Shall mean a business, profession, occupation or trade conducted for pecuniary gain entirely within a residential building, or, when permitted by this Ordinance, within a structure that is accessory to a residential building. Shall not include Cannabis Business Establishment.

Hotel: Shall mean a building which provides a common entrance, lobby, halls and stairways and which is open to transient guests. It provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture.

Hunting and fishing lodges: Shall mean the furnishing of rooms or accommodations for compensation that may include facilities for the preparation of food, for the purposes of public or private hunting of wildlife and/or fishing for a period of less than 30 days.

Industrial park: Shall mean a tract of land planned and developed as a distinctive unit featuring landscaped open spaces of generous dimensions and equipped to accommodate a community of industrial uses including industrial research, light industry, offices and similar operations. May be sponsored and maintained by private developers, community organizations, or government organizations.

Joint solar energy system: Shall mean a solar energy system that supplies energy for structures or processes on more than one lot or in more than one condominium unit or leasehold, but not to the general public and involving at least two owners or users.

Junk yard: Shall mean an area open or enclosed where waste or scrap materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. In no case shall any oil, grease, solvents, or any other chemicals be allowed to run off into drainage areas, percolate into the soil, or be discharged into septic systems; or shall the facility handle or process hazardous materials. The junk yard shall be enclosed by a solid wall or fence at least six feet in height and with landscaping around those portions of the property facing a public roadway or highway. A "junk yard" includes a motor vehicle salvage yard (see definition).

Kenel, boarding or breeding: Shall mean any premises or portion thereof, or any facility containing:

- A. More than ten dogs of any sex or more than five breedable female dogs over four months of age; or
- B. More than ten domestic (non-feral) cats of any sex or more than five breedable female cats over four months of age; or
- C. More than any combination of ten dogs and/or non-feral cats or more than any combination of five breedable females (dogs and/or non-feral cats) over four months of age;

for the purpose of sale, boarding, training, or breeding. This definition excludes veterinary hospitals and animal shelters.

Landscaping composting facility: Shall mean a facility where organic material (non-hazardous garden or yard waste) that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing or use of compost.

LESA (Agricultural Land Evaluation and Site Assessment System): Shall mean a system designed to determine the quality of land for agricultural uses and to assess sites or land areas for their agricultural economic viability.

Livestock: Shall mean generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs and other house pets.

Livestock, large: Shall mean livestock weighing 250 pounds or more, and older than 12 months.

Livestock, small: Shall mean livestock weighing less than 250 pounds and older than 12 months.

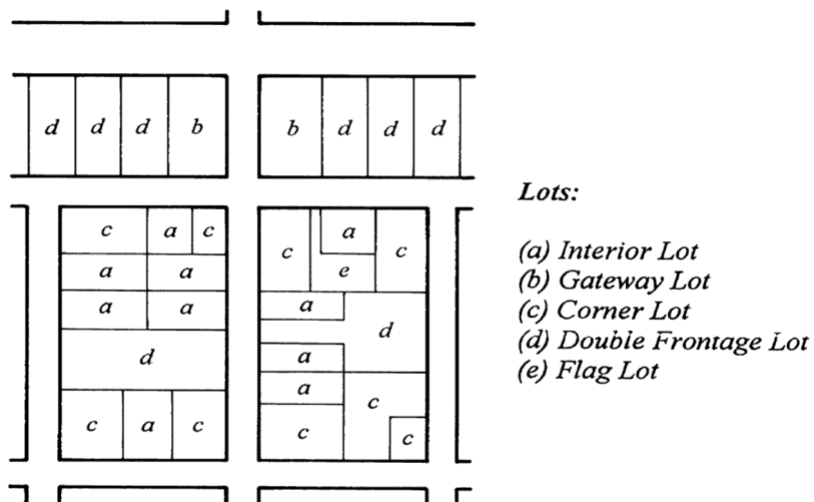
Loading berth: Shall mean a space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used.

Local recycling station: Shall mean a structure or area used exclusively for the short-term storage and transfer of household recyclable such as, but not limited to, paper, aluminum, glass and plastic. All storage shall be within enclosed containers or a building. A local recycling station is considered a permitted accessory use to municipal or government buildings.

Lodge or private club: Shall mean a nonprofit association of persons, who are bona fide members paying dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests, but not including any activity defined as an "adult use." The affairs and management of such lodge or private club are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state and local laws.

Logistics facility: See "Warehouse."

Lot: Shall mean a tract of land, whether legally described or subdivided as one or more lots or parts of lots, located within a single block, which is to be used, developed, or built upon as a unit under single ownership or control, and having its principal frontage upon a street.

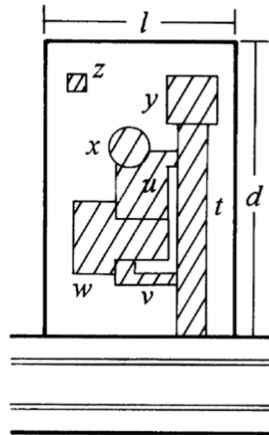


Lot area: Shall mean the area of a horizontal plane bounded by the front, side and rear lot lines. Calculation of the required minimum lot area shall not include street right-of-way, whether dedicated to the public or a private

street or easement for street purposes and, when adjacent a water course, drainage way, channel or stream, the area included in floodplain or easements reserved for the maintenance of said surface waters.

Lot, corner: Shall mean a lot which is situated at and abuts the intersection of two or more streets or adjoins a curved street at the end of a block.

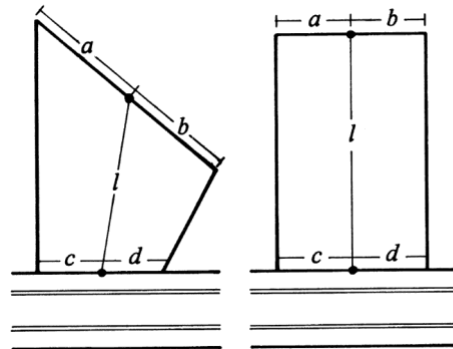
Lot coverage: Shall mean the percentage of a zoning lot occupied by buildings, including accessory buildings and structures, driveways, sidewalks, decks, and patios.



Lot Coverage (m)

$$\text{where } m = \frac{(t + u + v + w + x + y + z)}{\text{area of lot } (l \times d)}$$

Lot depth: Shall mean the distance between the midpoints of the front lot line and the midpoint of the rear lot line.



Lot Depth (l): where $a=b$
and $c=d$

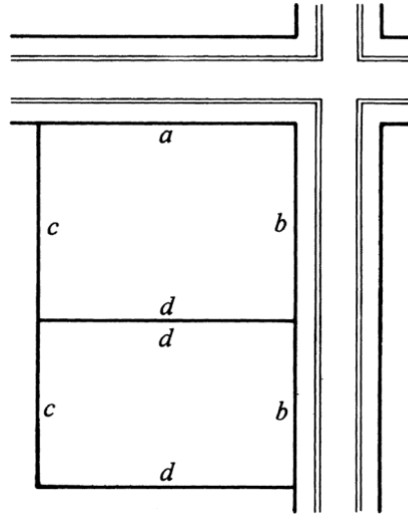
Lot, double frontage: Shall mean a lot which has its rear and front yard bordering on a street.

Lot, flag: Shall mean a lot with access provided to the bulk of the lot by a narrow corridor of property and the narrow corridor frontage is the only public street frontage.

Lot, gateway: Shall mean a lot which has its front, rear and one side yard bordering on a street.

Lot, interior: Shall mean a lot which has only its front yard bordering on a street.

Lot lines: Shall mean a property boundary line of any lot, except that where any portion of the lot extends into abutting street or alley, the lot line shall be deemed to be the street or alley line.

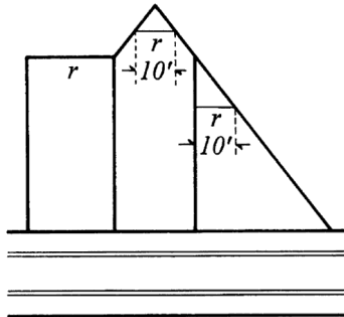


- Lot Lines:**
 (a) Corner Side Yard Line
 (b) Front Yard Line
 (c) Rear Yard Line
 (d) Side Yard Line

Lot line, corner side: Shall mean a street right-of-way forming a side lot boundary line and not a front lot line or a rear lot line.

Lot line, front: Shall mean a street right-of-way forming a boundary of a lot. On a corner lot, the zoning administrator shall designate which of the two lot lines abutting a street right-of-way shall be considered a front lot line and which shall be considered a side lot line.

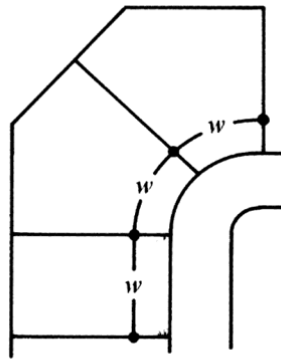
Lot line, rear: Shall mean a lot line which is opposite and most distant from the front lot line and, in the case of irregular lot lines, triangular or gore-shaped lots, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.



Lot line, side: Shall mean any lot boundary line not a front lot line or a rear lot line.

Lot of record: Shall mean a legally created parcel of land, the deed to which is recorded in the office of the Boone County Recorder.

Lot width: Shall mean the horizontal distance between the side lot lines of a lot measured within the lot boundary along the front building line.



Lot Width (w)

Machine shop: Shall mean a building or portion thereof where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith welding and sheet metal shops; plumbing, heating and electrical repair shops.

Manufactured home: Shall mean a mobile home that is constructed to the uniform building code developed and administered by the U.S. Department of Housing and Urban Development (HUD), can be transported on the highway and is designed as a permanent residence placed on a permanent foundation. Every manufactured home must have a minimum floor area of 500 square feet.

Manufacturing: Shall mean the mechanical or chemical transformation of raw materials into new products, including the assembling of component parts, or the blending of materials such as oils, plastics, resins, or liquors.

Manufacturing and assembly, heavy: Shall mean an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibrations beyond its property line. This includes but is not limited to: processing and packaging alcohol beverages; chemical manufacturing; stonework or concrete production manufacturing; fabrication of metal products; manufacturing of agricultural, construction or mining machinery; motor vehicle manufacturing; lumber milling; ship or boat construction; permanent concrete/batch plant.

Manufacturing and assembly, light: Shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing or finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, including but not limited to businesses engaged in the processing, fabrication, assembly, treatment, or packaging of food, textiles, leather, wood, paper, chemicals, plastics or metal products, but does not include basic industrial processing from raw materials.

Medicinal cannabis dispensary: Shall mean a facility operated by an organization or business that is registered by the department of financial and professional regulation to acquire medical cannabis for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

Medicinal Cannabis Cultivation Center: Shall mean a facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

Mineral extraction: See section 4.7.

Minor street: Shall mean a street designed primarily to provide access to abutting properties.

Mobile home: Shall mean a portable structure that can be transported on the highway and is designed as a single-family residence. Every mobile home must have a minimum floor area of 500 square feet.

Mobile home park: See section 4.6.

Modular home: Shall mean a structure comprised of a self-sufficient dwelling unit that is transported on a vehicle from the place of manufacture to a site where it is to be occupied as a single-family dwelling. Modular homes must be of conventional stick framing, affixed to a permanent foundation and comply with all lot and yard requirements, floor area requirements, and adopted local building codes.

Motel: Shall mean an establishment consisting of a group of attached or detached living or sleeping accommodations with bathrooms and closet space located in a single zoning lot and designed for transient automobile tourists. A motel furnishes customary hotel services such as maid service, laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture.

Motor vehicle salvage yard: Shall mean an area where two or more unlicensed or inoperable motor vehicles, or parts thereof, are stored in the open and are not being actively restored to operation; or any land, building(s) or structure(s) used for wrecking or storing of such motor vehicles or parts thereof and including the commercial salvaging and sales of any goods, articles or merchandise related to the principal use.

Motor vehicle storage/impoundment yard: Shall mean an open area where operable and/or inoperable motor vehicles are temporarily stored for the purpose of identification, evidence inventory, repossession, etc.

Nameplate: Shall mean a sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

Net developable area: Shall mean the area of a tract of land after subtracting those portions which cannot be developed due to the presence of open water, floodway, floodway fringe, floodplain, wetland, soils rated as "very severe" for septic disposal systems, woodland, steep slopes (exceeding 12 percent), or area of perimeter roadways or other land now contained in right-of-way or easements.

Nonconforming use: Shall mean any use of land, buildings, or structures, lawful at the time of the enactment of this ordinance but which does not comply with all the regulations of this ordinance governing use for the zoning district in which such use is located.

Nursery school: Shall mean a building or structure, together with its lot and its accessory uses, buildings, and structures, used as an organized instructional facility or other care for five or more enrolled children under six years of age.

Nursing home: Shall mean a place which undertakes through its ownership or management to provide maintenance, personnel, or nursing for three or more persons who by reason of illness, physical deformity or old age are unable to properly care for themselves.

Off-road riding facility: Shall mean an area of land, consisting of a closed course designed for use of off-highway vehicles in events such as, but not limited to, dirt track, short track, flat track, speedway, drag racing, grand prix, hare scrambles, hill climb, ice racing, observed trails, mud and snow scrambles, tractor pulls, sled pulls, truck pulls, mud runs, or other contests of a side-by-side nature in a sporting event for practice, instruction, testing, or competition of off-highway vehicles; or a thoroughfare or track across land or snow used for off-highway motorcycles or all terrain vehicles

Octave band: Shall mean all the frequencies from one frequency to a second frequency which is usually double the first frequency.

Octave band filter: Shall mean an electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

Open sales lot: Shall mean any land used or occupied for the purpose of buying and selling passenger cars and/or trucks, motor scooters, motorcycles, boats, trailers, aircraft, farm machinery, or other similar products.

Outdoor commercial recreation enterprise: Shall mean commercial recreation premises of uses conducted predominately outdoors including but not limited to driving ranges, miniature golf, swimming pools, water parks, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, motorized model airplane flying facility, paintball, laser tag, amusement parks, skateboard parks, basketball courts, batting cages, and trampoline facilities.

Outdoor eating area: Shall mean a privately owned outdoor location accessory and adjacent to premises where food may be sold and/or consumed not including the sale and/or consumption of alcohol. See "Beer garden."

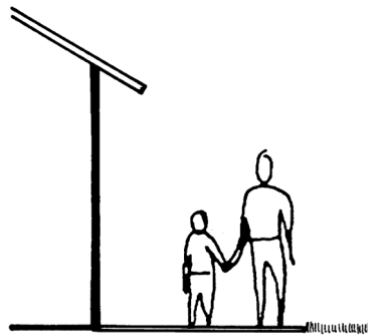
Outdoor shooting ranges: Shall mean the use of land for the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions such as turkey shoots.

Parking area: Shall mean a suitably surfaced and maintained area exclusive of any street, alley, or other access way, designed or used for the parking of motor vehicles.

Parking space, off-street: Shall mean a space within a parking area adequate for parking an automobile with room for opening doors on both sides and proper access to a public street or alley. Each space shall be situated within the parking area so that an automobile may be parked in any space without moving another automobile.

Particulate matter: Shall mean any material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

Patio: Shall mean a level, unenclosed surfaced area located at grade and usually directly adjoining or attached to a building.



Patio

Performance standard: Shall mean the criteria established to regulate uses according to the effects of their existence. Such criteria include, but are not limited to, noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat.

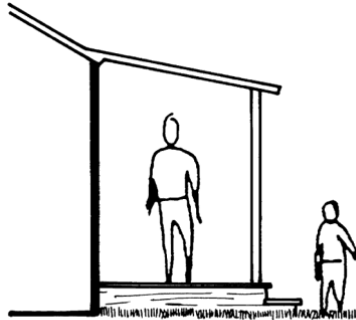
Plan: See "Site plan."

Planned development (PD): Shall mean an area of land, controlled by a single landowner, to be developed as a single entity for a number of dwelling units, and commercial and industrial uses, if any, the plan for which does not correspond in lot size, bulk or type of dwelling or commercial or industrial use established for any zoning district. Please see additional definitions in section 2.10.

Plant nursery: Shall mean an area where plants are grown for transplanting, for use as stocks for building and grafting or for sale.

Plat: Shall mean a map or document that shows a division of land and is intended to be filed for record and which conforms to the Plat Act of the State of Illinois and with the Boone County Subdivision Regulations.

Porch: Shall mean a platform, built above grade, projecting from the wall of a building and having direct access to or from the building to which it is attached. A porch has no solid walls other than the wall of the building to which it is attached. A porch may be enclosed with a mesh screen to keep out unwanted insects, but is otherwise exposed to the elements throughout the year.



Porch

Private recreation enterprises: Shall mean a recreation facility open only to bona fide members and guests of the private organization operating the facility.

Processing plant: Shall mean a building or an enclosed space used for the collection and processing of recyclable material. Processing means the preparation of material for efficient shipment or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

Public camp: Shall mean an area of land used or designed to be used to accommodate five or more camping parties, including cabins, tents, travel trailers, or other camping outfits.

Public parking area: Shall mean a n open, hard surfaced area, other than a street or public way intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half tons capacity and available to the public, whether for compensation, free or as an accommodation, to clients, or customers.

Queuing space: Shall mean the reserved space occupied by any number of cars that must be accommodated while awaiting ingress or egress to specified business or service establishments.

Rail Loop Line: A line which leaves a main line and then rejoins it later, continuing in the same direction. Significantly longer than a passing loop, its purpose may be to pick up goods for delivery to market by railway.

Rail Spur Line: Short, usually dead-end section of track used to access a facility or loading/unloading ramp.

Recreational vehicle: Shall mean any vehicle or boat originally designed for living quarters, recreation, or human habitation and not used as a commercial vehicle, including, but not limited to, the following:

- (i) **Boats** meaning any vessel used for water travel, a boat mounted on a trailer shall be considered one vehicle;
- (ii) **Camping trailers** meaning a folding or collapsible vehicle without its own motive power, designed as temporary living quarters for travel, camping, recreation or vacation use;
- (iii) **Motor homes** meaning a temporary dwelling designed and constructed for travel, camping, recreational or vacation use as an integral part of a self-propelled vehicle;
- (iv) **Off-road vehicles** meaning vehicles intended primarily for recreational use off of roads, e.g. dune buggy, go-cart, dirt bike, snow mobile, 4-wheeler;

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- (v) **Racing car/cycles** meaning vehicles intended to be used in racing competition, such as a race car or racing cycle, a racing car/cycle mounted on a trailer shall be considered one vehicle;
 - (vi) **Travel trailers** meaning vehicles without its own motive power, designed to be used as a temporary dwelling for travel, camping, recreational or vacation uses;
 - (vii) **Truck campers** meaning a structure designed primarily to be mounted on a pick-up truck or truck chassis and designed to be used as a temporary dwelling for travel, camping, recreational or vacation uses, when mounted on a truck, such structure shall be considered one vehicle;
 - (viii) **Vans** meaning noncommercial motor vehicles licensed by the State of Illinois as a recreational vehicle; and
 - (ix) **Vehicle trailers** meaning a vehicle without its own motive power that is designed to transport another vehicle, such as a boat, motorcycle or snowmobile for recreational or vacation use and that is eligible to be licensed or registered and insured for highway use, a vehicle trailer with a vehicle mounted on it shall be considered one vehicle.

Recycling collection center: Shall mean a use established entirely within an enclosed building where materials are received to be stored, baled, packed, disassembled, handled and made ready for bulk shipment. Recycled items are limited to paper, rags, glass, metal and plastic. Any cleaning of these items before, during or after disassembly shall entail collection of the cleaning liquid and debris in a closed bulk container and hauled off site by a licensed waste hauler. The permitted uses of such center do not include re-manufacturing which involves the chemical reaction of the material. This does not include the definition of "junk yard," defined herein, or the use of hazardous or toxic waste.

Relative living quarters: Shall mean a portion of a single-family residence, converted to include an accessory living area for elderly and/or handicapped relatives. These living quarters may not constitute a separate dwelling unit and they shall share the same utilities and same address as the primary residence.

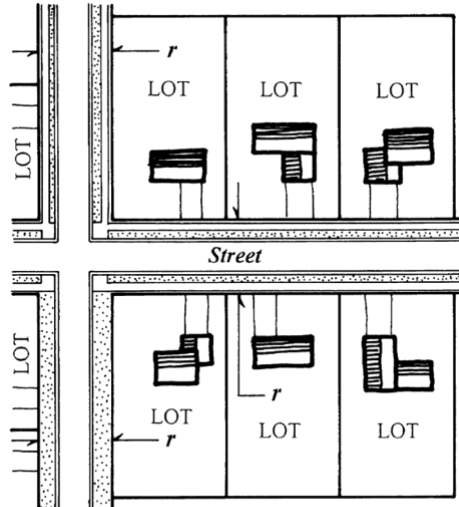
Residential: Shall mean regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

Residential property: Shall mean any lot or other tract of land zoned for or used for residential purposes.

Residential subdivision: Shall mean a development of land intended for residential use, the plat of which requires county board approval prior to its recording. Subdivision need not be zoned residential to be considered a residential subdivision.

Retail: Shall mean the sale of relatively small quantities of commodities and services directly to customers.

Right-of-way (R-O-W): Shall mean an area of land not on a lot, that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure, such as a street, alley, trail, water line, sanitary sewer, power or gas line. In no case shall a right-of-way be construed to mean an easement.



Right-of-Way (ROW) (r)

Roadside stand: Shall mean a temporary structure used for the display and sale of agricultural products, with no space for customers within the structure itself.

Sanitary landfill: Shall mean a method of disposing of refuse in a fashion that will prevent ecological degradation.

School: Shall mean a building or group of buildings maintained by the public or by a private organization for the purpose of education and which is accredited by the State of Illinois. Schools include grades Kindergarten through 12 but not trade schools that do not teach the state required courses for high school graduation in addition to the vocational instruction.

Seasonal tourist attraction: Shall mean a use, significantly agricultural in nature, which attracts tourism during a specific season of the year.

Selective cutting: Shall mean the one-time, continuing, or cumulative removal of trees by clearing, cutting, harvesting, or other destruction, including by fire, where the extent of such activity is limited to an area (or combined areas) of less than or equal to 30 percent of the woodlands existing on the property prior to such removal.

Self-service storage facility: Shall mean a building or set of buildings consisting of individual rental units of space each having its own door. Facilities may include outdoor storage spaces.

Setback: See "Building line."

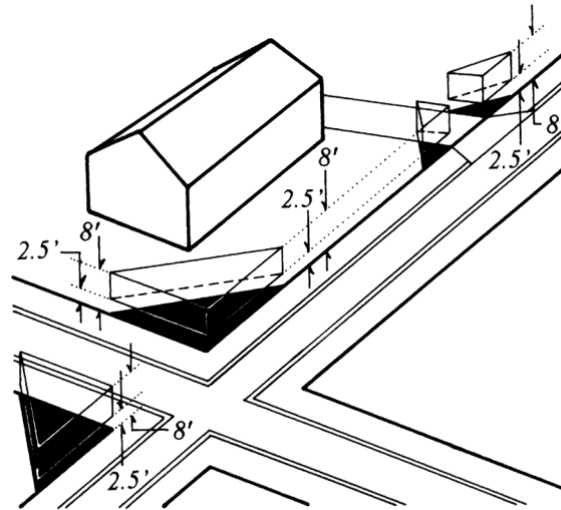
Sign: Shall mean any device (including but not limited to words, numerals, figures, emblems, pictures or any part or combination thereof) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties. The term sign shall not include any flag, badge, or insignia of any government unit, nor shall it include nonilluminated signs containing solely noncommercial copy such as memorial tablets.

Sign, advertising: Shall mean a sign which directs attention to a business, commodity, service, entertainment or other activity not exclusively related to the premises where such sign is located or to which it is affixed.

Site, building: Shall mean the ground area of a building or a group of buildings together with all open spaces as required by this ordinance.

Sign, business: Shall mean a sign which directs attention to a business or profession conducted, or to a commodity, service, entertainment or other activity sold or offered upon the premises where such sign is located or to which it is affixed.

Sight triangle: Shall mean a triangular area established on private property at the intersection of two streets or a street and a driveway in which nothing shall be erected, planted, or allowed to grow so as to limit or obstruct the sight distance of motorists and pedestrians. See further criteria in section 5.2.3.



Sight Triangle

Site plan: Shall mean a plan drawn to scale showing uses and structures proposed for a parcel of land. The plan includes lot lines, streets, landscape features, buildings, off-street parking and loading, and utilities as required by the regulations.

Slaughterhouse: Shall mean (1) an intensive agricultural use; (2) any building or premises used for the killing or dressing of cattle, sheep, swine, goats, horses or poultry and the storage, freezing and curing of meat and preparation of meat products.

Small rural business (SRB): A commercial enterprise conducted in a rural area within the A-1 and A-2 districts that is small in scale, subordinate at all times to established agricultural and/or residential uses and is owned and operated by the land owner or the resident on the premises of the business. Factors of a SRB to be considered are as follows:

- (1) Employ a minimal number of persons other than family members residing on the premises;
- (2) Be conducted from an accessory building or an approved facility;
- (3) Provide a service to the area or an attraction for tourists and travelers; and
- (4) Supplement the Boone County tax base.

If a SRB grows to become the dominant use and is no longer subordinate to the established use, the owner shall take action to relocate the business.

Solar energy: Shall mean radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use per section 1.2 of the Comprehensive Solar Energy Act of 1977.

Soil suitability: Shall mean that determined by "Predicted Soil Rating Sheet for Septic Suitability in Boone County-Reference #101" on file with the Boone County Health Department and Boone County Soil & Water Conservation District Office.

Special event: Shall mean a temporary permitted use of land or a structure not to exceed three calendar days above and beyond the permitted use. Examples include, but are not limited to, block party, festival, celebration, concert, or similar occurrence or event to be conducted for a charitable, historical, educational or public/civic purpose.

Stable: Shall mean a structure which is located on a lot and which is designed, arranged, used or intended to be used for housing horses for the private use of the lot owner.

Stable, commercial: Shall mean a building where horses are regularly kept for remuneration, hire, sale, boarding or riding.

Steep slopes: Shall mean more than one foot of elevation change for every 8.33 horizontal feet; a slope of 12 percent grade or more.

Story: Shall mean that part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if more than one-half of its height is above the average grade of the lot, or it is used for business purposes, or if it contains any dwelling unit.

Street: Shall mean a right-of-way established by a recorded plat to provide the primary means of access to abutting property.

Structural change: Shall mean any change or repair, other than incidental repairs, in the supporting members of a building or structure, or in the roof or exterior walls, which would prolong the life of the building or structure.

Structure: Shall mean anything constructed or erected that requires location on the ground or attachment to something having location on the ground. A sign, billboard, light poles, television, cell or radio towers, or other advertising medium detached or projecting shall be considered to be a structure. See also, Agricultural Structure.

Subdivision: Shall mean any division of land into two or more parts. Any subdivision that does not comply with the Illinois Plat Act 765 ILCS 205/0.01 *ab. sec.* shall comply with the Boone County Subdivision Regulations.

Thoroughfare: Shall mean a public right-of-way with a high degree of continuity and serving as an arterial traffic way.

Trade school: Shall mean a school conducted as a commercial enterprise for teaching industrial or technical skills.

Trailer: Shall mean any structure standing on wheels, towed, hauled or propelled by another vehicle, and used for short-term (not permanent) human occupancy, carrying materials, goods, or objects, or as a temporary office.

Truck stop: Shall mean a facility providing a full level of services to interstate truckers, inter-city bus operators, passengers and the automotive public. The center dispenses gas and diesel fuel, provides mechanical repairs, tire sales and associated services. It provides rest room and shower facilities, restaurant, convenience store, gift shops, money transfer services, check cashing, and lottery sales. The center may be operated on a 24-hour basis and can provide a truck laundry and overnight truck parking.

Ultralight: shall mean a powered air vehicle that is used or intended to be used for manned operation in the air by a single occupant weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation, has a fuel capacity not exceeding five U.S. gallons, is not capable of more than 55 knots (63 mph) calibrated airspeed at full power in level flight, and has a power-off stall speed which does not exceed 24 knots (28 mph) calibrated airspeed (also known as a single-place).

Use: Shall mean the purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

Use, accessory: Shall mean a subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located in the same lot as the principal building or use, except for such accessory facilities as are specifically authorized to be located elsewhere.

Use, permitted: Shall mean a use allowed in a particular district or districts as a matter of right, provided it conforms to all requirements, regulations, and standards of such district.

Use, principal: Shall mean the main use of land or buildings as distinguished from a subordinate or accessory use.

Use, special: Shall mean a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for particular use at the particular location, such special use may or may not be granted, subject to the terms of this ordinance.

Variation: Shall mean a relaxation of the strict terms of this ordinance where such complies with section 2.8 of this ordinance. A variation is only granted where a literal enforcement of this ordinance would result in unnecessary and undue hardship.

Veterinary hospital: Shall mean a place where animals or pets are given medical rehabilitation or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short time boarding and shall be incidental to such hospital use.

Vector: Shall mean any living agent, other than human, capable of transmitting directly or indirectly, an infectious disease.

Warehouse: Shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive (as defined in section 4.1.F).

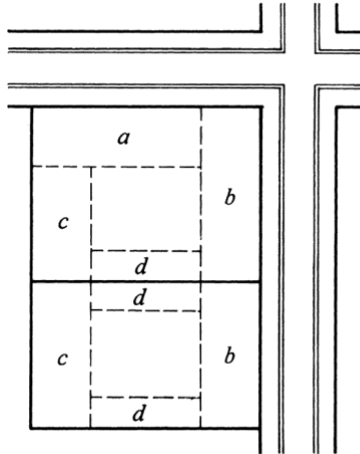
Wind energy conversion system (WECS): Shall mean a machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). See additional definitions in section 4.8.

Windrow: Shall mean an elongated pile of composting organic material constructed to promote composting. Piles shall not exceed 25 feet in height, 150 feet in width and 250 feet in length. An accessible clear space shall be maintained between windrows for housekeeping operations, visual inspections and for fire fighting operations.

Woodland: Shall mean areas of trees whose combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on the most recently available air photos of the county from a county-recognized flight and provider and verified by an on-site survey.

Woodland clearing: Shall mean the one-time, continuing, or cumulative removal of trees by clearing, cutting harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 30 percent of the woodlands on a property.

Yard: Shall mean an open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for permitted yard obstructions, and which extends along a lot line and at right angles or radial thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.



Yards:

- (a) *Corner Side Yard*
- (b) *Front Yard*
- (c) *Rear Yard*
- (d) *Side Yard*

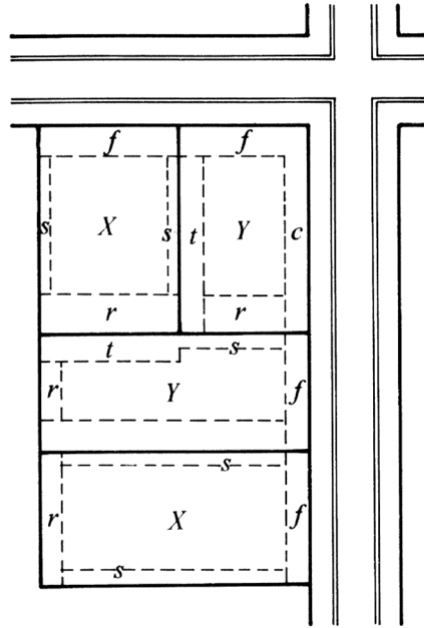
Yard, corner side: Shall mean a yard extending the full length of a corner side lot line and back to a line drawn parallel to the corner side lot line at a distance equal to the required corner side yard depth.

Yard, front: Shall mean a yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a distance equal to the required front yard depth.

Yard, rear: Shall mean a yard extending along the full length of a rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the required rear yard depth, but excluding any area encompassed within a required corner side yard.

Yard, side: Shall mean a yard extending along the full length of a side lot line and back to a line drawn parallel to the side lot line at a distance equal to the required side yard, depth, but excluding any area encompassed within a required front yard or rear yard.

Yard, transition: Shall mean the required front, side, corner side or rear yard on a lot in a commercial or industrial district and an adjoining residential district, or the required front, side, corner side or rear yard for a nonresidential use and adjoining residential uses in a residential district, except when such yard is adjacent a railroad right-of-way, alley or street.



Transition Yards (t)

Where

X = residential lot, and

Y = non-residential lot

f = Front Yard

c = Corner Side Yard

s = Side Yard

r = Rear Yard

Zone: See "District, zoning."

Zoning administrator: Shall mean the individual designated by the county board to administer this ordinance, or his or her designee, per section 2.1.

Zoning certificate: Shall mean a document signed by the zoning enforcement officer, as required by section 2.4 of this Code, which acknowledges that a use, structure, building, or lot either complies with or is legally nonconforming to the provisions of this zoning code, or is an authorized variation therefrom.

Zoning enforcement officer: Shall mean the individual employed by the county board to enforce this ordinance, or his or her designee, per section 2.2.

Zoning map amendment: Shall mean an amendment to the map of the Boone County Zoning Ordinance, and made a part hereof in section 3.1.3, which affects an individual parcel(s) of land.

Zoning text amendment: Shall mean an amendment to the text of the Boone County Zoning Ordinance and which affects the entire county.

(Ord. No. 09-23, § 1, 5-20-2009; Ord. No. 09-46, § 1, 9-16-2009; Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-36, § 1, 7-20-2011; Ord. No. 12-39, § 1, 12-19-2012; Ord. No. 14-44, § 1, 9-17-2014; Ord. No. 15-19, § 1, 7-15-2015; Ord. No. 17-09, § 1, 4-19-2017; 17-21, § 1, 10-18-2017; Ord. No. 19-10, § 1, 1-16-2019; Ord. No. 20-04, § 1, 3-18-2020)

CHAPTER 2. ADMINISTRATION, ENFORCEMENT, AND PROCEDURES

2.1. ZONING ADMINISTRATOR

2.1.1. Establishment.

The office of zoning administrator is hereby established. For the purpose of this section the director of planning, hereinafter referred to as zoning administrator, shall serve in this capacity. Such other employees of the

office of the zoning administrator shall be appointed by the zoning administrator with the approval of the county board.

2.1.2. Duties.

The zoning administrator shall administer this ordinance and in addition, he or she shall:

- A. Receive, file, and forward to the zoning board of appeals all applications and petitions for appeals, variations, or for other matters on which the board of appeals is required to act under this ordinance.
- B. Receive, file and forward to the zoning board of appeals all applications for the amendments, planned developments, special uses, or for other matters which under this ordinance require referral to the zoning board of appeals and/or the county regional planning commission.
- C. Maintain permanent and current records of this ordinance, including but not limited to maps, amendments, rules of practice and procedure of the zoning board of appeals, variations, appeals, and applications for any of the above, and records of hearings thereon including the recording of district amendments and special uses on the zoning district map.
- D. Maintain all zoning records which are a part of the administration of this ordinance.
- E. Decide or make recommendations on all other matters under this ordinance upon which the zoning administrator is required to act.
- F. Initiate, direct and review from time to time, a study of the provisions of this ordinance, and make reports of his recommendations to the zoning board of appeals, the county regional planning commission and the county board not less frequently than annually.
- G. Assist the office of the state's attorney in the development of proposed amendments to the provisions of this ordinance as may be necessary from time to time.
- H. Annually update and publish this ordinance or changes thereto including the zoning district map.
- I. Provide and maintain public information service relative to matters arising out of this ordinance.
- J. Give assistance to the zoning enforcement officer.

2.2. ZONING ENFORCEMENT OFFICER

2.2.1. Establishment.

The office of zoning enforcement officer is hereby established for the purpose of enforcing this ordinance.

2.2.2. Duties.

The zoning enforcement officer shall enforce this ordinance, and in addition, he or she shall:

- A. Examine and approve an application pertaining to the use of land or structures when the application complies with the provisions of this ordinance.
- B. Issue zoning certificates and such similar administrative duties as permissible under law, and make and maintain records thereof.
- C. Provide inspection of structures and uses of land to determine compliance with the terms of this ordinance, and where there are violations, initiate action to secure compliance.

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- D. Order discontinuance of illegal uses of land, buildings, or structures.
 - E. Order removal of illegal buildings or structures or illegal additions or structural alterations.
 - F. Order discontinuance of any illegal work being done.
 - G. Take any other action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance.

2.2.3. Violations.

Upon finding that any of the provisions of this ordinance are being violated, the zoning enforcement officer shall notify the property owner and offending party in writing of the action(s) necessary to correct such violation.

2.2.4. Appeal of decision of zoning enforcement officer.

An appeal of the decision of the zoning enforcement officer may be made to the zoning board of appeals as provided in section 2.9.

2.3. ZONING BOARD OF APPEALS

2.3.1. Establishment.

The Boone County Zoning Board of Appeals (ZBA) is hereby established.

2.3.2. Appointment.

Terms of office, vacancies, successors, appointments, etc. of the members of the zoning board of appeals shall be in accordance with requirements of the Illinois Compiled Statutes at the time of enactment of this amendment, and they shall continue to serve in the capacity for the remainder of the terms to which they have been duly appointed. Said members shall be eligible for reappointment upon completion of their present terms providing they meet all of the requirements for appointment. All members and such officers as are deemed necessary shall be appointed by the county board.

2.3.3. Length of term.

The zoning board of appeals shall consist of five members, each residing in a different township. Each member shall be appointed for a five-year term.

2.3.4. Vacancy.

Any vacancy shall be filled by appointment of the county board chairman for the unexpired term only.

2.3.5. Removal for cause.

The chairman of the county board shall have authority to remove any member of the zoning board of appeals for cause, after public hearing.

2.3.6. Jurisdiction.

The zoning board of appeals is hereby vested with the following jurisdiction and authority:

- A. To hear and decide appeals from any order, requirement, decision or determination made by the zoning enforcement officer under this ordinance.
- B. To hear and pass upon applications for variations from the term provided in this ordinance in the manner prescribed by, and subject to, the standards established herein.
- C. To hear all applications for special uses and amendments to this ordinance in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the county board.

2.3.7. Meetings and rules.

All meetings of the zoning board of appeals shall be held at the call of the chairperson and at such times as the board may determine. Hearings shall be conducted by said zoning board of appeals or a majority of its members and shall be open to the public. Any person may appear and testify at a hearing, either in person or by attorney. Other agents (those other than attorneys) must be authorized by original signature of the vested party. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. The zoning board of appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearing and other official actions. A copy of every rule or regulation, every amendment, and every order, requirement, decision or determination of the zoning board of appeals shall be filed immediately in the office of the zoning administrator and shall be a public record. The zoning board of appeals shall adopt its own rules and procedure, not in conflict with this ordinance or with the applicable Illinois Compiled Statutes.

2.3.8. Expenditures.

In the performance of its duties, the zoning board of appeals may incur such expenditures as are authorized by the county board.

2.4. ZONING CERTIFICATES

2.4.1. Issuance.

It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate has been issued by the zoning enforcement officer. It shall be the duty of the zoning enforcement officer to issue a certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof conforms to all the requirements of this ordinance. No permit for excavation, construction or reconstruction shall be issued by the zoning enforcement officer unless the plans, specifications and the intended use conform to the provisions of this ordinance.

2.4.2. Response to application.

Upon proper application from the owner or authorized agent, the zoning enforcement officer shall issue a zoning certificate for any building or premises existing at the time of enactment of this ordinance certifying, after

inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this ordinance.

2.4.3. Compliance with ordinance.

Any zoning certificate issued in conflict with the provisions of this ordinance shall be null and void.

2.4.4. Zoning certificate required.

Zoning certificate shall be required for any of the following:

- A. Construction or structural alteration of any building, including accessory buildings.
- B. Change in use of an existing building or accessory building to a use of a different classification.
- C. Occupancy and use (particularly a nonagricultural use) of vacant land.
- D. Change in the use of land to a use of a different classification.
- E. Any change in the use of a nonconforming use.
- F. Any adult use establishment, per section 4.12.

2.4.5. Application and issuance.

The following shall apply to the issuance of zoning certificates:

- A. Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. Said certificate shall be issued within a reasonable time period after a written request for the same has been made to the zoning enforcement officer or his agent, provided such construction or alteration is in conformity with the provisions of this ordinance.
- B. Written application for a zoning certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the zoning enforcement officer. If the proposed use is in conformity with the provisions of this ordinance, the certificate therefore shall be issued within a reasonable time after the application for same has been made.
- C. Every application for a zoning certificate shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.
- D. The applicant shall be notified within 30 days in case of a refusal of their zoning certificate. Failure to notify the applicant shall entitle the applicant to a zoning certificate unless the applicant consents to an extension of time.

2.5. PROJECT REVIEW PROCEDURES

2.5.1. Site plan requirements.

Each plan shall show:

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- A. The street providing access to the lot and the exact location of the lot in relation to the nearest cross street. A location map shall be provided.
 - B. The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
 - C. Map scale and north arrow.
 - D. The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure(s) thereon.
 - E. The location and size of the proposed structure(s), and/or the proposed enlargement of the existing structure.
 - F. Any other information which in the judgment of the zoning administrator may be necessary to provide for the enforcement of this ordinance.

2.5.2. Required statements.

Each plan shall bear statements declaring:

- A. That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
- B. Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of transfer of title.

2.5.3. Survey required.

Where complete and accurate information is not readily available from existing records, the zoning administrator may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.

2.5.4. Correct information.

Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.

2.5.5. Filing procedure.

A file of such applications and plans shall be kept in the office of the zoning administrator. If, after examination, it appears that the proposed development or use of the site will be in compliance with this section and such other ordinances and resolutions passed by the county board applicable thereto, the zoning administrator shall approve such application and issue the appropriate permit as soon as practicable. If the examination reveals otherwise, the application shall be rejected and the zoning administrator's findings shall be noted in a written report to be attached to the application. A copy of the report shall be provided to the applicant upon request.

2.5.6. Application fees.

Fees shall be charged in accordance with the fee schedule adopted by the Boone County Board.

2.5.7. Development permit requirements.

- A. All work performed under a development permit shall conform to the approved application and plans, and approved amendments thereto.
- B. A copy of the development permit shall be posted in a conspicuous place on the premises, in plain view from a public road, during the execution of the work and until completion of the same.
- C. A development permit under which no work is commenced within 12 months after issuance shall expire by limitation and a new development permit shall be secured before work is started.

2.5.8. Revocation of a permit.

The zoning administrator may revoke a permit in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit was based. The zoning administrator may revoke a permit when work is performed contrary to the provisions of the application or plans on which the permit is based. When a permit is revoked, the zoning administrator shall inform the permittee in writing of the specific steps the permittee must take in order to have the permit reissued. It shall be unlawful to continue any work authorized by a permit after revocation of that permit and until the permit is reissued or until a new permit is issued.

2.5.9. Violations.

- A. *Penalties.* It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this ordinance or any amendment or supplement thereto adopted by the county board. Once a special use permit is utilized by the holder of a permit, it shall be unlawful to fail to comply with any condition or restriction that the county board has imposed as a condition precedent to the granting of that special use permit under section 2.7 of the Boone County Zoning Code. Any person, firm, company, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, shall, upon conviction be fined not more than \$500.00 plus the costs of the prosecution for each offense. Each day that a violation continues to exist shall constitute a separate offense.
- B. *Remedies.* In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this ordinance or any amendment or supplement thereto, or the holder of a special use permit fails to comply with a condition or restriction imposed by the county board as a condition precedent to the granting of that special use permit, the county board, the state's attorney, the zoning administrator, the zoning enforcement officer, or any person the value or use of whose property is or may be affected by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

2.5.10. Reimbursement for consultant/outside staff review time.

Every applicant for rezoning, special use permit, planned development, concept plan, preliminary plat or plan, final development plat or plan, or site plan review involving new parking facilities in any commercial or industrial district shall reimburse the county for expenses incurred by the county in connection with all legal, engineering, land planning and other professional services required during the review of applications required by this title and to assure compliance with the standards contained in this title.

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- A. The applicant shall deposit into a specified account with the county at the time of each application an amount not less than \$500.00 and not more than \$2,500.00. The amount shall be determined by the county administrator or zoning administrator and shall be based upon the expected complexity of the proposed application and the anticipated amount of time required by the county's consultants to review the application and supporting documentation. The final fee billed to the applicant may be more or less than the county administrator or zoning administrator's estimate.
 - B. Such expenses shall include, but are not limited to, the following:
 - 1. Meetings with the applicant will be charged at prevailing hourly charges of all outside staff members and consultants deemed necessary by the county; and,
 - 2. The prevailing hourly charges of all outside staff members and consultants, deemed necessary by the county, for time spent on reviewing applications.
 - C. All proceedings in connection with the rezoning, special use permit or planned development shall be stayed until such sum so designated is deposited with the county as required.
 - D. Upon submission of bills by the attorney, engineer, planner or other consultant hired to review the application, the county shall pay these fees out of the specified account. At such time the balance of the account reaches one-fourth of the original amount deposited, the county administrator may demand from the applicant a sum of money that, in addition to the balance of the account shall equal the amount originally required by the county, or such lesser fraction thereof that the county administrator may in such case determine.
 - 1. All proceedings with regard to such rezoning, special use permit, or planned development shall be stayed until said subsequent demands for payment of fees shall be deposited in said account.
 - 2. Any demand or subsequent demand of the county not deposited by the applicant within ten days of the date of the demand shall, at the discretion of the county board and upon written notice to the applicant, terminate and render null and void the application for the proposed rezoning, special use permit, or planned development.
 - E. The county shall present a final statement by the attorney, engineer, planner or other consultant hired to review the application within 60 days of the approval of the application. If, upon payment of these fees, any balance is remaining in the specified account, said balance shall be returned and repaid to the applicant.

2.6. AGRICULTURAL LAND EVALUATION AND SITE ASSESSMENT SYSTEM (LESA)

2.6.1. Purpose.

The zoning board of appeals and the planning commission shall utilize the Agricultural Land Evaluation and Site Assessment System, commonly known as LESA, as described by the United States Soil Conservation Service, when deciding the following issues:

- A. The determination of which lands should be set aside for agricultural use;
- B. The conversion of agricultural land to nonagricultural uses; and,
- C. The construction of sewer, water and transportation projects in agricultural areas.

2.6.2. Intent.

The LESA System is intended to be used as one of several tools of evaluation when making a land use decision.

2.6.3. Establishing LESA regulations.

The zoning board of appeals and the planning commission, after consultation with the zoning administrator, may organize the LESA committee to promulgate such rules and regulations necessary to implement, update, or revise the LESA System and said rules and regulations shall be enforceable to the degree and in the same manner as this ordinance.

2.6.4. Enacting LESA scores.

The zoning administrator and his/her staff will implement the rules and regulations of the system to generate a score for each individual property or project.

2.6.5. LESA committee.

The following persons shall comprise a LESA committee:

- A. The zoning administrator;
- B. A member of the county board, appointed by the chairperson of the county board with the county board's advice and consent;
- C. The chairperson of the zoning board of appeals;
- D. The chairperson of the county regional planning commission;
- E. The District Conservationist of the U.S. Soil Conservation Service in Boone County;
- F. The Chairperson of the Board of Directors of the Boone County Soil and Water Conservation District;
- G. A representative of the county health department; and,
- H. Any other person(s) which the above members select by majority vote.

2.6.6. Jurisdiction.

The LESA committee shall:

- A. Review the rules and regulations enacted in section 2.6.3 and from time to time propose any amendments or additions thereto to the zoning board of appeals and the county regional planning commission;
- B. Upon request by the county board, the zoning board of appeals or the planning commission, appear before and inform said committees of the status of their investigations or of agricultural matters;
- C. Establish a site assessment subcommittee, which shall be chaired by the zoning administrator; and,
- D. Establish a land evaluation subcommittee, which shall be chaired by the District Conservationist of the U.S. Soil Conservation Service.

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- E. Upon request by either the zoning board of appeals or the county regional planning commission regarding the issues in section 2.6.1 evaluate any parcel of agricultural land per the LESA System, and submit a written report of its evaluation and recommendation(s) to the appropriate parties.

2.7. SPECIAL USES

2.7.1. Purpose.

Because of their unique and/or potentially harmful characteristics, and as set forth in the Illinois Compiled Statutes, certain uses set forth in this ordinance shall be located in a district or districts only upon consideration in each case of the impact of such use upon neighboring land and of the public need for such a use at the particular location. Such uses, hereby designated as special uses, fall into three categories:

- A. Public or quasi-public uses either municipally operated, or operated by regulated public utilities, or traditionally affected by a public interest;
- B. Uses entirely private in character but of such nature that their operation may give rise to unique, special, or unusual impacts upon the use or enjoyment of neighboring property or public facilities; and
- C. Uses that affect planned developments.

2.7.2. Authorized special uses.

The county board may authorize, by ordinance, the establishment, operation or construction of any special use as designated in each of the zoning districts. All of the other applicable provisions of this ordinance, including the requirements and restrictions of the zoning district in which the proposed special use is to be located, shall be applicable to the establishment and maintenance of such special use unless the ordinance authorizing the establishment or construction of the particular special use expressly provides otherwise. Subject to the findings contained in section 2.7.3, the county board shall have authority to permit special uses as designated in each of the zoning districts of land or structure, or both, provided it shall find that the proposed special use will comply with the findings contained in section 2.7.3.

2.7.3. Findings.

A special use permit shall be granted only if the county board finds evidence of the following:

- A. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;
- B. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and
- C. The proposed structure or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations, and
- D. Such other standards and criteria as are established by the ordinance for a particular special use as set forth in section 2.7.4 and as applied to planned developments as set forth in section 2.10 shall apply to the property for as long as the special use permit is in effect, and

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- E. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the county board pursuant to the recommendations of the zoning board of appeals.
 - F. That the potential public benefits of the special use outweigh any potential adverse impacts of the special use after taking into consideration the applicant's proposal and any requirement recommended by the applicant to ameliorate such impacts.

2.7.4. Conditions.

The zoning board of appeals may recommend and the county board may impose such conditions or restrictions upon the location, construction, design and operation of a special use as they shall respectively find necessary or appropriate to secure compliance with the standards set forth herein.

In cases in which a special use is granted, the county board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restrictions imposed shall constitute a violation of this ordinance.

- A. All conditions and restrictions regarding nonoperational requirements shall be satisfied prior to the commencement of the special use.
- B. When a certificate of occupancy is required, all conditions and restrictions regarding nonoperational requirements shall be satisfied before the building officer issues a certificate of occupancy following a final inspection of the premises intended to accommodate the special use.
- C. In any case, except those discussed in this subsection, all conditions, restrictions and guarantees including those addressed by A. and B. above, shall be satisfied within one year from the date of granting thereof.

2.7.5. Procedures.

- A. *Authorization.* The county board is authorized to issue a special use permit for those listed in the table of permitted uses, section 3.16, and for planned developments, subject to the standards set forth in section 2.10 and such conditions as may be imposed pursuant to section 2.7.4. Prior to the issuance of any special use permit, a public hearing shall be held and published notice shall be given, in the manner prescribed in section 2.7.5.E.
- B. *Pre-application meeting (Optional).* Prior to application, any person or group may meet with the zoning administrator or his/her staff to evaluate permitting options for a given property, and particularly for controversial uses, the meeting should include the state's attorney, zoning enforcement officer, zoning administrator, county engineer, township road commissioner, a representative from each of the county health department and county soil and water conservation district.
- C. *Application for special use.* Any person having a proprietary interest in the premises may file an application for a special use with the zoning administrator. The application shall be in such number, in such form, and contain such information as the zoning administrator may prescribe. The zoning administrator shall process such application and hearing shall be held in the manner prescribed below.
- D. *Recommendation of zoning administrator.* The zoning administrator shall review the application for special use and send his findings and recommendations to the county regional planning commission and the county zoning board of appeals. The zoning administrator shall apply the standards, conditions, and requirements contained in this ordinance to the special use under review.

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- E. *Recommendation of regional planning commission.* Prior to consideration of the special use application by the zoning board of appeals, the county regional planning commission shall review and evaluate the special use request for consistency with the county comprehensive plan. The commission's report and recommendation shall be forwarded to the zoning board of appeals for its consideration.
 - F. *[Reserved.]*
 - G. *Public hearing notice.* Notice of hearing shall be published at least once, not more than 30 days or less than 15 days before the hearing, in conformance with the requirements of Illinois Compiled Statutes. This includes providing notice to municipalities within one and one-half miles of the proposed special use.
 - H. *Court reporter required.* A certified court reporter shall record all public hearings before the zoning board of appeals. The cost of the court reporter and all transcripts shall be born by the applicant. The zoning administrator may, at his discretion, waive the requirement for a court reporter.
 - I. *Report of hearing.* Following the hearing, the zoning board of appeals shall transmit to the county board a written report giving its findings as to compliance of the proposed special use with the standards governing special uses and giving its recommendations for action to be taken by the county board.
 - J. *Conditions.* The zoning board of appeals may recommend and the county board may impose such conditions or restrictions upon the location, construction, design and operation of a special use, including but not limited to, provisions for off-street parking spaces and the duration of such permit, as they shall respectively find necessary or appropriate to secure compliance with the standards set forth in section 2.7.4, section 2.10, and in chapter 4 of this ordinance.
 - K. *Action by county board.* After receiving the recommendations and report of the zoning board of appeals, the county board shall review the recommendations and report and may accept or reject the findings and recommendations of the zoning board of appeals in whole or in part; or the county board may refer the matter back to the zoning board of appeals for further consideration; or, in the case of rejecting the zoning board of appeals' recommendation and findings, the county board may or grant or deny the special use request.

2.7.6. Effect of denial of a special use.

No application for a special use which has been denied wholly or in part by the county board shall be resubmitted, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the county board.

2.7.7. Termination of a special use permit.

- A. If the proposed special use is not established within 12 months from the date of the authorization by the county board, or if the conditions of approval established by the county board are not constantly satisfied while the special use is established and/or operating, the authorization shall become null and void and all rights thereunder shall lapse. Upon written application, the county board may authorize an extension of the time limit for a period of not more than one year.
- B. In any case where a special use has been established and has satisfied its conditions of approval is then discontinued for a period of at least one year or discontinues satisfying its conditions of approval for one year, then, without further action by the county board, the special use and authorization thereof shall be null and void, unless upon the permittee's requested review by the county board prior to the end of said year, circumstances beyond the control of the permittee indicate that continuance of the use has been impossible.
- C. This time limitation shall not apply to any real property or interest in real property owned by federal, state or local government, including but not limited to fire districts and school districts. This time limitation shall not

apply to any real property or interest in real property owned by any entity that has received tax exempt status from the federal government or whereupon the land in question has been granted current tax exempt status by the Boone County Board of Review.

2.7.8. Additional standards and criteria.

In addition to the standards and criteria established in this section 2.7, no special use permit shall be granted unless evidence is presented to establish that the standards and criteria for the following uses set forth in chapter 4 of this ordinance are satisfied: airports, restricted landing areas, ultralight land area (for six or more craft), mobile home parks, earth materials extraction, wind towers (WECS), adult entertainment establishments, accessory relative living quarters, planned developments, and group homes.

2.8. VARIATIONS

2.8.1. Purpose.

The zoning board of appeals shall determine and vary the regulations of this ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the zoning board of appeals makes a findings of fact based upon the standards hereinafter prescribed, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.

2.8.2. Authorized variations.

Variations from the regulations of this ordinance shall be granted by the zoning board of appeals only in accordance with the standards, as set forth in this section, and may be granted only in the following instances, and in no others:

- A. To permit any yard or setback requirements less than the applicable regulations or to permit building bulk (height or size) requirements greater than the applicable regulations.
- B. To permit any sign bulk requirements (height or size) greater than the applicable regulations as outlined in section 5.6 signs and outdoor advertising.
- C. To permit lot frontage (street frontage) less than the lot frontage required by the applicable regulations for an existing, landlocked tract with an existing residence, both of which existed prior to May 10, 1978.
- D. To permit the same off street parking facility to qualify as required off street parking for two or more uses, provided that the use of such facility by each use does not take place at approximately the same hours of the same days of the week, thereby causing the facilities to be inadequate for either user.
- E. To reduce the applicable off street parking or off-street loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater.
- F. To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served.

(Ord. No. 10-32, § 1, 6-16-2010; Ord. No. 11-45, § 1, 10-19-2011)

2.8.3. Application.

An application for a variation shall be filed with the zoning administrator on a prescribed form. The application shall contain such information as the zoning board of appeals may require.

2.8.4. Notification requirements.

- A. *Notice of public hearing.* Notice of hearing shall be published at least once, not more than 30 days or less than 15 days before the hearing. The notice shall be in compliance with 55 ILCS 5/5-12009.
- B. *Notice posted on the property.* A posted notice of public hearing shall be placed on the property, in an unobstructed view from a public roadway, on county board approved notice boards. Supplemental or additional notices may be published or distributed as the board may, by rule, prescribe.

2.8.5. Findings for the variation.

The zoning board of appeals shall not vary the regulations of this ordinance, as authorized herein, unless it shall make findings based upon the evidence presented to it in each specific case that there are practical difficulties or particular hardships in the way of carrying out the strict letter of regulations of this Zoning Ordinance due to the following findings of fact:

- A. The particular physical surroundings, shape, topographical, or other on-site condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were carried out.
- B. The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification.
- C. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
- D. The owner of the property has not created the alleged difficulty or hardship.
- E. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- F. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood or adversely affect the health, morals, or general welfare of the public.
- G. That the potential public benefits of the variation outweigh any potential adverse impacts of the variation after taking into consideration the applicant's proposal and any requirement recommended by the applicant to ameliorate such impacts.

2.8.6. Conditions.

The zoning board of appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this ordinance.

2.8.7. Decisions.

The concurring vote of three members of the zoning board of appeals shall be necessary to approve a variation. All decisions shall be subject to judicial review as may be provided by law.

2.8.8. Administrative variations.

Per 55 ILCS 5/5-12009, the zoning administrator may, without a public hearing, grant and enforce a variation of less than ten percent of the regulations as set forth above. A notice of the intent to grant such variation will be sent by certified mail, at applicant's cost, to all adjoining landowners, who will have 30 days to respond with a written objection. If an objection is received, the variation shall be given a public hearing by the zoning board of appeals in the manner prescribed in this section 2.8.

2.9. APPEALS

2.9.1. Applicability.

An appeal to the zoning board of appeals may be made by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the zoning enforcement officer under this ordinance in accordance with Illinois Compiled Statutes and the following:

2.9.2. Filing procedures.

An application for an appeal shall be filed with the zoning administrator within 20 days of the date of the action from which the appeal is being filed for processing. The zoning administrator shall forward a notice of appeal specifying the grounds there of, and he shall forthwith transmit to the zoning board of appeals, all the papers constituting the record upon which the action appealed from was taken.

2.9.3. Effect of an appeal.

An appeal stays all the proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the zoning board of appeals, after the notice of appeal has been filed with him, that by reason of fact stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a vote of the zoning board of appeals.

2.9.4. Hearing and decisions.

The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. At the hearing any party may appear in person or by attorney. The zoning board of appeals may affirm or may on the concurring vote of four members reverse wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be done or made on the premises, and to that end shall have all the powers of the office from whom the appeal was taken.

2.10. TEXT AND MAP AMENDMENTS, COMPREHENSIVE PLAN AMENDMENTS

2.10.1. General procedure for zoning text amendments.

- A. *Application for Zoning Ordinance text amendment.* Where an amendment to text of this title is proposed by someone other than county staff, the zoning board of appeals or county board, an application requesting the amendment shall be filed with the zoning administrator.
- B. *Typographical or drafting errors.* Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors in the Zoning Ordinance may be adopted by the county board at a regular meeting without the posting or personal delivery of prior notice and without a public hearing.
- C. *Notice of application.*
 - 1. *Notice to interested official bodies.* Upon receipt of an application for an amendment, the planning office shall notify such Boone County official bodies and units of local government, including but not limited to township road commissioners and township supervisors, as may be deemed necessary by the zoning administrator and the zoning board of appeals or such notice may be required to be provided by the petitioner.
 - 2. *Resources of other official bodies.* The Boone County Planning Office, Boone County Highway Department, Boone County Health Department and other interested official bodies may provide such data as is requested by the zoning board of appeals. Said data shall be made available for oral testimony and written memorandum at the time of a hearing or the continuation thereof, and shall likewise be subject to cross examination of interested parties. Said data may be used as a resource by the zoning board of appeals.
- D. *Application process.*
 - 1. *Staff review.* Upon receiving an application requesting an amendment, or upon an instruction from the county board, or zoning board of appeals, that it will consider a proposed amendment, the zoning administrator shall review the proposed amendment to evaluate its effect on the integrity of the ordinance, and its conformity with the comprehensive plan. The zoning administrator may deliver copies of the proposed amendment to appropriate government agencies for review and comment. Prior to the scheduled public hearing, the zoning administrator shall deliver to the zoning board of appeals a written report incorporating or summarizing the comments of the zoning administrator, planning consultant, other county departments, and other agencies.
 - 2. *Notification requirements.* Notice of hearing shall be published at least once, not more than 30 days or less than 15 days before the hearing, in accordance with the Illinois Compiled Statutes.
 - 3. *Action by the zoning board of appeals.*
 - a. The zoning board of appeals shall hold a public hearing on the proposed amendment.
 - b. In considering the amendment, the zoning board of appeals shall review the proposed amendment, the report of the zoning administrator, and any oral and written comments received by the zoning board of appeals before or at the public hearing or otherwise made part of the record of the zoning board of appeals on the application.
 - c. Following a public hearing, the zoning board of appeals shall transmit within 30 days to the county board a report thereon containing its recommendations for action to be taken by the county board.
 - 4. *Action by the county board.* After receiving the recommendations and report of the zoning board of appeals, the county board shall within 30 days review the recommendation and report and may pass the proposed amendment with out change, may reject it, or may recommit it to the zoning board of appeals for further consideration. When written protests are signed by five percent of the land owners

of the county, such proposed change or amendment shall not be passed except upon favorable vote of three-fourths of all members of the county board.

2.10.2. Amending the zoning map.

- A. *Application contents for zoning map amendment.* Every application for an amendment to the zoning map shall be accompanied by the following:
1. A plat, in duplicate, of the piece or parcel of land, lot(s), block(s), or parts or portions thereof, drawn to scale showing the actual dimensions of the subject property, according to the recorded plat of such land.
 2. A site plan, drawing to scale and in such form as may from time to time be prescribed by the zoning administrator showing the location, ground area, height, and bulk of all present and proposed structures, drives and off-street parking and loading spaces, the building lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the zoning administrator for the proper enforcement of this title;
 3. A legal description of the subject property;
 4. Evidence of ownership of the subject property and, if the applicant is not the record owner of the subject property, written consent of the record owner to make such application;
 5. A description of the activity to be conducted in sufficient detail to enable the zoning administrator to determine that there will be compliance with all of the applicable standards of this title; and
 6. Certification of notice. The applicant shall furnish, at or before the time of hearing, a written statement certifying that he has complied with the requirements of this subsection, including posting a public hearing notice sign on the subject property. Attached to the written statement shall be a list of all property owners notified in accordance with the Illinois Compiled Statutes, the returned notices which are undeliverable by the post office, a copy of the notice sent to each of the individuals therein specified.
- B. *Application process.*
1. *Filing an application.* Where an amendment to the official zoning map is proposed by someone other than the zoning board of appeals or county board, an application requesting the amendment shall be filed with the zoning administrator. The application shall be accompanied by a written statement from the applicant stating the basis for the request.
 2. *Staff review.* Upon receiving an application requesting an amendment, or upon an instruction from the county board or zoning board of appeals that it will consider a proposed amendment, the zoning administrator shall review the proposed amendment to evaluate its conformity with the comprehensive plan and this chapter. The zoning administrator may deliver copies of the proposed amendment to appropriate county departments and government agencies for review and comment. Prior to the scheduled public hearing, the zoning administrator shall deliver to the regional planning commission and the zoning board of appeals a written report incorporating or summarizing the comments of the zoning administrator, planning consultant, or county departments, and other agencies.
 3. *Notification requirements.* Notice of hearing shall be published at least once, not more than 30 days or less than 15 days before the hearing, in accordance with the Illinois Compiled Statutes.

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4. *Property notice.* The posting shall be placed on the property, in an unobstructed view from a public roadway, on county board approved notice boards. Supplemental or additional notices may be published or distributed as the board may, by rule, prescribe from time to time.
 5. *Action by the zoning board of appeals.*
 - a. The zoning board of appeals shall hold a public hearing on the proposed amendment.
 - b. In considering the amendment, the zoning board of appeals shall review the proposed amendment, findings set forth in section 2.10.2.C. below, the report of the zoning administrator, and any oral and written comments received by the zoning board of appeals before or at the public hearing or otherwise made part of the record of the zoning board of appeals on the application. Based on this information, the zoning board of appeals shall submit, within a reasonable time, a report including a determination of findings and a recommendation to the county board on whether or not the proposed amendment should be adopted.
 6. *Action by the county board.* After receiving the recommendations and report of the zoning board of appeals, the county board shall, within 30 days, review the recommendations and report and may accept the findings and recommendations of the zoning board of appeals in whole or part or may reject them in whole or in part, or the county board may refer the matter back to the zoning board of appeals for further consideration.
- C. *Findings of fact.* The board of appeals shall base its findings on evidence produced in the hearing. The board of appeals shall submit its findings of fact with its recommendation to the county board. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the board of appeals shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
1. Existing uses of property within the general area of the property in question.
 2. The zoning classification of property within the general area of the property in question.
 3. The suitability of the property in question for the uses permitted under the existing zoning classification.
 4. The trend of development, if any, in the general area of the subject property, including changes, if any, which may have taken place since the day the subject property was placed in its present zoning classification.
 5. Whether the proposed amendment is consistent with the plans and policies of the official Comprehensive Plan adopted by Boone County.
 6. That the potential public benefits of the amendment outweigh any potential adverse impacts of the amendment after taking into consideration the applicant's proposal to ameliorate such impacts.
- The zoning board of appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest.
- D. *Protest against amendment.* In case of written protest against any proposed amendment, signed and acknowledged by the owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered, and filed with the county clerk, the amendment shall not be passed except by a favorable vote of three-fourths of the county board. In such cases, a copy of the written protest shall be served upon the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

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- E. *Objection by county.* In cases where the land affected lies within one and one-half miles of the limits of a zoned municipality, and that municipality objects by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent to the land to be affected by the proposed map amendment, filed with the county clerk, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the county board.

2.10.3. Procedure for county comprehensive plan amendments.

- A. *The role of the comprehensive plan in administration of this ordinance.* The comprehensive plan of the county board shall serve as the basic policy guide for the administration of this ordinance. The comprehensive plan is a statement of goals and policies to guide new development and redevelopment in the county. It therefore, is the intent of the county to administer this ordinance in accordance with the comprehensive plan. The goals and policies of the comprehensive plan may be amended from time to time to meet the changing requirements of the county. Such amendments may at times be necessary to accommodate proposed development or redevelopment of property that may be inconsistent with the comprehensive plan. This section establishes the procedures for amending the comprehensive plan.
- B. *Initiation of amendments.* An amendment to the comprehensive plan may be initiated only by the regional planning commission, the county board, the zoning administrator, or the owner of property proposing development of such property under this ordinance that may be inconsistent with the comprehensive plan.
- C. *Typographical or drafting errors.* Notwithstanding any other provisions set forth above, amendments to correct typographical or drafting errors in the comprehensive plan may be adopted by the county board at a regular meeting without the posting or personal delivery of prior notice and without a public hearing.
- D. *Application for amending the comprehensive plan.*
1. *Filing an application.* Where an amendment to the comprehensive plan is proposed by someone other than the regional planning commission, the zoning administrator, or county board, an application requesting the amendment shall be filed with the zoning administrator. The application shall be accompanied by a written statement from the applicant stating the basis for the request.
 2. *Staff review.* Upon receiving an application requesting an amendment, or upon an instruction from the county board, or regional planning commission, that it will consider a proposed amendment, the zoning administrator shall review the proposed amendment to evaluate its effect on the integrity of the comprehensive plan and this chapter. The zoning administrator may deliver copies of the proposed amendment to appropriate government agencies for review and comment. Prior to the scheduled public hearing, the zoning administrator shall deliver to the regional planning commission a written report incorporating or summarizing the comments of the zoning administrator, planning consultant, other county departments, and other agencies.
 3. *Notification requirements.* No hearing shall be held on an application unless at least 15 days notice of the time and place of such hearing shall be published in an official paper of general circulation in the county in accordance with Illinois Compiled Statutes.
 4. *Action by the regional planning commission.*
 - a. The regional planning commission shall hold a public hearing on the proposed amendment.
 - b. In considering the amendment, the regional planning commission shall review the proposed amendment, the standards set forth in section 2.10.3.E., the report of the zoning administrator, and any oral and written comments received by the regional planning commission before or at the public hearing or otherwise made part of the record of the regional planning commission on the application. Based on this information, the regional planning commission shall submit, within

a reasonable time, a report and recommendation to the county board on whether or not the proposed amendment should be adopted.

5. *Action by the county board.* After receiving the recommendations and report of the regional planning commission, the county board shall, within 30 days, review the recommendations and report and may accept the findings and recommendations of the regional planning commission in whole or part or may reject them in whole or in part, or the county board may refer the matter back to the regional planning commission for further consideration
- E. *Standards for reviewing proposed comprehensive plan amendments.* In deciding whether to recommend adoption of a proposed amendment to the comprehensive plan, the regional planning commission shall consider whether the amendment is necessary based on one or more of the following factors:
1. There has been a change in projections or assumptions (such as demographic trends or the availability of public facilities) from those on which the comprehensive plan is based; or
 2. The data used as the basis for formulating the comprehensive plan are in error or out of date; or
 3. New issues or needs have presented themselves to the county that are not adequately addressed in the comprehensive plan; and
 4. The amendment will not adversely affect the character of the area in which the proposed development is to be located.

2.11. PLANNED DEVELOPMENTS

2.11.1. Purpose.

It is recognized by the county that new types, procedures and relationships in land development are emerging and that the mixing of uses and variations in bulk regulations within districts can produce very satisfactory, desirable and lasting results, if properly designed and planned, without adverse influence upon surrounding property. The following standards are established to provide flexibility to encourage sound and imaginative design, and to guard against the use of the planned development technique solely as a means to intensify the use of land. In addition to the standards and criteria established in section 2.7, no special use permit shall be granted for a planned development unless evidence is presented to establish the standards and criteria set forth herein.

2.11.2. Objectives.

The planned development is intended to encourage improved design in the development of land by providing relief from traditional zoning requirements which are designed for conventional development but which may cause undue hardship or complication for desirable but unconventional development, and to establish standards and procedures for the issuance of a special use permit for a planned development in order to obtain the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is normally possible through the strict application of general Zoning Ordinance requirements.
- B. Diversification of the uses permitted and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived as cohesive unified projects.
- C. Provision for functional and beneficial use of open space.

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- D. Preservation, to the greatest extent possible, of the archeological and historic resources and natural landscape features and amenities of a development site and to utilize such features in a harmonious fashion in the development.
 - E. Provision for a safe and desirable environment characterized by a sensitive and unified building and site development program.
 - F. Rational and economic development in relation to public services.
 - G. Creation of a variety of uses, in compatible arrangements, to provide a greater choice of living, employment and shopping environments.
 - H. Efficient use of land resulting in more economic networks of utilities, streets and other facilities.
 - I. Coordination of architectural styles, building forms and relationships, graphics and other private improvements.

2.11.3. Modification of district regulations.

Planned developments shall be constructed in each zoning district as a special use subject to the standards and procedures set forth in this article:

- A. Except as modified by and approved in the ordinance approving a final development plan, a planned development shall be governed by the regulations of the district or districts in which the said planned development is located.
- B. The ordinance approving the final development plan for the planned development may provide for such exceptions from the district regulations governing use, density, area, bulk, parking and signs, and the subdivision design standards as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this section. No modifications of district requirements or subdivision design standards may be allowed when such proposed modification would result in:
 - 1. Inconvenient or unsafe access to the planned development.
 - 2. Traffic congestion in the streets which adjoin the planned development.
 - 3. An undue or disproportionate burden on public parks, recreational areas, fire and police protection, schools, and other public facilities which serve or are proposed to serve the planned development.
 - 4. A development which will be incompatible with the purpose of this Zoning Ordinance and the goals and objectives of the Boone County Comprehensive Plan;
 - 5. Alteration, destruction, or diminution of natural landscape features such as floodplains, wetlands, fens, woodlands, prairie, rock outcroppings, seeps, springs, or steep slopes; and
 - 6. Alteration, destruction of archeological and historic features.
- C. The zoning board of appeals may recommend to the county board and the county board may grant a special use permit which modifies the applicable district zoning regulations and subdivision regulations upon a written finding by the zoning board of appeals that the planned development meets the applicable objectives and standards and criteria contained in this section. Such written finding shall set out the reasons supporting each finding and shall support each of the following standards and the applicable provision hereof.

2.11.4. General standards and criteria for planned developments.

No planned development shall be authorized by the county board unless the zoning board of appeals shall find evidence establishing that:

- A. The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the Boone County Comprehensive Plan.
- B. The proposed development can be substantially completed within the period for time specified in the schedule of development submitted by the applicant.
- C. The entire tract or parcel of land to be occupied by the proposed development shall be held in a single ownership, or if there are two or more owners, the application for such proposed development shall be filed jointly by all such owners.
- D. The development plan shall contain such proposed covenants, easements and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary for the welfare of the planned development and are not inconsistent with the best interests of the county. Such covenants, easements and other provisions, when part of the approved final development, may be modified, removed or released only with the consent of the county board after a public hearing before, and recommendation by the zoning board of appeals as provided in this article.
- E. Provisions for sanitary sewers, storm sewers and water supply, if utilized, to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments, or overload local facilities beyond design capacity, or endanger or impair the ecological systems in the county.
- F. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities is compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or access ways, is landscaped or otherwise improved.
- G. The project area is adaptable to unified development and shall have within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness. There is no minimum project area for planned development.
- H. The uses permitted in the development are necessary or desirable and the need for such uses is clearly demonstrated by the applicant.
- I. The dominant land use of the proposed planned development is consistent with the recommendations of the Boone County Comprehensive Plan for the area containing the project.
- J. Any modifications of the standards and specifications of this ordinance or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the public general welfare.
- K. Exceptional landscaping features such as larger caliper, varied species and reduced spacing of trees and additional sodding above the minimum requirements specified in section 5.4 is provided.
- L. All proposed streets and driveways are adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned development. Entrance points or locations of streets and driveways upon previously existing public roadways shall be subject to the approval of the township, and if applicable, the Boone County Highway Department, and the Illinois Department of Transportation. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, the county

board may require, as a condition of approval of a proposed planned development, such devices to be provided at the developer's cost.

- M. Off-street parking is conveniently accessible to all dwelling units and other uses in the planned development. Where appropriate, common driveways, parking areas, walks, and steps to parking and service areas are to be screened through ample use of trees, shrubs, hedges, land forms and walls.
- N. A pedestrian circulation network is provided.
- O. The planned development provides for underground installation of utilities (including electricity and telecommunications) in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of stormwater management facilities employing best management practices to provide low-impact on county streams and rivers and to create more biodiversity in the county. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the county as set forth in the Boone County Subdivision Ordinance.
- P. The proposed planned development satisfies the applicable objectives as provided in section 2.10.2.
- Q. Existing ponds, creeks, rivers, lakes, wetlands or fens on or adjacent the planned development are enhanced and protected from development.

2.11.5. Application procedures.

No person shall develop a planned development on any parcel of land until a preliminary development plan shall have been reviewed and recommended by the zoning board of appeals and approved by the county board as set forth herein. At the time the concept plan is approved the zoning administrator may authorize the simultaneous filing of an application for preliminary and final development plan approvals without separate procedures in particular cases where the nature and scope of the proposed planned development does not require separate review procedures. All planned developments shall be processed and reviewed in four steps leading to approval for recording and construction:

- Pre-application conference,
- Concept plan,
- Preliminary development plan, and
- Final development plan.

Prior to beginning the planned development review process, the applicant is encouraged to obtain from the county a copy of the Zoning Ordinance and application forms. Applications shall be made on forms supplied by the county and shall be made in accordance with the provisions of section 2.5, except as specifically provided herein (refer to section 2.11.6, below) to the contrary.

- A. *Pre-application conference.* Before submitting an application for planned development, the applicant shall confer with the county staff to informally discuss the proposed planned development to obtain information and guidance before entering into binding commitments or incurring substantial expense.
- B. *Procedures for review of the concept plan.*
 - 1. *County staff review of concept plan.* Within five business days after receipt of an application, the zoning administrator shall determine the completeness of the application and shall notify the applicant in writing that the application has or has not been accepted for review. If the application is determined to be incomplete the zoning administrator shall include in his written notice the reasons why the application is not complete and how the applicant can make the application acceptable for submission and distribution. Only upon receipt of a complete application shall the zoning administrator distribute copies of the application and supporting

documents to such county staff, consultants, and outside agencies as deemed appropriate for review and comment concerning compliance with county development goals and requirements. Within 30 days of receipt of the complete application, the zoning administrator shall advise the applicant, in writing, that the concept plan conforms or fails to conform to the requirements of the county comprehensive plan, the Zoning Ordinance, or other provisions of the County Code. If the concept plan fails to conform, the zoning administrator shall specify the reasons the concept plan fails to satisfy the county's development goals and requirements.

2. *Regional planning commission review of concept plan.* Upon receipt of all the material required by section 2.11.6.A. for the concept plan, the zoning administrator shall circulate the concept plan to the regional planning commission. The regional planning commission shall place the matter on its agenda and shall serve notice upon the Applicant of the time and place of its meeting at which said matter will be discussed. The regional planning commission shall forward its written report to the zoning board of appeals recommending approval or disapproval of the concept plan within 30 days from the date of its recommendation. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed concept plan fails to satisfy the county's development goals and requirements.
 3. *Zoning board of appeals review of concept plan.* Upon receipt of all the material required by section 2.11.6.A. for the concept plan, the zoning administrator shall circulate the concept plan to the zoning board of appeals. The zoning board of appeals shall place the matter on its agenda and shall serve notice upon the applicant of the time and place of its meeting at which said matter will be discussed. The zoning board of appeals shall forward its written report to the county board recommending approval or disapproval of the concept plan within 30 days from the date of its recommendation. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed concept plan fails to satisfy the county's development goals and requirements.
 4. *County board review of concept plan.* The county board, by resolution, shall accept or reject the concept plan within 30 days after its next regularly scheduled meeting following the date of action of the zoning board of appeals. If it rejects the plan, the resolution shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed concept plan fails to satisfy the county's development goals and requirements.
 5. *Effect of county board approval of concept plan.* Approval of the concept plan by the county board shall not obligate the county to approve the subsequent preliminary plat or plan, but shall be considered permission to prepare the preliminary plat or plan with detailed plans and specifications for the proposed subdivision or development.
 6. *Expiration.* The approval of the concept plan shall be effective for no more than one year from the date of approval unless, upon written request by the applicant, the county board grants an extension of time for an additional one year.
 7. *County record.* A certified copy of the resolution approving or disapproving the concept plan shall be filed in the office of the county clerk and shall be attached to said concept plan.
- C. *Procedures for reviewing the preliminary development plan.*
1. *County staff review of preliminary development plan.* Upon receipt of a complete application, the zoning administrator shall distribute copies of the application and supporting documents to such county staff and consultants as appropriate for review and comment concerning compliance with county requirements. Within 30 days of receipt of the complete application, the zoning administrator shall advise the applicant, in writing, that the preliminary development plan conforms or fails to conform to the requirements of this chapter or other provisions of the

County Code. If the preliminary development plan fails to conform, the zoning administrator shall specify the reasons the preliminary development plan fails to satisfy the county's development goals and requirements of this Zoning Ordinance.

2. *Regional planning commission review of preliminary development plan.* Upon receipt of all the material required under section 2.11.6.B. for the preliminary development plan and completion of the staff review, the regional planning commission shall, within 60 days of receiving a preliminary development plan, complete in all respects, recommend to the county board the approval or denial of the proposed planned development. If the recommendation is to disapprove, the report shall set forth the findings of fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the preliminary development plan's conformity with the recommendations of the Boone County Comprehensive Plan.
3. *Zoning board of appeals review of preliminary development plan.* Upon receipt of all the material required under section 2.10.6.B. for the preliminary development plan and completion of the staff review, the zoning board of appeals shall, within 60 days of receiving a preliminary development plan, complete in all respects, hold a public hearing after due public notice and recommend to the county board the approval or denial of the proposed planned development. If the recommendation is to disapprove, the report shall set forth the findings of fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:
 - a. In what respects the proposed preliminary development plan is or is not consistent with the stated purpose of the planned development regulations.
 - b. The extent to which the proposed preliminary development plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, use and the reasons why such departures are or are not in the public interest.
 - c. The extent to which the proposed preliminary development plan meets the requirements and standards set forth in this section 2.10.4.
 - d. The physical design of the proposed preliminary development plan and the manner in which said design does or does not make adequate control over vehicular traffic, provide for and protect designated planned open space and schools, and further the amenities of light and air, recreation and visual enjoyment.
 - e. The preliminary development plan's conformity with the recommendations of the Boone County Comprehensive Plan.
3. *County board review of preliminary development plan.* The county board, by resolution, shall accept or reject the preliminary development plan within 30 days after its next regularly scheduled meeting following the date of action of the zoning board of appeals. If it rejects the plan, the resolution shall set forth the reasons for its disapproval and specify with particularity the aspects in which the proposed development plan fails to satisfy the county's development goals and requirements of this Zoning Ordinance.
4. *Effect of county board approval of preliminary development plan.* Approval of the preliminary development plan by the county board shall not qualify the plan for recording, but shall be considered permission to prepare the final development plan with detailed plans and specifications for the proposed development.

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5. *Expiration.* Such preliminary approval shall be effective for no more than one year from the date of approval unless, upon written request by the applicant, the county board grants an extension of time for any additional one year.
 6. *County record.* A certified copy of the resolution approving or disapproving the preliminary development plan shall be filed in the office of the county clerk and shall be attached to said preliminary development plan.
 7. *[Approval required.]* No plats shall be recorded and no building permits shall be issued until a final development plan has been approved by the county board.
- D. *Procedures for reviewing the final development plan.*
1. Within one year following the approval of the preliminary development plan, the applicant shall file with the county a final development plan for the first phase of development, containing in final form the information required in the preliminary plan.
 2. County staff review of the final development plan. Within five business days after receipt of an application, the zoning administrator shall determine the completeness of the application and shall notify the applicant in writing that the application has or has not been accepted for review. If the application is determined to be incomplete the zoning administrator shall include in his written notice the reasons why the application is not complete and how the applicant can make the application acceptable for submission and distribution. Only upon receipt of a complete application shall the zoning administrator distribute copies of the application and supporting documents to such county staff, consultants, and outside agencies as deemed appropriate for review and comment concerning compliance with the approved preliminary development plan and the requirements for final development plan and final subdivision plat. Within 14 days of receipt of the complete application, the zoning administrator shall advise the applicant, in writing, that the final development plan conforms or fails to conform to the requirements of this Zoning Ordinance or the approved preliminary development plan. If the final development plan fails to conform, the zoning administrator shall specify with particularity the manner in which the final development plan fails to conform.
 3. Regional planning commission review of final development plan. Upon completion of the county staff review of the final development plan, the regional planning commission shall place the matter on its agenda and serve notice upon the applicant of the time and place of its meeting at which said matter will be considered. The regional planning commission shall forward its written report to the county board recommending approval or disapproval of the final development plan. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval, specifying with particularity the manner in which the proposed final development plan fails to conform to county requirements.
 4. Zoning board of appeals review. Upon completion of the county staff review of the final development plan, the zoning board of appeals shall place the matter on its agenda and serve notice upon the applicant of the time and place of its meeting at which said matter will be discussed. The zoning board of appeals shall forward its written report to the county board recommending approval or disapproval, of the final development plan. If the recommendation is to disapprove, the report shall set forth the reasons for its disapproval, specifying with particularity the manner in which the proposed final development plan fails to conform to county requirements.
 5. Action by the county board. After receiving the final recommendation of the zoning board of appeals, the county board shall approve or disapprove the final development plan within 60 days from the date of the final recommendation by the zoning board of appeals unless the applicant and the county board agree to extend the 60 day period. If the final development plan is

disapproved, the ordinance shall state the reasons for the disapproval, specifying with particularity the aspects in which the final plat or plan fails to conform to county requirements. The county board shall approve the final development plan if it is in conformance with the preliminary development plan and meets all the requirements for a final development plan. It shall adopt an appropriate ordinance granting the special use permit for the planned development.

6. County record. A certified copy of the ordinance approving the final development plan shall be filed in the office of the county clerk attached to said final development plan. The final subdivision plat or development plan, together with all covenants and restrictions shall be promptly recorded by the county clerk with the Boone County Recorder's Office. A copy thereof, bearing the certificate of the recorder that the plat/plan has been recorded in his office and that the copy is a true and correct copy of the plat/plan so recorded shall be promptly thereafter filed in the county clerk's office. All recording fees shall be paid by the applicant.
 - a. A final land use plan, suitable for recording with the Boone County Recorded of Deeds. The purpose of the final development plan is to designate the land subdivided into lots as well as the division of other lands not so treated into planned open area and building areas, and to designate and limit the specific internal uses of each building or structures, as well as of the land in general.
 - b. If subdivided lands are included in the planned development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a subdivision plat.
 - c. An accurate legal description of each separate unsubdivided use area, including planned open space.
 - d. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designated.
 - e. Final agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its planned open space or other facilities conveyed to a homeowners association or similar organization.
 - f. Final development and construction schedule.
 - g. Final architectural elevations for all structures and amenities, such as fences and walls, street furniture, and the like.
- E. *Combined preliminary and final development plan.* The county may consider a combined application for preliminary and final development plan approval. In such instance the final development plan shall include all of the information required of a preliminary development plan and a final development plan.

2.11.6. Application contents.

Any person proposing to develop a planned development shall file with the zoning administrator the appropriate applications in the quantity and form as required by the zoning administrator.

- A. *Contents of the concept plan.* The concept plan shall include the following:
 1. *General information.*
 - a. Name of the proposed subdivision.
 - b. A location map showing its location in Boone County.
 - c. Acreage and zoning classification of the proposed subdivision and the number of lots.

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- d. The names and addresses of adjoining property owners, and the zoning classifications of adjacent property.
 - e. Name, address and telephone number of the owner, developer, engineer, and any other contact person.
 - f. A north arrow and scale, recommended scale is one inch equal to 100 feet.
2. *Existing conditions.* The following conditions, if found to exist on the parcel and on all adjacent land within 100 feet of the boundaries of the subject property, shall be shown on an existing conditions exhibit which shall be a separate drawing from the preliminary plat.
- a. The location, width and names of all streets within or adjacent the parcel together with easements, public utility and railroad rights-of-way, and other important features such as adjacent lot lines, municipal boundary lines, section lines, corners and monuments.
 - b. The location of all existing structures, showing those that will remain on the parcel after the final plat is recorded.
 - c. Topographic data, including contour lines at vertical intervals of not more than two feet with reference to USGS datum or at a more frequent interval if required by the zoning administrator for land having unusual topography.
 - d. The location and direction of all seeps, springs, flowings and wells; lakes, ponds, wetlands and any detention basins showing their normal shorelines, flood limits and lines of inflow and outflow, if any; and, watercourses and the location of all areas subject to flooding, including the flow lines of streams and channels showing their normal shorelines and the 100-year floodplain and floodway limits certified by either the Illinois State Water Survey, the Illinois Department of Transportation, the Army Corps of Engineers, or by the National Flood Insurance Program Maps.
 - e. Natural features such as rock outcroppings, wooded areas, and trees greater than six inches in diameter as measured at breast height.
 - f. The location on and within 100 feet of the subject property of all property lines, easements of record; the uses, zoning and ownership of all parcels; railroads, bridges, culverts, storm sewers, sanitary sewers, water main, detention/retention facilities, also indicating surface and invert grade elevations of catch basins, manholes, culverts and fire hydrants; existing buildings and their use(s) and their future disposition; buried structures; and, location of significant natural features and areas of likely archaeological significance or habitat for endangered flora and fauna species.
3. *Proposed development and improvements.* The concept plan shall contain such information as suggested by the zoning administrator in order to delineate, explain or convey the concept of the proposed planned development, including, but not limited to, the following:
- a. Arrangement of proposed lots, parks, and common areas.
 - b. Proposed location and width of street right-of-way, street pavement, alleys, and their relationship to the existing adjacent street system.
 - c. Proposed location and size of sanitary sewers, storm sewers, water mains, detention areas and their relationship to existing public utilities, if applicable.
 - d. It is advisable that the applicant contact other agencies, as appropriate, to obtain their requirements that may affect the proposed subdivision. Such agencies include the Illinois Department of Transportation c/o District Engineer; Water Resource Division (DNR); State

of Illinois Environmental Protection Agency; State of Illinois Historic Preservation Agency; State of Illinois Department of Natural Resources; and, local public utility companies.

- B. *Contents of the preliminary development plan.* Any person proposing a planned development on any parcel of land shall file with the zoning administrator a preliminary development plan in a quantity and form as required by the zoning administrator. In addition to all of the information and data required for a preliminary subdivision plat required in the Boone County Subdivision Regulations the preliminary development plan shall provide the following additional items:
1. A plot plan for each building site and planned open area, showing the approximate location of all buildings, structures, and improvements and indicating the open space around the buildings and structures.
 2. A preliminary drawing indicating the architectural character of all proposed structures and improvements. The drawings need not to be the result of final architectural decisions and need not to be in detail.
 3. A development schedule indicating:
 - a. The approximate date when construction of the project can be expected to begin.
 - b. The stages in which the project will be built and the date when construction of each stage can be expected to begin;
 - c. The date when the development of each of the stages will be completed; and
 - d. The area and locations of planned open space that will be provided at each stage.
 4. Proposed agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its planned open space or other facilities.
 5. A list of all departures from the district regulations and the subdivision design standards which will be necessary for the proposed planned development.
 6. A statement by the applicant demonstrating how the planned development complies with the purpose and the standards and criteria of this section.
 7. If the zoning board of appeals finds that the planned development requires further in-depth review, the following information may be required:
 - a. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development to and from existing county thoroughfares.
 - b. A comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.
 8. Approval certificate. The following certificate shall be shown in the lower right hand corner of the preliminary development plan:

APPROVAL OF PRELIMINARY DEVELOPMENT PLAN

The preliminary development plan shown hereon has received approval by the County Board of the County of Boone, Illinois, and upon compliance by the developer with the requirements or qualifications governing the approval of the preliminary development plan and with other revisions and stipulations that may be required, the County Board will receive the final development plan for consideration when submitted by the developer in such form and with in such time as required by the Boone County Zoning Ordinance, and approved by the Zoning Board of Appeals.

The County Board of the County of Boone, Illinois.

CHAIRMAN	DATE
ATTEST:	
COUNTY CLERK	DATE

9. The applicant shall submit copies of each plat, plan, map and supporting document required by this section in a number prescribed by the zoning administrator. All drawings, plans and reports submitted to the county shall be folded to approximately nine inches by 12 inches.
- C. *Contents of the final development plan/plat.* The final development plan shall also include all items required for a final subdivision plat and final engineering as required in the Boone County Subdivision Regulations. The final development plan may include all or only part of the approved preliminary development plan. In addition to all of the information and data required for a final subdivision plat required in the Boone County Subdivision Regulations, the final development plan/plat shall also include the following items:
 1. A final land use plan, suitable for recording with the Boone County Recorder of Deeds. The purpose of the final development plan is to designate the land subdivided into lots as well as the division of other lands not so treated into planned open area and building areas, and to designate and limit the specific internal uses of each building or structures, as well as of the land in general.
 2. If subdivided lands are included in the planned development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a subdivision plat. A list of required certificates may be found as an appendix to this chapter.
 3. An accurate legal description of each separate unsubdivided use area, including planned open space.
 4. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designated.
 5. Final agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its planned open space or other facilities conveyed to a homeowners association or similar organization.
 6. Final development and construction schedule.
 7. Final architectural elevations for all structures and amenities, such as fences and walls, street furniture, and the like.
 8. Certificates. The applicant shall provide on the final development plan/plat executed certificates as may be required by the zoning administrator which certificates are provided in section 403.E.2.a.18 of the Boone County Subdivision Code.
 9. Guarantees. The applicant shall provide in a form acceptable to the county a public improvement guarantee equal to 150 percent of the estimated cost of construction of the public improvements approved by the county engineer, and in a form acceptable to the county board.

2.11.7. Administration of planned developments.

- A. *Failure to begin development.* If no substantial construction has begun or no use established in the planned development within the time stated in the approved final development plan and construction schedule, the special use permit for the planned development shall expire upon written notice to the applicant from the

county board and shall be of no further effect. The zoning regulations applicable before the special use permit for planned development was approved shall then be in effect. In its discretion and for good cause, the county board may extend for a reasonable time, not to exceed one year, the commencement of construction or the establishment of a use, provided such extension is granted during the original period.

B. *Permits.*

1. No permits for site or building construction in a planned development shall be approved by the county building department unless a final development plan has been approved by the county board.
2. A certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan shall be issued if the completed building or structure conforms to the requirements of the approved final development plan and all other applicable regulations and ordinances of the county. The county reserves the right to deny approval of an occupancy permit for any building or structure shown on the final development plan of any stage of the planned development if any planned open space or public facilities allocated to that stage of the development have not been conveyed by dedication, deed or other means to the proper authorities.

C. *Enforcement of development schedule.*

1. The zoning administrator shall periodically review all permits issued for the planned development, examine all construction that has taken place on the planned development site, and compare actual development with the approved development schedule.
2. If the zoning administrator shall find that the owners of the property in the planned development area have failed to meet the approved development schedule, or that the rate of construction of dwelling units is greater than the rate at which planned open space and public and recreational facilities have been constructed and provided, the zoning administrator shall notify the zoning board of appeals and county board in writing.
3. Within 30 days of such notice, the county board shall either revoke the special use permit, and the land shall revert to its former classification, or, for good cause shown by the landowner, the limits of the development schedule shall be extended for a reasonable time.

D. *Amending the final development plan.* No changes may be made to the approved final development plan during the construction of the planned development except upon the application to the appropriate agency under the following procedures:

1. Minor changes in the location and height of buildings and structures may be authorized by the zoning board of appeals if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this section may increase the cube of any building or structure by more than ten percent.
2. All other changes, in time schedule and in use, any rearrangement of lots, blocks and building tracts, any changes in the provision of planned open space and all other changes in the approved final development plan shall be made by the county board, upon recommendation of the zoning board of appeals, under the procedure authorized by this Zoning Ordinance for approval of the special use permit.
3. Any changes approved shall be recorded as amendments to the recorded copy of the final development plan.

E. *Post-completion regulations.*

1. Upon completion of the planned development, and as a condition of the county's acceptance of the final public improvements, the zoning administrator shall certify said planned development has been completed in accordance with the approved final development plan.

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2. After said certification has been issued, the uses of land and construction, modification or alteration of any buildings or structures within the planned development shall be governed by any other provision of this Zoning Ordinance.
 3. After said certification has been issued, no changes may be made in the approved final development plan except upon application to the county under the procedures for seeking changes or amendments, special uses, and variations as set forth in this Zoning Ordinance.

2.12. TRADITIONAL NEIGHBORHOOD AND CLUSTER DEVELOPMENTS

2.12.1. Purpose.

The purpose of this section is to guide new development and redevelopment of Boone County in a manner consistent with the historic character and development pattern of the existing county, while providing an alternative to typical suburban-style development patterns.

- A. A traditional neighborhood development (TND) focuses on an urban experience and;
 1. Has the same residential and commercial densities as conventional projects of the same acreage, but concentrates the intensity in a smaller land area.
 2. Provides for a mix of uses, including residential, commercial, and civic uses.
 3. Promotes the use of neighborhood greens, landscaped streets, boulevards, and pocket parks woven into street and block patterns to provide space for social activities and visual enjoyment.
 4. Incorporates a system of narrower, interconnected streets with sidewalks and bikeways that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and new developments.
 5. Provides for a mix of housing types and sizes to accommodate households of all ages, sizes, and incomes.
 6. Retains existing buildings with historical features or other features that define the character of the community.
 7. Replicates the size, scale and mass of existing buildings and structures in Boone County.
 8. Provides for a more efficient use of land and infrastructure.
 9. Implements the county's adopted comprehensive plan.
- B. A clustered development (CD) focuses on a village/rural experience, and
 1. Has the same residential and commercial densities as conventional projects of the same acreage, but concentrates the intensity in a smaller land area.
 2. Creates a distinct physical settlement surrounded by or adjacent to a protected greenbelt used for agricultural, silvicultural, recreational, or environmental protection purposes.
 3. Preserves open space, scenic vistas, agricultural lands, and natural areas.
 4. Encourages the inclusion of diverse household types, age groups, and income levels in a settlement of modest size and scale that accommodates pedestrian travel rather than motor vehicle trips.

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5. Incorporates a system of narrower, interconnected streets with sidewalks and bikeways that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and new developments.
 6. Retains existing buildings with historical features or other features that define the character of the community.
 7. Replicates the size, scale and mass of existing buildings and structures in Boone County.
 8. Provides for a more efficient use of land and infrastructure.
 9. Implements the county's adopted comprehensive plan.

2.12.2. Applicability.

The traditional neighborhood development and clustered development regulations are an alternative set of standards for development within the county for new development contiguous to existing development, redevelopment, or infill development in an already developed area.

2.12.3. Incentives.

Incentives to developers to build traditional neighborhood developments and clustered developments shall be provided through an expedited approval process. An application for a traditional neighborhood development and clustered development shall be granted priority in processing for permit over all other types of applications, including those with prior filing dates. A density bonus may be provided based on the criteria in section 5.3.2.

2.12.4. Fees.

The Boone County Board may, by resolution, establish fees for the administration of this ordinance.

2.12.5. Definitions for traditional neighborhood development and cluster development.

The following words and terms when used in the interpretation and administration of this section 2.12 shall have the meaning set forth herein except where otherwise specifically indicated.

Accessory building: Shall mean a detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot therewith,

ADT: Shall mean average daily traffic volumes on a street.

Apartment: Shall mean one or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.

Arterial: Shall mean a major street for carrying a large volume of through traffic in the area normally controlled by traffic signs and signals.

Block: Shall mean unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterways, or any other barrier to the continuity of development.

Brownfield: Shall mean abandoned, idled, or underused industrial and commercial facilities and land where expansion or redevelopment is complicated by real or perceived environmental contamination.

Building scale: Shall mean the relationship between the mass of a building and its surroundings including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.

Curb radius: Shall mean the curved edge of streets at an intersection measured at the outer edge of the street curb or of the parking lane.

Façade, principal: Shall mean exterior walls of a building which are adjacent to or front on a public street, park, or plaza.

Greenfield: Shall mean a site undeveloped, in a natural condition or in agricultural use.

Secondary dwelling unit: Shall mean an additional dwelling unit located within the principal dwelling on the lot, in a freestanding building or above a residential garage.

Square: Shall mean a tract of land devoted to municipal, civic, or public purpose that serves as a central focus for surrounding properties. The square may consist of a wide intersection of streets, an open space surrounded by streets, a plaza or forecourt of a public building, the site of municipal or civic building, or an area adjacent to a through street which is devoted to similar purposes. Squares may consist entirely of public road right-of-way, landscaped green areas within the right-of-way, properties occupied by municipal or civic buildings or structures, or adjacent open space bounded by public streets on two or more sides.

Street: Shall mean a strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks.

Streetscape: Shall mean the sum of the man-made and planted features that create the character of public space. Streetscape features may be located within and adjacent to the right-of-way. Streetscape features include street trees and plantings; street furniture such as benches, street lights, signs, kiosks, gazebos, trash receptacles, bicycle racks, railings and fences, fountains, planters, memorials, public telephones, and bollards; sidewalks; median strips and islands; public art; banners and flags; signs and awnings; and similar publicly visible features.

2.12.6. Application and approval process.

Applicants for new development shall follow the procedures of the subdivision regulations. Prior to the issuance of any permits for development within an existing traditional neighborhood development and clustered development, the following steps shall be completed:

- A. The applicant shall have had an initial conference,
- B. A general implementation plan shall be reviewed by the zoning board of appeals and approved by the county board,
- C. A specific implementation plan shall be reviewed by the zoning board of appeals and approved by the county board.

2.12.7. Subdivision of land.

If the traditional neighborhood development or clustered development involves the subdivision of land as defined in the county's subdivision regulations, the applicant shall submit a final plat in accordance with requirements of the subdivision regulations.

CHAPTER 3. DISTRICTS AND GENERAL PROVISIONS

3.1. GENERAL PROVISIONS

3.1.1. Establishment of districts.

For the purpose of this ordinance, the county is hereby organized into the following zoning districts:

A-1	Agricultural Preservation Area District
A-2	Agricultural Residence District
RE	Exurban Residential District
R-1	Residential District
RC	Residential Conservation District
RC-2	Residential Clustering District
RTN	Residential Traditional Neighborhood District
B-1	Local Business District
B-2	General Business District
I-1	Light Industrial District
I-2	General Industrial District
FPO	Floodplain Overlay District
US20	US Highway 20 Overlay District
CSA	Community Separation Areas Overlay District

3.1.2. Overlay districts.

Overlay districts are created for the purpose of imposing special regulations in given designated areas of the county to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for in this ordinance. In general, overlay districts and amendments thereto shall be established in the same fashion and by the same procedures set forth in section 2.10 for other zoning districts provided for by this ordinance, unless such procedures are qualified by the provisions of a particular overlay district as set forth herein.

3.1.3. Zoning map.

The location and boundaries of the zoning districts are established by this ordinance and are set forth on the Zoning District Map of Boone County and are incorporated herein and hereby made a part of this ordinance. Said map(s), together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

3.1.4. Boundaries.

- A. The boundaries of the districts established in section 3.1 are as shown on the Zoning District Maps of Boone County.
- B. District boundary lines are the centerlines of highways, streets, alleys, and easements.
- C. When the exact boundaries of a district are uncertain, they shall be determined by reading the distance on the zoning district maps from a line of known location to such district boundary.
- D. When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of this area so vacated.

-
- E. If a boundary line of a district divides a lot having frontage on a street, so that the front part of the lot lies in one district, and part of the lot lies in another, a restriction that applies to the front part of the lot applies to the entire lot.
 - F. If the boundary line of a district divides a lot in a manner essentially perpendicular to a street, that restriction that applies to the larger part of the lot applies to the entire lot.

3.1.5. Territory not included.

In every case where territory has not been specifically included within a district or where a territory becomes a part of the unincorporated area as the result of the disincorporation of any municipality, or portion thereof, or otherwise, such territory shall automatically be classified as an A-1 district until otherwise classified.

3.1.6. Lots of record.

All lots of record in lawful existence prior to May 10, 1978, must be developed according to the use district in which they are located, except as provided in section 1.1.4.

3.1.7. General setbacks.

Setback requirements shall be set forth in each section for the specific needs of the district.

3.1.8. Exception to height limits.

The height limitations of this ordinance shall not apply to religious spires, belfries, cupolas, and domes not intended for human occupancy; monuments, grain elevators, water towers, transmission towers, chimneys, and aerials, and fences for baseball backstops and basketball/tennis courts.

3.1.9. Flood hazard development requirements.

The county board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

- A. New subdivisions, manufactured home parks, travel trailer parks, planned developments and additions to manufactured home parks and subdivisions shall meet the requirements of chapter 2 of this ordinance. Plats or plans for new subdivisions, manufactured home parks, and planned developments shall include a signed statement by a registered professional engineer that the plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/0.01, et seq.)
- B. Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned developments and additions to manufactured home parks and subdivisions shall include base flood elevation data and floodway delineations. Where this information is not available from an existing study filed with the Illinois State Water Survey, the applicant shall be responsible for calculating the base flood elevation and the floodway delineation and submitting it to the State Water Survey for review and approval as best available regulatory data.

3.2. AGRICULTURAL PRESERVATION AREA DISTRICT (A-1)

3.2.1. Intent and purpose.

The agricultural preservation area district is intended to maintain, enhance, and conserve prime agricultural soils and historically farmed soils, to protect sensitive natural features, and to prevent the uncontrolled, uneconomical spread of nonagricultural development, which results in excessive costs to the county for the provision of essential public services. Boone County takes its direction in the agricultural preservation area district from the Farmland Preservation Act (505 ILCS 75/1 et seq.) and the Agricultural Areas Conservation and Protection Act (505 ILCS 5/1 et seq.). The map symbol and the short name for the agricultural preservation area district shall be A-1 district.

Agriculturally valuable soils predominate this district and lots are to be very sparsely developed to protect the county's natural resources, indigenous plant and animal habitats, and traditional rural lifestyles. The purpose of the A-1 district is to provide a means of achieving the agriculture and open space policies set forth by the Boone County Comprehensive Plan.

The A-1 district is not intended for, and shall not permit or include residential subdivisions requiring county board approval due to the incompatibility of such development in agricultural areas.

- The higher densities of residential subdivisions, as opposed to scattered individual residences, have detrimental effects and are not permitted;
- The increased demand for public services cannot be efficiently met in rural areas and therefore their costs become increasingly higher;
- Such development stimulates land speculation;
- The unjustified disruption and fragmentation of farming activity occurs;
- Such development discourages future farm improvement investments, and;
- The creation of conflicting land uses leads to potentially damaging nuisance complaints.

3.2.2. Uses.

Permitted and special uses are listed in the use table in section 3.16. The lot area, lot width and yard requirements for a special use shall be designated in the permit granting the special use. However, the lot area shall not be less than one acre in size (exclusive of public road right-of-way) nor the lot width less than 150 feet in any case.

3.2.3. Non-farm residential uses.

A. *New residences.*

1. All undeveloped lots of record in the A-1 district in lawful existence prior to May 10, 1978, may be developed with one single family residence per lot provided that other provisions of this ordinance and other applicable Boone County Codes and Ordinances are met. Refer to section 1.1.4.
2. New residences shall meet the standards set forth in the tables in section 3.2.4.B. and 3.2.4.C.

B. *Existing residences—To be separated.*

1. Residences existing, or for which a building permit has been issued, prior to the adoption of this ordinance may be separated from the parcel provided that they meet the lot size and yard requirements for new residences as noted in section 3.2.4.B.

2. Residences existing with a front yard setback established at more than 200 feet, or for which a building permit has been issued establishing such a setback distance, prior to the adoption of this ordinance may be separated with its related structures from the parcel provided that the lot so created shall:
 - Retain frontage on a public road of at least 40 feet.
 - Be not less than two acres in size, exclusive of public road right-of-way.
 - Have a lot width of at least 250 feet measured at the building line.
 - Have a front yard located immediately in front of the building line of at least 35 feet.
 - Have a rear yard of at least 35 feet.
 - Have a side yard of at least 15 feet.

3. An existing residence, for which a building permit was issued, may be separated from a lawful lot of record to form a new lawful "buildable" lot of record containing the existing residence regardless of the date of the creation of the lot, provided that all applicable codes and ordinances are being met. Any new lot created by the severance of a buildable lot is considered an unbuildable lot because it will not consist of a creation date that complies with the May 10, 1978 requirement, listed under section 3.1.6 lots of record. The lot of record status remains with the lot on which the existing residence is/was located.

(Ord. No. 11-45, § 1, 10-19-2011; Ord. No. 14-43, § 1, 9-17-2014)

3.2.4. Lot development standards.

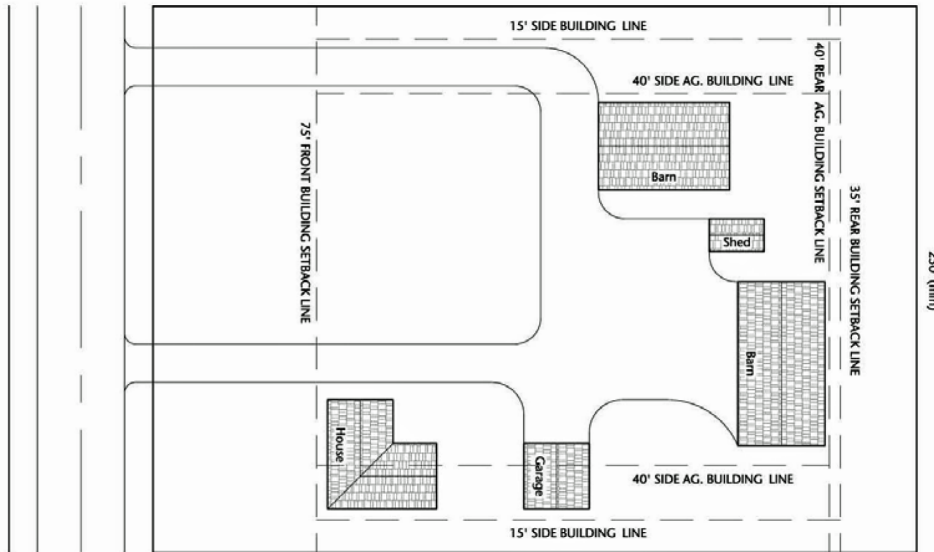
A. Agriculture uses:

Lot size	N/A
Lot width	N/A
Front setback	75 feet from R-O-W
Side setback	40 feet
Rear setback	40 feet
Street side setback	75 feet from R-O-W
Accessory building setback	40 feet side and rear 75 feet front See section 5.2
Lot coverage	N/A

B. Residential uses, less than five acres:

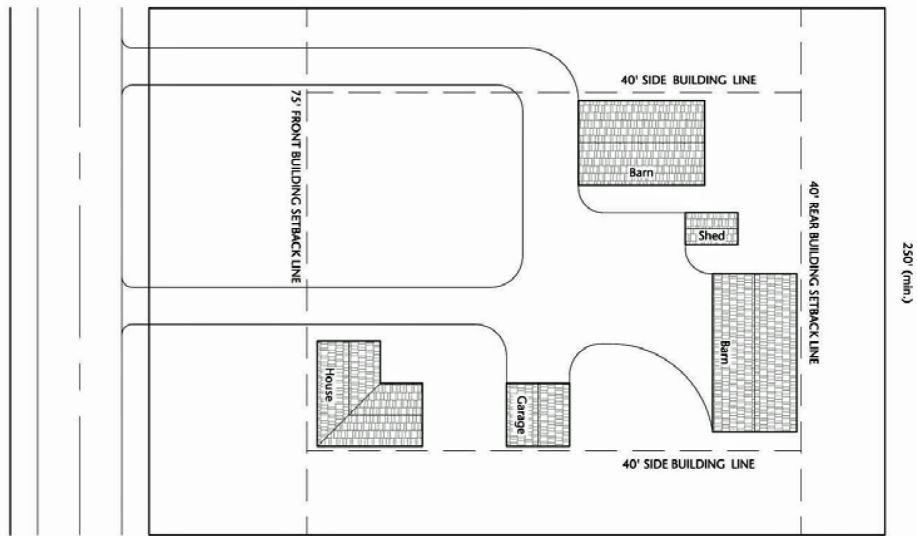
Lot size	2 acres
Lot width	250 feet
Road frontage	250 feet (See section 3.2.3.B.2 for exception)
Front setback	75 feet from R-O-W
Side setback	15 feet
Rear setback	35 feet
Street side setback	75 feet from R-O-W
Accessory building setback	15 feet side and rear 75 feet front See section 5.2

Maximum building height	35 feet, see section 3.1.8 for exceptions
Required floor area:	
1-story dwelling	860 square feet
2-story dwelling	720 square feet
Landscaping	See section 5.4
Parking	See section 5.5



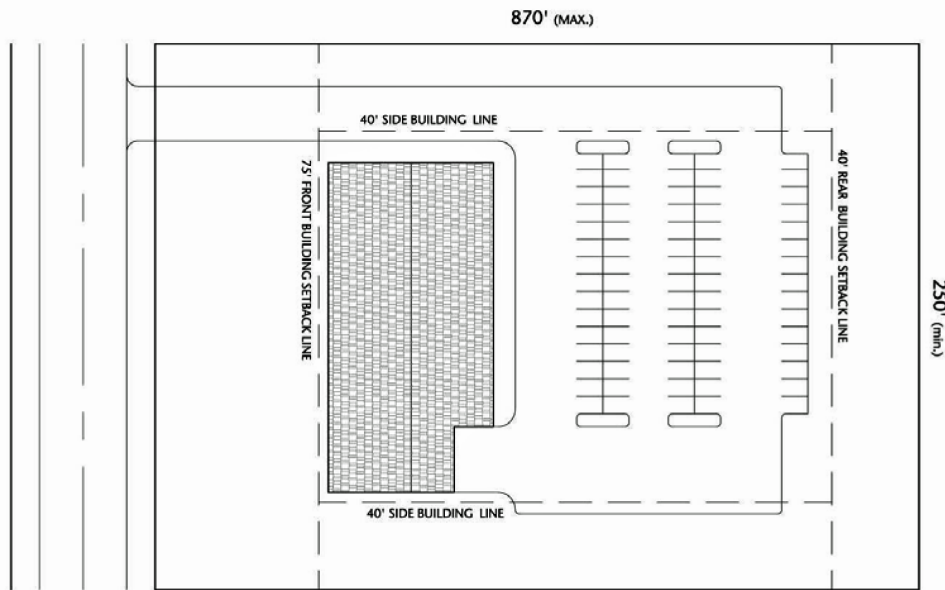
C. Residential uses, five acres or more:

Lot size	5 acres
Lot width	250 feet
Road frontage	250 feet (See section 3.2.3.B.2 for exception)
Front setback	75 feet from R-O-W
Side setback	40 feet
Rear setback	40 feet
Street side setback	75 feet from R-O-W
Accessory building setback	40 feet side and rear 75 feet front See section 5.2
Maximum building height	35 feet, see section 3.1.8 for exceptions
Required floor area:	
1-story dwelling	860 square feet
2-story dwelling	720 square feet
Landscaping	See section 5.4
Parking	See section 5.5



D. *Non-residential and non-agricultural uses:*

Lot size	5 acres
Lot width	50 feet
Road frontage	250 feet
Front setback	75 feet from R-O-W
Side setback	40 feet
Rear setback	40 feet
Street side setback	75 feet from R-O-W
Accessory building setback	40 feet side and rear 75 feet front See section 5.2
Landscaping	See section 5.4
Parking	See section 5.5



(Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-45, § 1, 10-19-2011)

3.3. AGRICULTURAL RESIDENCE DISTRICT (A-2)

3.3.1. Intent and purpose.

The agricultural residence district is intended to permit individual nonfarm single-family residences in areas not historically utilized for crop production or the raising of livestock, or areas which are unsuitable for farming. The purpose of the agricultural residence district is to provide a means of achieving the agriculture policies set forth by the Boone County Comprehensive Plan. It is not to encroach on and exploit those areas described in the open space policies set forth by the Boone County Comprehensive Plan. It is not a development district. The map symbol and short name for the agricultural residence district shall be A-2 district.

3.3.2. Uses.

Permitted and special uses are listed in the use table in section 3.16.

3.3.3. Conditions to be applied to nonfarm single-family residences.

The applicant shall present clear and concise evidence that the property is:

- A. Free of water wells or, occupied by one or more water wells in service or, occupied by one or more properly sealed abandoned water wells, and is
- B. Situated in such a manner that any and all points along its frontage have adequate sight distance in both directions, as approved by the Boone County Engineer, and is
- C. Not suitable for farming (*not limited to row crops; see "agriculture" definition*). In making such determination, the following criteria shall be used:

1. No lot with a score of 76 or higher for the land evaluation portion of the LESA System, as rated by the Boone County Soil and Water Conservation District (SWCD), shall be considered for the A-2 district.
2. Topography. A lot with a score of less than 76 for the LESA System may be considered for the A-2 district if the slope of the lot is greater than nine percent. An erosion and sediment control plan for construction sites with its schedule for completion prepared by the applicant and the SWCD shall accompany applications using this criterion.
3. Existence of physical features which serve as barriers to farm operation. A lot with a score of less than 76 may be considered for the A-2 district if existing features of the lot serve as clear barriers to its value or potential value as part of a farm operation.
4. Tree cover. A lot with a score of less than 76 may be considered for the A-2 district if it contains more than 50 percent historically natural wooded areas.
5. Septic system suitability. No lot with a score of less than 76 shall be considered for the A-2 district if the soil characteristics of the lot are not predicted to be suitable for private sewage systems. Septic system suitability is determined by the "Predicted Soil Rating Sheet for Septic Suitability in Boone County-Reference #101" on file with the Boone County Health Department and Boone County Soil and Water Conservation District Office.

3.3.4. Illinois State Plat Act requirements.

A permitted nonfarm single-family residence shall be located on a duly recorded lot having an area less than five acres in size, inclusive of public road right-of-way, and meeting the Illinois Plat Act exception regarding the date of July 17, 1959 (No. 8) or October 1, 1973 (No. 9).

3.3.5. Lot development standards.

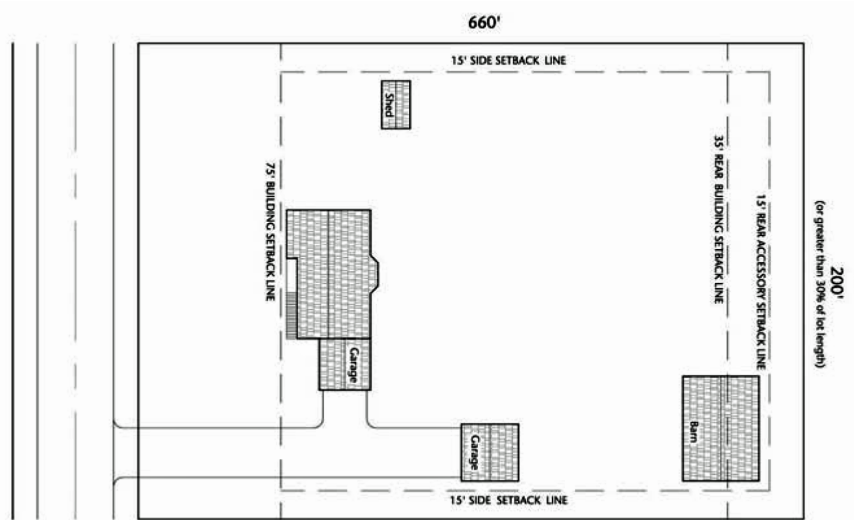
A. *Agriculture uses:*

Lot Size	N/A
Lot Width	N/A
Front Setback	75 feet from R-O-W
Side Setback	40 feet
Rear Setback	40 feet
Street Side Setback	75 feet from R-O-W
Accessory Building Setback	15 feet side and rear 75 feet front See Section 5.2

B. *Residential uses:*

Lot size	2 acres minimum, 5 acres maximum, see section 3.3.5
Lot width	30% of lot depth or greater
Road frontage	40 feet
Front setback	75 feet from R-O-W
Side setback	15 feet
Rear setback	35 feet
Street side setback	75 feet from R-O-W

Accessory building setback	15 feet side/rear 75 feet front See section 5.2
Maximum building height	35 feet, see Section 3.1.8 for exceptions
Required floor area:	
1-story dwelling	860 square feet
2-story dwelling	720 square feet



(Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-45, § 1, 10-19-2011)

3.4. EXURBAN RESIDENTIAL DISTRICT (RE)

3.4.1. Intent and purpose.

The exurban residential district is intended to permit rural, small estate residential development in areas not expected to have centralized water and/or sewer facilities in the near future, to provide an area for limited agricultural pursuits, equestrian uses, and to conserve areas which are physically unsuitable for intensive urban development. The map symbol and short name for the exurban residential district shall be RE district.

3.4.2. Uses.

Permitted and special uses are listed in the use table in section 3.16.

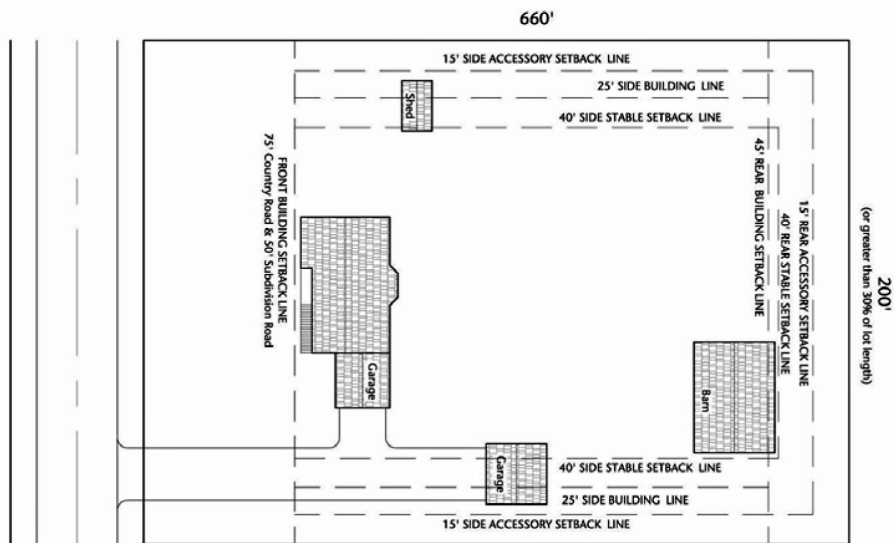
3.4.3. Density.

The residential density in a subdivided tract shall not exceed one dwelling unit for every three gross acres in said tract.

3.4.4. Lot development standards.

A. Residential uses:

Lot area	90,000 square feet
Lot width	30% of lot depth
Road frontage	40 feet
Front setback	75 feet from R-O-W on state, county, township highways; 50 feet from R-O-W within approved subdivision
Side setback	25 feet
Rear setback	45 feet
Street side setback	Same as front setback
Accessory building setback	15 feet side and rear See section 5.2
Stables setback	40 feet side and rear
Maximum building height	35 feet, see section 3.1.8 for exceptions
Required ground floor area:	
1-story dwelling	1,200 square feet
2-story dwelling	1,000 square feet
Front fence height	4 feet
Rear and side fence height	6 feet
Landscaping	See section 5.4
Parking	See section 5.5



B. Non-residential uses:

Lot area	90,000 square feet
Lot width	30% of lot depth
Road frontage	40 feet

Front setback	75 feet from R-O-W on state, county, township highways; 50 feet from R-O-W within approved subdivision
Side setback	25 feet
Rear setback	45 feet
Street side setback	Same as front
Accessory building setback	15 feet side and rear See section 5.2
Floor Area Ratio	0.2 or per special use permit
Maximum building height	35 feet, see section 3.1.8 for exceptions
Front fence height	4 feet
Rear and side fence height	6 feet
Landscaping	See section 5.4
Parking	See section 5.5

(Ord. No. 09-23, § 1, 5-20-2009; Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-45, § 1, 10-19-2011)

3.5. SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)²

3.5.1. Intent and purpose.

The purpose of the single-family residential district is to provide a means for achieving the rural residential development objective of the comprehensive plan for parcels and tracts of land classified single-family residential district on and prior to March 31, 2001. The map symbol and short name for the single-family residential district shall be R-1 district.

3.5.2. Uses.

Permitted and special uses are listed in the use table in section 3.16.

3.5.3. Density.

One dwelling unit for every two gross developable acres.

3.5.4. Lot development standards.

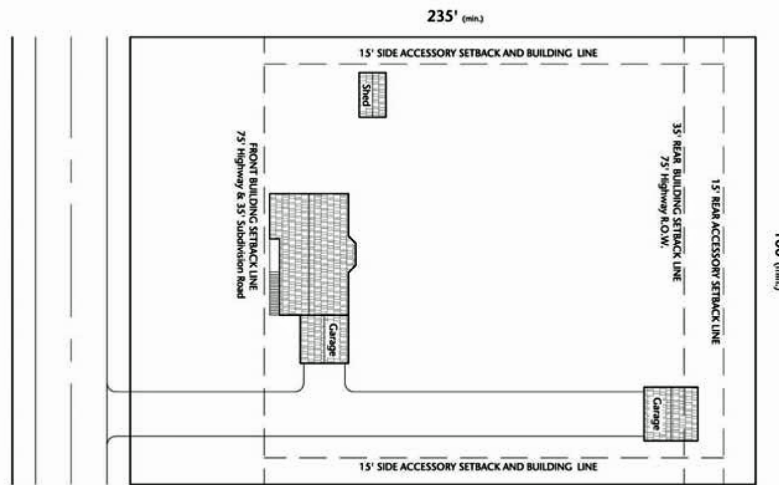
A. Residential uses:

Lot size	1 acre**
Lot width	100 feet at front setback
Road frontage	40 feet
Front setback	75 feet from R-O-W on state, county and township roads; 35 feet from R-O-W within approved subdivisions
Side setback	15 feet
Rear setback	35 feet

²Note(s)—Existing Zoning Only.

Street side setback	Same as front setback
Accessory building setback	15 feet side/rear, see Section 5.2
Maximum building height	35 feet, see section 3.1.8 for exceptions
Required floor area:	
1-story dwelling	860 square feet
2-story dwelling	720 square feet
Front fence height	4 feet
Rear and side fence height	6 feet
Parking	See section 5.5

**Residential lot reduction. The provision of section 3.5.4 shall not apply where either a public or private sewerage system for a smaller lot size is approved by the Boone County Health Department under standards established by the Illinois Department of Health. In such a case the minimum lot area for each single-family residence shall be 15,000 square feet. The minimum lot width shall be 75 feet at the building line.



B. *Non-residential uses:*

Lot size	1 acre
Lot width	150 feet at front setback
Road frontage	40 feet
Front setback	75 feet from R-O-W on state, county and township roads; 35 feet from R-O-W within approved subdivisions
Side setback	15 feet
Rear setback	35 feet
Street side setback	Same as front setback
Accessory building setback	15 feet side/rear, see section 5.2
Maximum building height	35 feet, see section 3.1.8 for exceptions
Front fence height	4 feet
Rear and side fence height	6 feet
Landscaping	See section 5.4
Parking	See section 5.5

(Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-45, § 1, 10-19-2011)

3.6. RESIDENTIAL CONSERVATION DEVELOPMENT DISTRICT (RC)

3.6.1. Intent and purpose.

The residential conservation development district is intended to permit rural, residential development in areas not expected to be served by centralized water and/or sewer facilities and to conserve landscapes in the county that are physically unsuitable for urban development, to protect natural resources, to conceal development from roads and adjacent development, and, wherever practical, maintain viable agricultural activities and landscapes. The map symbol and short name for the residential conservation development district shall be RC district.

The purpose of the RC district is to provide for single-family residential development which is designed to preserve and enhance natural systems for stormwater conveyance, infiltration, and water quality improvements; native habitat and vegetation. A property will not be rezoned to RC district unless it goes through the subdivision process concurrently.

3.6.2. Uses.

Permitted and special uses are listed in the use table in section 3.16.

3.6.3. Density.

The residential density in a subdivided tract shall not exceed one dwelling unit for every two gross acres in said tract.

3.6.4. Additional design standards.

- A. Notwithstanding the lot standards, all new principal structures shall be setback from all perimeter roads 75 feet.
- B. Unobstructed views of residential and nonresidential lots from perimeter roads and abutting properties shall be avoided. Views from perimeter roads can be obstructed by the use of changes in topography, existing vegetation, the addition of new landscaping, or any combination thereof.
- C. New lots shall have access from interior streets rather than perimeter roads.
- D. Open space plan required. Conservation development shall set aside a minimum of 30 percent of lands for open space purposes. Such open space lands may be used for resource conservation or restoration purposes, active or passive recreation purposes, or for agricultural purposes. Land improved under the requirements of the section shall have an open space plan prepared indicating the nature and extent of open space improvements, the responsible party(ies) upon completion, and the standards pertaining to the ownership and maintenance of the open space.
- E. The design shall demonstrate the preservation and enhancement of existing natural features of the site, including woodlands, wetlands, steep slopes, and open drainage swales.

3.6.5. Procedure (concurrent with subdivision review).

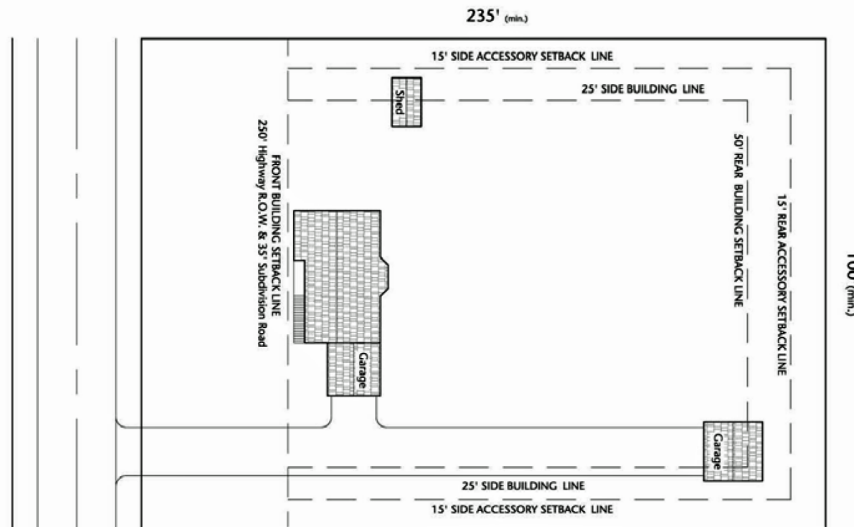
- Pre-application meeting.
- Concept plan approval.

- Preliminary plat and zoning request.
- Final plat.

3.6.6. Lot development standards.

A. Residential uses:

Lot size	32,000 square feet
Lot width	100 feet
Road frontage	40 feet
Front setback	75 feet from R-O-W on state, county, township highways; 35 feet from R-O-W within approved subdivision
Side setback	25 feet
Rear setback	50 feet
Street side setback	Same as front setback
Accessory building setback	15 feet side/rear, see section 5.2
Maximum building height	35 feet, see section 3.1.8 for exceptions
Required ground floor area:	
1-story dwelling	1,200 square feet
2-story dwelling	1,000 square feet
Maximum building height	35 feet, see section 3.1.8 for exceptions
Front fence height	4 feet
Rear and side fence height	6 feet
Landscaping	See section 5.4
Parking	See Section 5.5



B. Non-residential uses:

Lot size	2 acres
Lot width	100 feet

Road frontage	40 feet
Front setback	75 feet from R-O-W on state, county, township highways; 35 feet from R-O-W within approved subdivision
Side setback	25 feet
Rear setback	50 feet
Street side setback	Same as front setback
Accessory building setback	15 feet side/rear, see section 5.2
Maximum building height	35 feet, see section 3.1.8 for exceptions
Required ground floor Area:	
1-story dwelling	1,200 square feet
2-story dwelling	1,000 square feet
Front fence height	4 feet
Rear and side fence height	6 feet
Landscaping	See section 5.4
Parking	See section 5.5

(Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-45, § 1, 10-19-2011)

3.7. RESIDENTIAL CLUSTERING DISTRICT (RC-2)

3.7.1. Intent and purpose.

The purpose of the residential clustering district is to provide a means for achieving the environmental conservation and protection objectives in the Boone County Comprehensive Plan. The use of residential clustering is intended to create a distinct physical settlement surrounded by a protected greenbelt used for agricultural, silvicultural, recreational, and environmental protection purposes. This district does not allow more units per development, but does allow the full measure of units to consume less space while protecting open space. The map symbol and short name for the residential clustering district shall be RC-2 district.

A central square should be used to organize the development and provide buildings for civic or religious assembly or for other common purposes. Please refer to the open space regulations in section 5.3 and section 5.4. This district is proposed for use in conjunction with the community separation overlay district. A property will not be rezoned to RC-2 district unless it goes through the subdivision process concurrently.

3.7.2. Uses.

Permitted and special uses are listed in the use table in section 3.16.

3.7.3. Density determination.

- A. Density. The maximum density for all residential uses shall be two units per gross acre. The net density may be higher to accomplish the open space preservation desired.
- B. Areas used for commercial or institutional purposes shall be subtracted from the gross acreage before determining permissible residential density.

-
- C. A minimum of 70 percent of a proposed development shall be preserved for greenbelt/open space uses. The actual open space should be based on site capacity factors including wetlands, steep slopes, and other biological constraints.
 - D. All dwelling units constructed above commercial/storefront uses shall be permissible in addition to the number of dwelling units otherwise authorized under this section. However, the total number of dwelling units in a development shall not be increased by more than ten dwelling units or ten percent, whichever is greater.
 - E. When greenbelt land is to be donated to a land trust or to Boone County or another public entity, the board may allow up to a ten percent density bonus to generate additional income to the applicant for the sole purpose of endowing a permanent fund to offset continuing costs of maintaining land, including costs associated with active or passive recreation facilities. Spending from the endowment fund shall be restricted to the expenditure of interest so that the principal may be preserved. The estimate of maintenance costs shall be prepared by an agency, firm, or organization acceptable to the Boone County Board and with experience in managing conservation land and recreational facilities. Any area that is not accessible to the residents of the subdivision shall not be counted toward this density bonus.
 - F. Non-residential uses. Retail uses, professional office, and personal or professional services shall be in buildings that are:
 - 1 to 1.5 stories and 1,500 square feet or less, or
 - 2 or more stories and 3,500 square feet or less, or
 - 2 or more stories with greater square footage with special use findings.
 - Lots intended for nonresidential use shall be identified on the final plat of subdivision.
 Other nonresidential uses such as public and institutional uses will not have a density or size restriction.

3.7.4. Procedure (concurrent with subdivision).

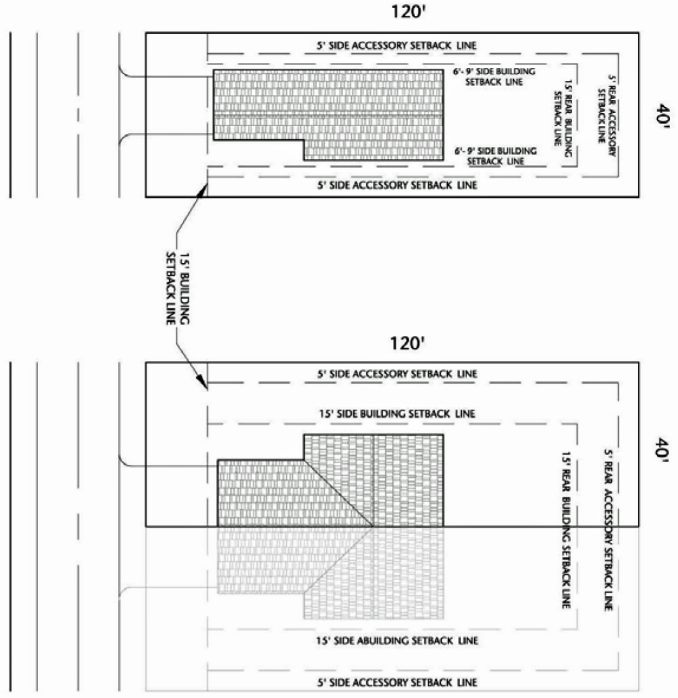
- Pre-application meeting.
- Concept plan approval.
- Preliminary plat and zoning request.
- Final plat.

3.7.5. Lot development standards.

A. *Residential uses:*

Lot area	5,000 square feet
Lot width	40 feet
Road frontage	40 feet
Front setback	15 feet from R-O-W
Side setback	6 feet minimum, 15 feet total
Rear setback	15 feet
Street side setback	15 feet from R-O-W
Accessory building setback	5 feet side and rear, see section 5.2
Maximum building height	40 feet, see section 3.1.8 for exceptions
Required floor area:	

1-story dwelling	800 square feet
2-story dwelling	720 square feet
More stories	720 square feet plus 400 square feet for each additional unit over the first 2 units
Front fence height	4 feet
Rear and side fence height	6 feet
Landscaping	See section 5.4
Parking	See section 5.5



B. *Non-residential uses:*

Lot area	30,000 square feet
Lot width	80 feet
Road frontage	40 feet
Front setback	0 to 5 feet from R-O-W
Side setback	3 feet minimum
Rear setback	20 feet
Street side setback	5 feet from R-O-W
Accessory building setback	Same as side and rear, see section 5.2
Maximum building height	50 feet, see section 3.1.8 for exceptions
Building use:	
Street level	Commercial, office
Upper floors	Residential, office
Front fence height	4 feet
Rear and side fence height	6 feet
Landscaping	See section 5.4

Parking	See section 5.5
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(Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-45, § 1, 10-19-2011)

3.8. TRADITIONAL NEIGHBORHOOD RESIDENTIAL DISTRICT (RTN)

3.8.1. Intent and purpose.

The purpose of the traditional neighborhood residential district is to provide a means for achieving the development objectives in the areas of Boone County that are designated for "Two-Family Residential," "Mixed Residential," "Planned Neighborhood," and "Traditional Neighborhood" in the Boone County Comprehensive Plan. The map symbol and short name for the traditional neighborhood residential district shall be RTN district.

Any development would have to be rezoned to the RTN district in order to permit intensity greater than one residential unit per two gross acres. Such rezoning should not take place if the tract of land is not directly adjacent to a municipality or land already zoned for development. Neighborhood services or a local business district should be located in the vicinity (within a ¼-mile). Mixed-uses in the same building are appropriate for this district.

Conservation design and traditional neighborhood developments are required in this district. A property will not be rezoned to RTN district unless it goes through the subdivision process concurrently.

3.8.2. Uses.

Permitted and special uses are listed in the use table in section 3.16.

3.8.3. Density and lot requirements.

- A. *Density.* The maximum density for attached and detached single-family residential uses shall be three units per gross acre. Multiple-family uses shall be allowed at eight units per gross acre, with no more than eight units in a single building.
- B. *Detached single-family residences.* Each single-family residence shall have a minimum lot width of 40 feet at the building line.
- C. *Attached single-family residences (duplexes or townhouses).* Each two-family residence shall have a minimum lot width of 80 feet at the building line if both residences share the ground floor. Two-family residences may be placed on smaller lots (minimum 40 feet) if the residences are arranged up and down, occupying separate floors. Every townhouse property shall have a minimum lot width of 80 feet with an additional width of 20 feet for every unit over two. A maximum of eight units shall be allowed in a single building.
- D. *Multiple-family residences (apartments and condominiums).* Multiple-family buildings shall have a minimum lot width of 100 feet at the building line.
- E. *Non-residential uses.* All nonresidential principal uses shall be located on a lot having a minimum lot width of not less than 40 feet at the building line.

3.8.4. Setback exceptions.

- A. *Allowable projections of business structures over sidewalk.* Signs, awnings, canopies, or marquees, are permitted to over hang the sidewalk in the commercial districts only, providing that overhanging signs are a

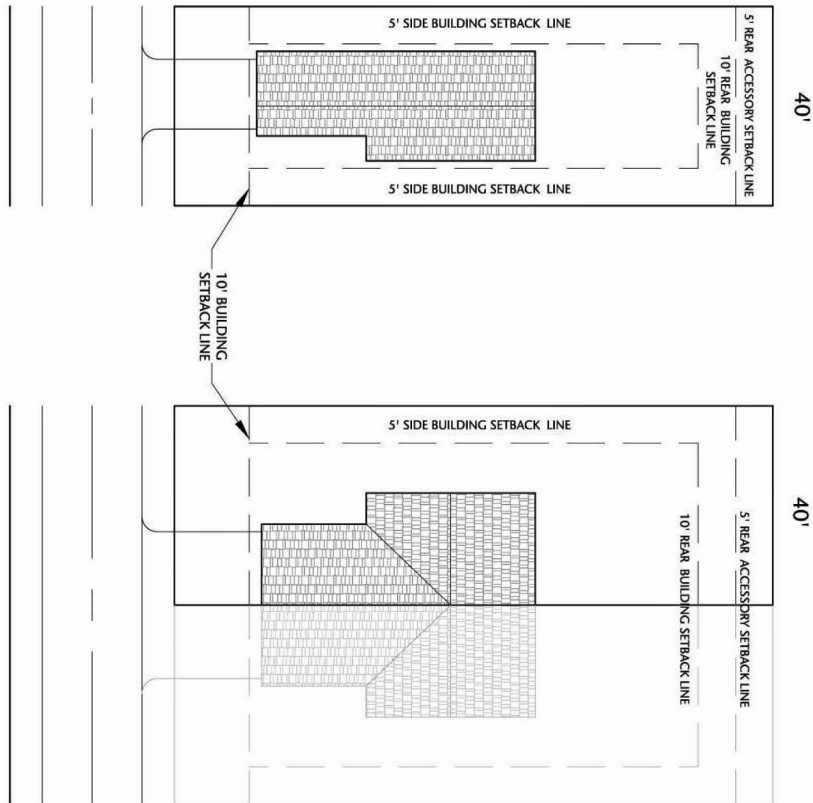
minimum of eight feet above the sidewalk at any point and that all other structures are a minimum of six feet eight inches above the sidewalk at any point.

- B. *Allowable projection of accessory building into rear yard.* One story accessory buildings may project into rear yards abutting an alley provided such projection extends not closer than five feet from the rear lot line.

3.8.5. Lot development standards.

- A. *Residential uses:*

Lot area	See section 3.8.3
Lot width	See section 3.8.3
Road frontage	40 feet
Front setback	10 feet from R-O-W
Side setback	0 feet if attached, 5 feet if detached
Rear setback	10 feet
Street side setback	10 feet
Accessory building setback	5 feet side and rear, see section 5.2
Maximum building height	40 feet, see section 3.1.8 for exceptions
Required floor area:	
1-story dwelling	800 square feet
2-story dwelling	720 square feet
More stories	720 square feet plus 400 square feet for each additional unit over the first 2 units
Building use:	
Ground floor	Residential, live/work units
Upper floors	Residential
Front fence height	4 feet
Rear and side fence height	6 feet
Landscaping	See section 5.4
Parking	See section 5.5



B. *Non-residential uses:*

Lot area	20,000 square feet
Lot width	80 feet
Road frontage	40 feet
Front setback	0 feet from R-O-W
Side setback	0 feet if attached, 8 feet if adjacent residential use
Setback from adjacent residential use	20 feet with screening or wall
Rear setback	10 feet
Street side setback	10 feet
Accessory building setback	5 feet side and rear, see section 5.2
Maximum building height	50 feet, see section 3.1.8 for exceptions
Front fence height	4 feet
Rear and side fence height	6 feet
Landscaping	See section 5.4
Parking	See section 5.5

(Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-45, § 1, 10-19-2011)

3.9. LOCAL BUSINESS DISTRICT (B-1)

3.9.1. Intent and purpose.

The local business district is intended to permit a limited range of retail sales and services which accommodate the daily or frequent shopping needs of local residential areas. This district is designed to permit pedestrian-oriented uses limited to those compatible with the residential character of the surrounding area. The map symbol and short name for the local business district shall be B-1 district.

The purpose of the B-1 district is to provide a means of achieving the rural commercial policies set forth by the Boone County Comprehensive Plan, and the village center business policies discussed by the plan for unincorporated hamlets and villages. Traditional neighborhood design is encouraged for this district.

3.9.2. Uses.

Permitted and special uses are listed in the use table in section 3.16.

3.9.3. Required conditions.

- A. Dwelling units are not permitted below the second floor.
- B. There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
- C. All uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes. Performance standards shall be enforced per section 4.1.

3.9.4. Accessory uses.

Those uses customarily accessory to the principal uses are permitted by right, provided that:

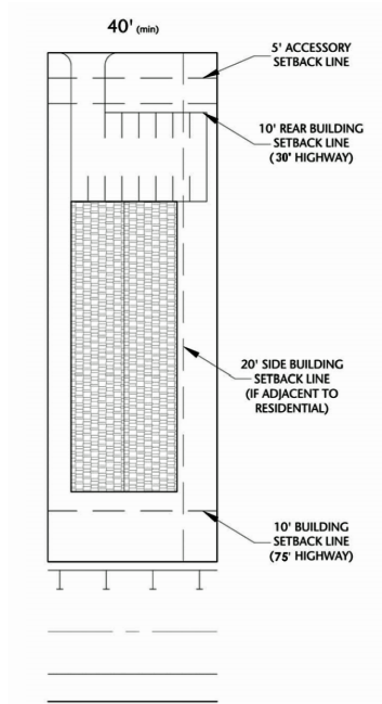
- A. The accessory uses and buildings are on the same parcel as the principal building.
- B. The accessory uses and/or building are not located in any front or corner yard.

(Ord. No. 09-23, § 1, 5-20-2009)

3.9.5. Lot development standards.

Lot area	10,000 square feet
Lot width	40 feet
Road frontage	40 feet
Front setback	10 feet from interior road R-O-W; 75 feet from state, county or township highway R-O-W
Side setback	0 feet
Rear setback	10 feet on interior road 30 feet from highway R-O-W
Street side setback	10 feet on interior road 30 feet from highway R-O-W
Setback from adjacent residential use	20 feet with screening or wall
Accessory building setback	5 feet side and rear, See section 5.2
Maximum building height	40 feet, see section 3.1.8 for exceptions
Building use:	
Ground floor	Retail, office, food service, live/work units
Upper floors	Residential, office

Required floor area per dwelling unit	500 square feet
Front fence height	4 feet
Rear and side fence height	6 feet
Landscaping	See section 5.4
Parking	See section 5.5



(Ord. No. 09-23, § 1, 5-20-2009; Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-45, § 1, 10-19-2011)

3.10. GENERAL BUSINESS DISTRICT (B-2)

3.10.1. Intent and purpose.

The general business district is intended to permit a broad range of retail sales and services which require large tract locations in areas that are highway-oriented with good accessibility to large numbers of shoppers, and which can accommodate relatively heavy traffic. The map symbol and short name for the general business district shall be B-2 district.

The purpose of the B-2 district is to provide a means of achieving the rural commercial policies set forth by the Boone County Comprehensive Plan, and the limited business policies discussed by the Plan for unincorporated hamlets and villages. Conservation design and green building design is encouraged for this district. These design concepts are described in chapter 5 of this ordinance.

3.10.2. Uses.

Permitted and special uses are listed in the use table in section 3.16.

3.10.3. Required conditions.

- A. There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
- B. All uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes. Performance standards shall be enforced per section 4.1.

3.10.4. Accessory uses.

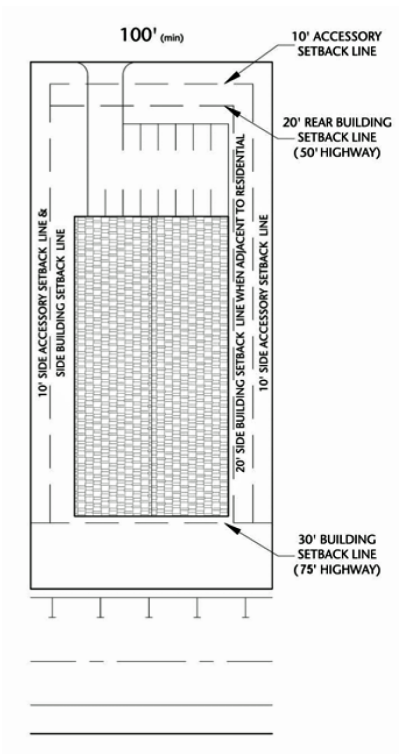
Those uses customarily accessory to the principal uses are permitted by right, provided that:

- A. The accessory uses and buildings are on the same parcel as the principal building.
- B. The accessory uses and/or building are not located in any front or corner yard.

(Ord. No. 09-23, § 1, 5-20-2009)

3.10.5. Lot development standards.

Lot area	20,000 square feet
Lot width	100 feet
Road frontage	40 feet
Front setback	30 feet from interior road R-O-W; 75 feet from state, county or township highway R-O-W
Side setback	10 feet
Rear setback	20 feet; 50 feet on highway R-O-W
Street side setback	Same as front setback
Setback from adjacent residential use	20 feet with screening or wall
Accessory building setback	10 feet side and rear, see section 5.2
Maximum building height	50 feet, see section 3.1.8 for exceptions
Building use:	
Ground floor	Retail, office, food service, live/work units
Upper floors	Residential, office
Required floor area per dwelling unit	500 square feet
Front fence height	4 feet
Rear and side fence height	6 feet, or 8 feet for outdoor storage
Landscaping	See section 5.4
Parking	See section 5.5



(Ord. No. 09-23, § 1, 5-20-2009; Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-45, § 1, 10-19-2011)

3.11. LIGHT INDUSTRIAL DISTRICT (I-1)

3.11.1. Intent and purpose.

The light industrial district is intended to permit industries which encourage the development of wholesale warehousing, assembly, and limited manufacturing establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare.

This district is designed for businesses that operate entirely within enclosed structures and generate little industrial traffic. Research and development activities are encouraged. This district is further designed to act as a transitional area between general industrial activities and other less intense nonindustrial uses. The map symbol and short name for the light industrial district shall be I-1 district.

The purpose of the I-1 district is to provide a means of achieving the industrial policies set forth by the Boone County Comprehensive Plan, and the limited industrial policies discussed by the comprehensive plan for unincorporated hamlets and villages. Conservation site planning principles and green-building designs are encouraged in this district.

3.11.2. Uses.

Permitted and special uses are listed in the use table in section 3.16.

3.11.3. Required conditions.

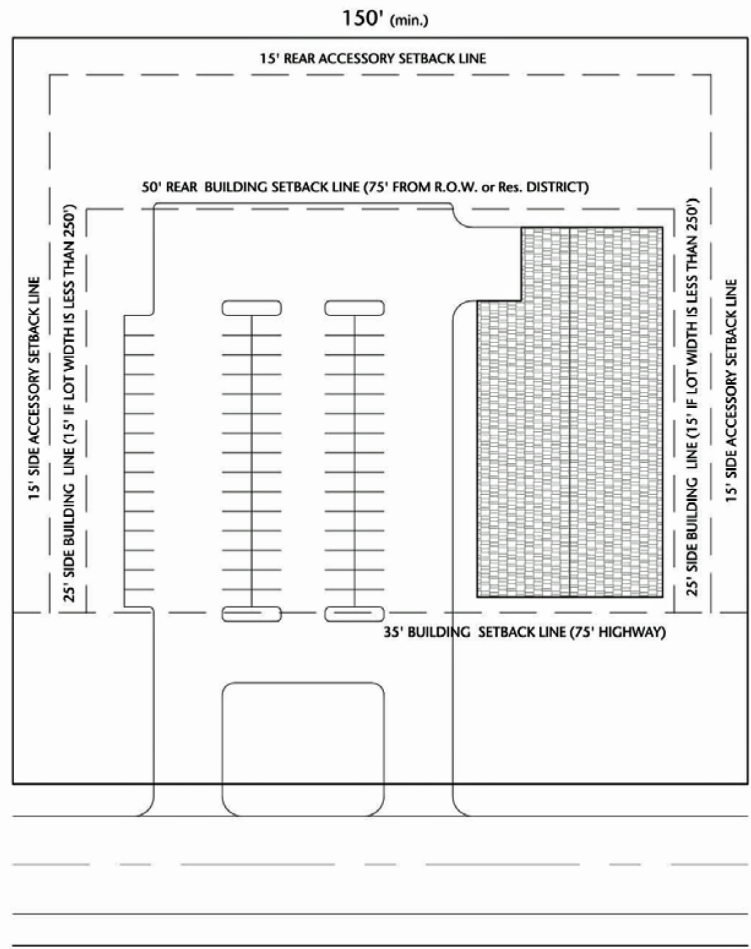
All permitted uses are subject to the following conditions:

- A. All production, assembly, fabrication, manufacture, servicing, testing, or repair shall take place within completely enclosed buildings.
- B. All storage, except of motor vehicles in operable condition, shall be within completely enclosed buildings or within the rear yard, effectively screened by a solid wall, fence (including solid entrance and exit gates) not less than six feet nor more than eight feet in height or suitable landscaping devices as provided in section 5.4.

3.11.4. Lot development standards.

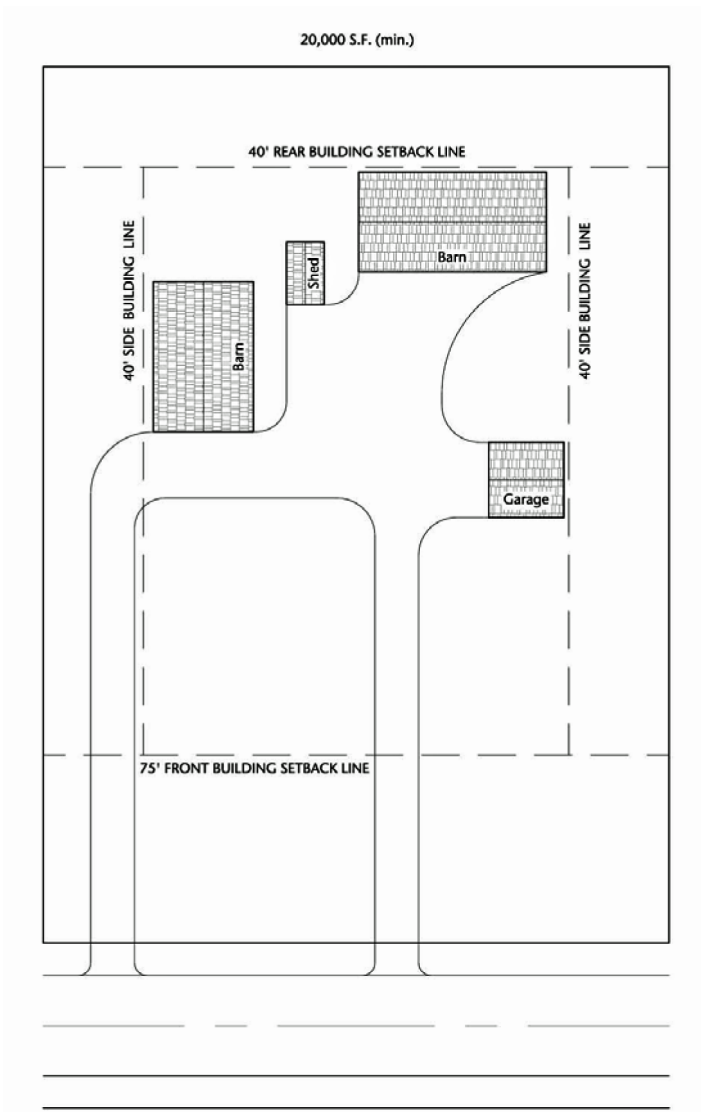
A. *Industrial/office/public uses:*

Lot size	20,000 square feet
Lot width	150 feet
Road frontage	40 feet
Front setback	35 feet off interior street R-O-W; 75 feet from any state, county, or township highway R-O-W
Side setback	15 feet for lots under 250 feet wide; 25 feet for lots 250' wide or over
Rear setback	50 feet; or 75 feet from any right-of-way, agricultural or residential district
Street side setback	Same as front
Accessory building setback	15 feet side and rear, see section 5.2
Setback from residential area	75 feet with screening
Maximum building height	50 feet, see section 3.1.8 for exceptions
Front fence height	4 feet, or 8 feet for chain link only
Rear and side fence height	6 feet, or 8 feet for outdoor storage
Landscaping	See section 5.4
Parking	See section 5.5



B. *Agriculture uses:*

Lot width	N/A
Lot depth	N/A
Front setback	75 feet from R-O-W
Side setback	40 feet
Rear setback	40 feet
Street side setback	75 feet from R-O-W
Accessory building setback	Same as principal building
Front fence height	4 feet
Rear and side fence height	6 feet



(Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-45, § 1, 10-19-2011)

3.12. GENERAL INDUSTRIAL DISTRICT (I-2)

3.12.1. Intent and purpose.

The general industrial district is intended to permit industries that encourage the development of major manufacturing, processing, warehousing, and research and development operations. These activities require extensive community facilities and reasonable access to arterial thoroughfares. They may have extensive open storage and service areas, generate heavy industrial traffic, and meet lower industrial performance standards than those uses permitted in the light industrial district. The map symbol and short name for the general industrial district shall be I-2 district.

The I-2 district is not intended for, and shall not permit or include industrial establishments that create nuisances beyond the limitations set by this ordinance. This district is designed to be isolated from residential and commercial development.

The purpose of the I-2 district is to provide a means of achieving limited special facilities areas and extractive uses policies set forth by the Boone County Comprehensive Plan, and the limited industry policies discussed by the plan for unincorporated hamlets and villages.

3.12.2. Uses.

Permitted and special uses are listed in the use table in section 3.16.

3.12.3. Required conditions.

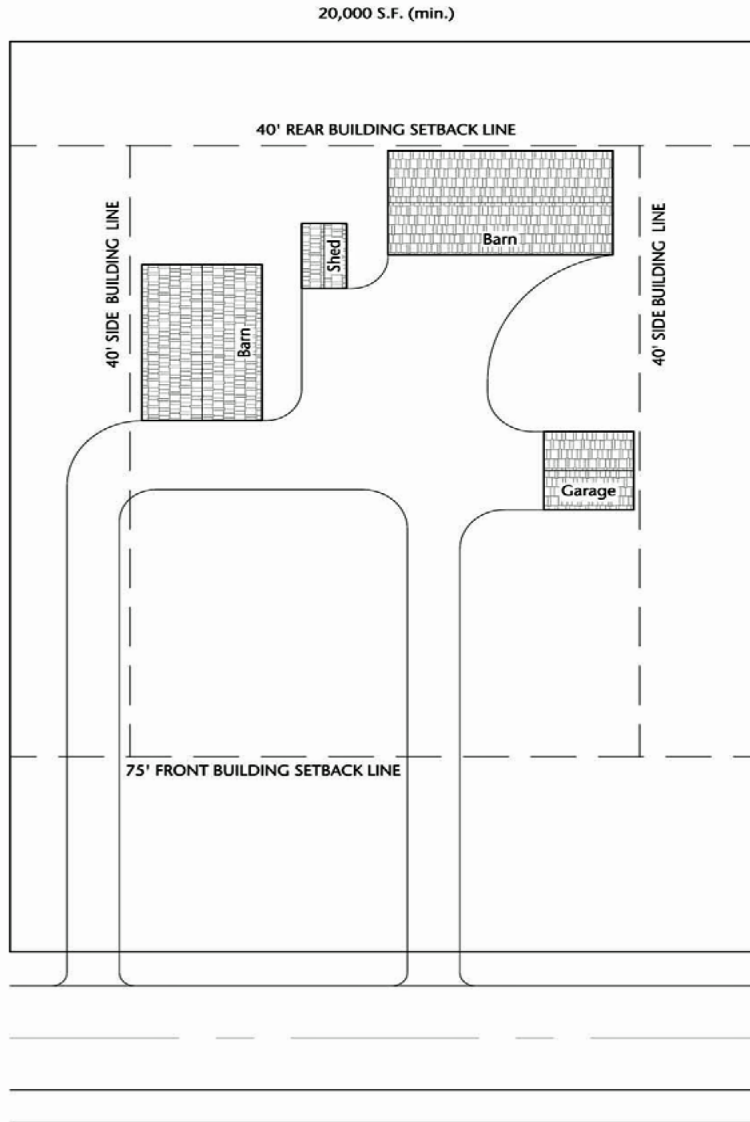
All permitted uses are subject to the following conditions:

- A. All production, assembly, fabrication, manufacture, servicing, testing, or repair shall take place within completely enclosed buildings.
- B. Outdoor storage shall be done in the rear yard only. All storage within 500 feet of a residence district (except of motor vehicles in operable condition) shall be within completely enclosed buildings or within the rear yard and effectively screened by a solid wall or fence (including solid entrance and exit gates) not less than six feet nor more than eight feet in height in accordance with section 5.2.3.
- C. All activities, within 500 feet of a residence or business district (except for off-street parking and loading) shall be conducted within completely enclosed buildings.

3.12.4. Lot development standards.

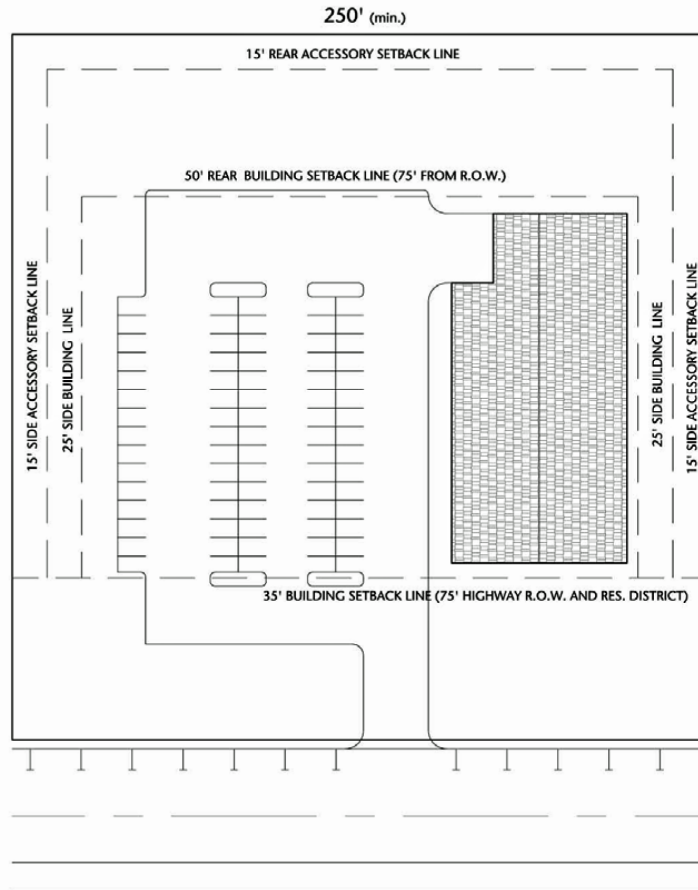
A. *Industrial/office/public uses:*

Lot size	40,000 square feet
Lot width	250 feet
Road frontage	40 feet
Front setback	35 feet off interior street R-O-W; 75 feet from any state, county or township highway R-O-W
Side setback	25 feet
Rear setback	50 feet; or 75 feet from any R-O-W
Street side setback	Same as front setback
Accessory building setback	15 feet side/rear, see section 5.2
Setback from residential district	75 feet
Maximum building height	50 feet, see section 3.1.8 for exceptions
Front fence height	4 feet, or 8 feet for chain link only
Rear and side fence height	6 feet, or 8 feet for outdoor storage
Landscaping	See section 5.4
Parking	See section 5.5



B. *Agriculture uses:*

Lot area	N/A
Lot width	N/A
Front setback	75 feet from R-O-W
Side setback	40 feet
Rear setback	40 feet
Street side setback	75 feet from R-O-W
Accessory building setback	Same as principal building
Front fence height	4 feet
Rear and side fence height	6 feet
Maximum building height	N/A



(Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-45, § 1, 10-19-2011)

3.13. FLOODPLAIN OVERLAY DISTRICT (FPO)³

3.13.1. Intent, purpose, and boundaries.

The floodplain overlay district is intended to maintain, enhance, and protect the natural environment associated with waterways, their floodways and floodplains, and wetland areas. The boundaries of this district shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Boone County prepared by the Federal Insurance Administration dated February 18, 2011; and the Soils Survey for Boone County compiled by the United States Department of Agriculture, Natural Resources Conservation Service. The purpose of the Floodplain Overlay district is to provide a means of achieving the open space policies set forth by the Boone County Comprehensive Plan. The map symbol and short name for the floodplain overlay district shall be FPO district.

³Editor's note(s)—Ord. No. 11-04, § 1, adopted Jan. 19, 2011, amended Ch. 3, § 3.13 in its entirety to read as herein set out. Former § 3.13, §§ 3.13.1—3.13.25, pertained to similar subject matter, and derived from Ord. No. 08-20, § 1, adopted July 9, 2008.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.2. Development standards.

This section is enacted pursuant to the police powers granted to Boone County by the County Statutory Authority in 55 ILCS 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing flood or drainage hazards to others;
- B. To protect new buildings and major improvements to buildings from flood damage;
- C. To promote and protect the public health, safety and general welfare of the citizens from the hazards of flooding;
- D. To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- F. To make federally subsidized flood insurance available for property in the county by fulfilling the requirements of the National Flood Insurance Program, and
- G. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm-water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.3. Uses.

Only the following uses are permitted regardless of the underlying zoning district:

- A. Agriculture and row crop production.
- B. Wholesale nursery stock provided that no noxious fertilizer is stored on the premises and no noxious soil or fertilizing process is conducted thereon.
- C. Orchards and vineyards.
- D. Land and water conservation practices.
- E. Artificial lakes of five acres or less.
- F. Public parks and playgrounds.
- G. Ultra-light landing area for five or fewer air vehicles.
- H. Towers, less than 200 feet above ground level.
- I. Accessory uses and buildings.

Permitted by special use:

- A. Artificial lakes of more than five acres and marinas.
- B. Earth materials extraction (gravel, peat, sand, and stone).
- C. Towers, 200 feet or greater above.
- D. Restricted landing areas and airports.

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- E. Outdoor commercial recreation enterprise and private recreational developments.
 - F. Fish and game hatcheries and preserves.
 - G. Nursery stock and horticultural supplies (garden center), retail; provided that in A-1 and A-2 districts nursery stock is grown on-site or on adjacent sites.
 - H. Seasonal tourist attractions.
 - I. Public camp.
 - J. Energy facilities, less than 1.0 MW production.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.4. Setbacks.

Setbacks required by the underlying zoning district shall prevail.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.5. Maximum height.

Two and one-half stories or 30 feet, whichever is less.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.6. Reserved.

3.13.7. Definitions.

The following words and terms when used in the interpretation and administration of this section 3.13 shall have the meaning set forth herein except where otherwise specifically indicated.

Base flood. The flood having a one percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in section 3 of this ordinance.

Base flood elevation (BFE). The elevation in relation to mean sea level of the crest of the base flood.

Basement. That portion of a building having its floor sub-grade (below ground level) on all sides.

Building. A walled and roofed structure, including a gas or liquid storage tank that is principally above ground also including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

Critical facility. Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

Development. Any man-made change to real estate including, but not necessarily limited to:

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1. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
 2. Substantial improvement of an existing building;
 3. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;
 4. Installation of utilities, construction of roads, bridges, culverts or similar projects;
 5. Construction or erection of levees, dams walls or fences;
 6. Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
 7. Storage of materials including the placement of gas and liquid storage tanks, channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. Federal Emergency Management Agency.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood fringe. That portion of the floodplain outside of the regulatory floodway.

Flood insurance rate map. A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHS) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Flood insurance study. An examination, evaluation and determination of flood hazards and, if appropriate corresponding water surface elevations.

Floodplain and special flood hazard area (SFHA). These two terms are synonymous. Those lands within the jurisdiction of the county that are subject to inundation by the base flood. The floodplains of the Kishwaukee River and the North Kinnikinnick, South Kinnikinnick Beaver, Mosquito, Picasaw, Meander, Mud and Coon Creeks are generally identified on the panels of the county-wide Flood Insurance Rate Map of Boone County prepared by the Federal Emergency Management Agency and dated February 18, 2011. Floodplain also includes those areas of known flooding as identified by the community.

Flood-proofing. Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

Flood-proofing certificate. A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry or flood proofed to the flood protection elevation.

Flood protection elevation (FPE). The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

Floodway. That portion of the floodplain required to store and conveys the base flood. The floodway for the floodplains of Kishwaukee River and the North Kinnikinnick, South Kinnikinnick Beaver, Mosquito, Picasaw, Meander, Mud and Coon Creeks shall be as delineated on the county-wide Flood Insurance Rate Map of Boone County prepared by FEMA and dated February 18, 2011. The floodways for each of the remaining floodplains of the Boone County shall be according to the best data available from the federal, state, or other sources.

Freeboard. An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic structure. Any structure that is:

1. Listed individually on the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR. Illinois Department of Natural Resources/Office of Water Resources.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of section 3.13.17 of this ordinance.

Manufactured home. A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

New construction. Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP. National Flood Insurance Program.

Recreational vehicle or travel trailer. A vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less in size;
3. Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Repetitive loss. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SFHA. See definition of floodplain.

Start of construction. Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Structure. See "Building".

Substantial damage. Damage of any origin sustained by a structure whereby the cumulative percentage of damage during the life of the building equals or exceeds 50 percent of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive loss buildings" (see definition).

Substantial improvement. Any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the building in which the cumulative percentage of improvements:

Equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started, or

Increases the floor area by more than 20 percent.

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.8. Base flood elevation.

This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

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- A. The base flood elevation for the floodplains of Kishwaukee River and the North Kinnikinnick, South Kinnikinnick Beaver, Mosquito, Picasaw, Meander, Mud and Coon Creeks shall be as delineated on the 100-year flood profiles in the county-wide Flood Insurance Study of Boone County prepared by the Federal Emergency Management Agency and dated February 18, 2011.
 - B. The base flood elevation for each floodplain delineated as an "AH Zone" or AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of Boone County.
 - C. The base flood elevation for each of the remaining floodplains delineated as "A Zone" on the countywide Flood Insurance Rate Map of Boone County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.9. Duties of the zoning enforcement officer.

The zoning enforcement officer shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of Boone County meet the requirements of this ordinance. Specifically, the zoning enforcement officer shall:

- A. Process development permits in accordance with section 3.13.11;
- B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of section 3.13.16;
- C. Ensure that the building protection requirements for all buildings subject to section 3.13.17 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or flood-proof certificate;
- D. Assure that all subdivisions and annexations meet the requirements of section 3.13.18;
- E. Ensure that water supply and waste disposal systems meet the public health standards of section 3.13.19;
- F. If a variance is requested, ensure that the requirements of section 3.13.21 are met and maintain documentation of any variances granted;
- G. Inspect all development projects and take any and all penalty actions outlined in section 3.13.22 as a necessary to ensure compliance with this ordinance;
- H. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- K. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- L. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- M. Perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and

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- N. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.10. Required conditions.

- A. Buildings or structures authorized in the flood plain district shall be built on a permanent foundation and not obstruct natural drainage courses and floodways (in accordance with section 3.13.17).
- B. Equipment and materials stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not be a source of water pollution or contamination.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.11. Development permit.

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the zoning enforcement officer. The zoning enforcement officer shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- A. The application for development permit shall be accompanied by:
 - 1. Drawings of the site, drawn to scale showing property line dimensions;
 - 2. Existing grade elevations and all changes in grade resulting from excavation or filling;
 - 3. The location and dimensions of all buildings and additions to buildings;
 - 4. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of section 3.13.17 of this ordinance, and
 - 5. Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- B. Upon receipt of an application for a development permit, the zoning enforcement officer shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first flood insurance rate map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current flood insurance rate map is subject to the provisions of this ordinance.

The zoning enforcement officer shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

The zoning enforcement officer shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The zoning enforcement officer shall not issue a permit unless all other federal, state, and local permits have been obtained.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.12. Occupancy permits.

It shall be unlawful to use or occupy any buildings or any development site or any part thereof hereafter constructed in the SFHA without an occupancy permit. Application for an SFHA occupancy permit shall be submitted to the zoning enforcement officer upon completion of the work authorized in the development permit issued for the project in question. If, upon final inspection of a building or development site, the zoning enforcement officer finds that the work has been performed in accordance with the approved application and plans of the development permit, a use permit shall be issued. If final inspection reveals otherwise, a use permit may not be issued until all deficiencies are corrected. An "as-built" elevation certificate prepared by a registered land surveyor shall be required prior to the issuance of an occupancy certificate.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.13. Permit review.

Refer to section 2.5 for permit review process.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.14. Consent for inspections.

All work for which a permit is required shall be subject to inspection by the zoning enforcement officer or a duly authorized representative. It shall be unlawful to refuse to permit the zoning enforcement officer or the representative to enter such premises or structure at any reasonable time to make an inspection. It shall be unlawful to interfere with or hinder the zoning enforcement officer or the representative when in the performance of their duties.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.15. Fees.

Fees for permits shall be established by the county board.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.16. Preventing increased flood heights and resulting damages.

Within any floodway identified on the county-wide flood insurance rate map and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in section 3.13.16.B. of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
 - 1. *Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:*
 - a. The crossing will not result in an increase in water surface profile elevation in excess of 1.0 feet, and

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- b. The crossing will not result in an increase in water surface profile elevation in excess of one-half feet at a point 1,000 feet upstream of the proposed structure.
 - c. There are no buildings in the area impacted by the increases in water surface profile.
 - d. The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.
 - e. The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit.
 - f. The design must be certified by a second licensed professional engineer.
2. *Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:*
 - a. The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
 3. *Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4:*
 - a. The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.
 - b. A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.
 - c. No supporting towers or poles shall be located in a river, lake or stream.
 - d. Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.
 - e. All disturbed areas shall be returned to pre-construction grades and re-vegetated.
 - f. All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.
 4. *Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:*
 - a. The boat dock must not extend more than 50 feet into a waterway and no more than one-quarter of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.
 - b. The width of the boat dock shall not be more than ten feet.
 - c. For L-shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed 50 percent of the landowner's shoreline frontage nor 50 feet.
 - d. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten feet of the projected property line.
 - e. Dock posts must be marked by reflective devices.
 - f. The boat dock must be securely anchored to prevent detachment during times of high wind or water.
 - g. Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.

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- h. This permit does not authorize any other related construction activity such as shore protection or fill.
 - i. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
 - j. At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers.
5. *Minor, nonobstructive activities meeting the following conditions of IDNR/OWR Statewide Permit Number 6:*
- a. The following activities (not involving fill or positive change in grade) are covered by this permit:
 - i. The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.
 - ii. The construction of light poles, sign posts, and similar structures.
 - iii. The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.
 - iv. The construction of properly anchored, un-walled, open structures such as playground equipment, pavilions, and carports.
 - v. The placement of properly anchored buildings not exceeding 70 square feet in size, nor ten square feet in any dimension. Only one such building on a property is authorized by this statewide permit.
 - vi. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.
6. *Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:*
- a. Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.
 - b. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.
 - c. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
 - d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
7. *Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:*
- a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.
 - b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks,

shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.

- c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.
- d. If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten days prior to the blasting date to allow monitoring of any related fish kills.

8. *Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:*

- a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the state where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten years. (The department should be consulted if there is a question of whether or not an area is considered urban).
- b. In addition to the materials listed in section 3.13.16.A.(8)(a), other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.
- c. The following materials shall not be used in any case: auto bodies, garbage or debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protections Act (415 ILCS 5).
- d. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, 1,000 feet.
- e. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.
- f. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
- g. Materials shall not be placed higher than the existing top of the bank.
- h. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site.

For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent nor the volume of material placed exceed two cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.

- i. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.
- j. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.

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- k. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:
 - i. It is constructed in alignment with an existing seawall(s) or gabion structure(s), and
 - ii. The volume of material placed, including the structure, would not exceed two cubic yards per lineal foot.
 - l. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, and shall not be placed in a floodway.
9. *Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:*
- a. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
 - b. The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).
 - c. The accessory structure or addition must not exceed 500 square feet in size and must not deflect floodwaters onto another property, and
 - d. Must not involve the placement of any fill material.
 - e. No construction shall be undertaken in, or within 50 feet of the bank of the stream channel.
 - f. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
 - g. Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.
 - h. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.
10. *Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:*
- a. The affected length of the stream shall not either singularly or cumulatively exceed 1,000 feet.
 - b. The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel, and
 - c. The cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and down stream of the site.
 - d. Dredged or spoil material shall not be disposed of in a wetland and shall be either:
 - i. Removed from the floodway;
 - ii. Used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than ten percent, nor the

volume of material placed exceed two cubic yards per lineal foot of stream-bank;

- iii. Used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;
 - iv. Used to stabilize and existing levee provided the height of the levee would not be increased nor its alignment changed;
 - v. Placed in a disposal site previously approved by the department in accordance with the conditions of the approval, or
 - vi. Used for beach nourishment, provided the material meets all applicable water quality standards.
- e. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.
11. *Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR Statewide Permit Number 12:*
- a. A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
 - i. No buildings or structures have been impacted by the backwater induced by the existing structure, and
 - ii. There is no record of complaints of flood damages associated with the existing structure.
 - b. A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.
 - c. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).
 - d. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the department's Statewide Permit Number 9 (Minor Shoreline, Channel and Stream-bank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).
 - e. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.
12. *Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit Number 13:*
- a. No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.
 - b. The term "temporary" shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within one year of

their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.

- c. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.
 - d. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.
 - e. No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
 - f. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.
 - g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
 - h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).
13. *Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.*
- B. Other development activities not listed in [section] 3.13.16A. may be permitted only if:
- 1. Permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
 - 2. Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.17. Protecting buildings.

- A. In addition to the damage prevention requirements of section 3.13.16 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
- 1. Construction or placement of a new building or alteration or addition to an existing building valued at more than \$1,000.00 or 70 square feet.
 - 2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than 20 percent or equal or exceed the market value by 50 percent. Alteration shall be figured cumulatively during the life of the building). If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

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3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. If substantially damaged the entire structure must meet the flood protection standards of this section.
 4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
 5. Installing a travel trailer or recreational vehicle on a site for more than 180 days per year.
 6. Repetitive loss to an existing building as defined in section 3.13.7.
- B. Residential or nonresidential buildings can meet the building protection requirements by one of the following methods:
1. The building may be constructed on permanent land fill in accordance with the following:
 - a. The lowest floor (including basement) shall be at or above the flood protection elevation.
 - b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
 - e. Shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary storm-water management techniques such as swales or basins shall be incorporated.
 2. The building may be elevated on solid walls in accordance with the following:
 - a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
 - b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
 - c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade with a minimum of two openings. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation, and
 - d. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 - ii. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 - iii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or

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- iv. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
 3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
 4. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 5. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade.
 6. The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade.
 7. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four feet at any point.
 8. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
 9. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
 10. Utility systems within the crawlspace must be elevated above the flood protection elevation.
 - C. Non-residential buildings may be structurally dry flood-proofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:
 1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
 2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
 3. Flood-proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
 4. Levees, berms, flood-walls and similar works are not considered flood-proofing for the purpose of this subsection.
 - D. Manufactured homes or travel trailers to be permanently installed on site shall be:
 1. Elevated to or above the flood protection elevation in accordance with section 3.13.17.B. and
 2. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.
 - E. Travel trailers and recreational vehicles on site for more than 180 days per year shall meet the elevation requirements of section 3.13.17.D. unless the following conditions are met:
 1. The vehicle must be either self-propelled or towable by a light duty truck.
 2. The hitch must remain on the vehicle at all times.
 3. The vehicle must not be attached to external structures such as decks and porches.

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4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
 5. The vehicles largest horizontal projections must be no larger than 400 square feet.
 6. The vehicle's wheels must remain on axles and inflated.
 7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
 8. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
 9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
 10. Must either:
 - a. Entirely be supported by jacks, or
 - b. Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.
- F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:
1. The garage of shed must be nonhabitable.
 2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
 3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
 4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
 5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
 6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
 7. The garage or shed must have at least one permanent opening on each wall not more than one foot above grade with one square inch of opening for every one square foot of floor area.
 8. The garage or shed must be less than \$10,000.00 in market value or replacement cost whichever is greater or less than 500 square feet.
 9. The structure shall be anchored to resist floatation and overturning.
 10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
 11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.18. Subdivision requirements.

The Boone County Board shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

- A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of sections 3.13.16. and 3.13.17. of this ordinance. Any proposal for such development shall include the following data:
 - 1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
 - 2. The boundary of the floodway when applicable, and
 - 3. A signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.19. Public health and other standards.

- A. Public health standards must be met for all floodplain development. In addition to the requirements of sections 3.13.16 and 3.13.17 of this ordinance the following standards apply:
 - 1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a flood-proofed and anchored storage tank and certified by a professional engineer or flood-proofed building constructed according to the requirements of section 3.13.17 of this ordinance.
 - 2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 - 3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - 4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
 - 5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry flood-proofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

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- B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.20. Carrying capacity and notification.

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, Boone County shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.21. Variances.

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the zoning board of appeals for a variance. The zoning board of appeals shall review the applicant's request for a variance and shall submit its recommendation to the Boone County Board. The county board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
1. The development activity cannot be located outside the floodplain.
 2. An exceptional hardship would result if the variance were not granted.
 3. The relief requested is the minimum necessary.
 4. There will be no additional threat to public health, safety or creation of a nuisance.
 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
 7. All other state and federal permits have been obtained.
- B. The zoning enforcement officer shall notify an applicant in writing that a variance from the requirements of the building protections standards of section 3.13.17 that would lessen the degree of protection to a building will:
1. Result in increased premium rates for flood insurance up to \$25.00 per \$100.00 of insurance coverage;
 2. Increase the risk to life and property, and
 3. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- C. Variances to the building protection requirements of section 3.13.17 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure

as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of sections 3.13.16 and 3.13.17 of this ordinance subject to the conditions that:

1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.22. Disclaimer of liability.

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of Boone County or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully hereunder.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.23. Penalty.

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance and be subject to the penalties provided in section 2.5.9.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.24. Abrogation and greater restrictions.

This section 3.13 repeals and replaces other ordinances adopted by the county board to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 11-04, § 1, 1-19-2011)

3.13.25. Severability.

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

(Ord. No. 11-04, § 1, 1-19-2011)

3.14. BUSINESS ROUTE 20 CORRIDOR OVERLAY DISTRICT (US20)⁴

3.14.1. Purpose and intent.

In furtherance of the purpose and intent of this ordinance and in keeping with the goals, objectives, and recommendations of the West Hills Neighborhood Plan, the Boone County Comprehensive Plan and specifically the land use element of those plans, the Business Route 20 Corridor Overlay District is hereby created. It is intended that this district will, in general, assist in maintaining the integrity and neighborhood feel of the West Hills area and thereby safeguard the public efforts and investment of public funds allocated to planning and developing this area. Further, by means of site plan and architectural review of the developments permitted within the underlying base zoning districts, it is intended that an overall theme and level of quality may be maintained throughout this corridor.

(Ord. No. 18-03, § 1, 1-17-2018)

3.14.2. Business Route 20 Corridor Overlay District.

All portions of parcels with more than 50 percent of their area lying within ¼-mile of Business Route 20 and within unincorporated Boone County between Beloit Road and the Winnebago county line are hereby included within the Business Route 20 Corridor Overlay District. The map symbol and short name for the Business Route 20 Corridor Overlay District shall be US20 district.

(Ord. No. 09-23, § 1, 5-20-2009; Ord. No. 18-03, 1-17-2018)

3.14.3. Administration.

Administration of the US20 district shall be provided by the zoning administrator.

(Ord. No. 18-03, 1-17-2018)

3.14.4. Permitted uses.

Unless modified by the county board, all uses permitted in the underlying zoning district are permitted.

(Ord. No. 18-03, 1-17-2018)

3.14.5. Special uses.

All uses permitted by a special use permit in the underlying district, except as may be amended by the county board. In addition, outdoor display and sales, including auto sales, shall be considered a special use within the US20 district.

(Ord. No. 18-03, 1-17-2018)

⁴Editor's note(s)—Ord. No. 18-03, § 1, adopted Jan. 17, 2018, changed the title of § 3.14 from "US Highway 20 Corridor Overlay District (US20)" to read as herein set out.

3.14.6. Development standards.

In addition to the requirements contained in the underlying district, the following shall apply to all development occurring in the US20 district:

- A. *Site plan.* A scaled drawing (not greater than one inch equals 100 feet) showing location of all buildings, parking areas, signs, landscaping areas, access ways, and similar features.
- B. *Landscaping.* A minimum of 20 percent of the site shall be allocated to landscaping.
- C. *Building design and exterior construction material standards.* The purpose of this section is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration, and decay; and to enhance the health, safety, and general welfare of the residents of the county.
 1. *Building design and construction requirements in the Local Business (B-1) and General Business (B-2) districts.* Colors, materials, finishes, and building form shall be coordinated in a consistent manner on the front, side, and rear exterior walls. Materials shall be one of the following:
 - a. Hard burned clay brick. Color and texture to be approved.
 - b. Concrete masonry. Units shall be those generally described by the National Concrete Masonry Association as "customized architectural concrete masonry units" or shall be broken faced brick type units with marble aggregate or split face or broke off concrete block. There shall be no exposed concrete block on the exterior of any building. Any concrete masonry units that have a gray cement color shall be coated.
 - c. Concrete. May be poured in place, tilt-up or pre-cast. Poured in place and tilt-up walls shall have a finish of stone, a texture or a coating. Textured finishes, except in special cases, shall be coated. Pre-cast units which are not uniform in color shall be coated. Coating shall be an approved cementitious or epoxy type with a ten year minimum life expectancy.
 - d. Natural stone.
 - e. Glass curtain walls.
 - f. Metal siding. May be used only in combination with one of the approved materials and with approval of county staff. Metal siding may be utilized only on the side and rear building walls that do not face an adjacent street. The first 25 feet of any building side wall or 25 percent of the side wall surface, whichever is greater, and 25 percent of the rear wall (excluding door, window or other openings, shall be constructed of the materials listed under (A) through (E), above. Any metal siding proposed for use shall be entirely coated with a colorfast, abrasion and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Such panels shall be insulated (facing shall carry a U.L. Approval), have a vapor barrier and have a minimum eight foot (from floor) interior wall. Any material utilized to attach the metal siding to the building shall be concealed or the utilization of shadow panels or semi-concealed fastener panels with fasteners painted to match the panels shall be required.
 - g. Other materials approved by the zoning administrator.
 2. *Building design and construction requirements in the Light Industrial (I-1) and General Industrial (I-2) districts.* All buildings hereinafter constructed, expanded, remodeled or otherwise improved within these districts shall be designed in such a manner so that it provides a basic harmony with

and does not detract from the overall attractiveness of surrounding development and shall be constructed of the following materials:

- a. Brick.
 - b. Concrete masonry. Units shall be those generally described by the National Concrete Masonry Association as "customized architectural concrete masonry units" or shall be broken faced brick type units with marble aggregate or split face or broke off concrete block. There shall be no exposed concrete block on the exterior of any building. Any concrete masonry units that have a gray cement color shall be coated.
 - c. Concrete. May be poured -in-place, tilt-up, or precast. Poured-in-place and tilt-up walls shall have a finish of stone, a texture or a coating. Textured finish, except in special cases, shall be coated. Precast units that are not uniform in color shall be coated. Coating shall be an approved cementitious or epoxy type with a ten year minimum life expectancy.
 - d. Natural stone.
 - e. Other materials approved by the zoning administrator.
 - f. Metal siding may be used only in combination with one of the approved materials unless the metal siding mimics or is consistent in appearance with other permitted materials. Metal siding may only be used with the prior approval of staff to ensure compliance with this Section. Any metal siding proposed for use shall be entirely coated with a colorfast, abrasion and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Such panels shall be insulated (facing shall carry a U.L. Approval), have a vapor barrier and have a minimum 8 foot (from floor) interior wear wall. Any material utilized to attach the metal siding to the building shall be concealed or the utilization of shadow panels or semi-concealed fastener panels with fasteners painted to match the panels shall be required.
3. *Building design and construction requirements in the residential traditional neighborhood (RTN) and residential clustering (RC-2) districts.* All buildings, excluding single-family homes, hereinafter constructed, expanded, remodeled, or otherwise improved within this district shall be designed in such a manner so they provide basic harmony with and do not detract from the overall attractiveness of surrounding development and shall be constructed of the following materials
- a. Brick.
 - b. Natural stone.
 - c. Other materials approved by the zoning administrator.
- D. *Mechanical equipment.* All mechanical equipment, including roof mounted, shall be integrated into the design of the structure to the extent possible, enclosed or screened as part of the overall architectural design.
- E. *Screening of outdoor storage.* All materials, equipment, and receptacles and containers for refuse and recyclables shall be stored within a building or fully screened so as not to be visible from adjoining properties, and be located in the side or rear yard, except for construction and landscaping materials currently being used or intended for use on the premises within six months. Said screening shall be with materials identical to those used on the principal building exterior.
- F. *Trademark architecture.* Trademark architecture shall not be permitted, unless approved by the zoning administrator.
- G. *Signs.* Plans showing the nature and extent of proposed signing for the development shall be reviewed similarly and in conjunction with the architectural plan. In the case of any project involving multiple

owners or uses, a coordinated overall signing plan will be required. Freestanding signs shall be monument style and not exceed ten feet in height.

- H. *Lot size.* As specified in the underlying district.
- I. *Lot development standards.* As specified in the underlying district.
- J. *Parking requirements.* Parking areas shall not be placed within a required front yard. Other regulations as specified in the underlying district.

(Ord. No. 18-03, 1-17-2018)

3.14.7. Procedures.

Development standards are subject to review by appropriate county staff.

(Ord. No. 18-03, 1-17-2018)

3.14.8. Appeals.

Unless otherwise provided herein, appeals to the requirements contained in these standards shall be heard by the zoning board of appeals.

(Ord. No. 18-03, 1-17-2018)

3.14.9. Exceptions.

The special use permit process described in section 2.7 may be used to propose the use of a material otherwise prohibited by this section.

(Ord. No. 18-03, 1-17-2018)

3.15. COMMUNITY SEPARATION AREA OVERLAY DISTRICT (CSA)

3.15.1. Purpose and intent.

In furtherance of the purpose and intent of the comprehensive plan and specifically the community separation areas element of the comprehensive plan, an overlay district is hereby created. It is intended that this district will provide an open space buffer between communities that allows the communities to develop distinctly and retain their individuality.

3.15.2. Establishment of the community separation overlay district.

All lands depicted in the Boone County Comprehensive Plan Separation Land Use Maps and within unincorporated Boone County are hereby included within the community separation overlay area district. The map symbol and short name for the community separation overlay area overlay district shall be CSA district.

3.15.3. Permitted zoning.

All lands in the CSA district shall be zoned agricultural preservation area district (A-1). Areas may be rezoned to residential conservation district (RC) and residential clustering district (RC-2) and shall go through the subdivision process concurrently.

3.15.4. Uses.

Unless modified by the county board, all uses permitted in the underlying zoning district are permitted.

3.15.5. Development standards.

In addition to the requirements contained in the underlying district, the following shall apply to all development occurring in the CSA district:

- A. Individual conservation developments should be designed to integrate open spaces with adjacent or nearby developments throughout the entire separation area to create large, usable areas of open space.
- B. Large woodlands, wetlands, and sloping lands should be incorporated within the open space areas.
- C. Intensive night lighting shall be carefully controlled.

3.15.6. Density.

The maximum residential density shall be as follows:

- A. *On parcels less than 60 acres in size:* One dwelling unit per 20 gross acres.
- B. *On parcels 60 acres or more in size:* One dwelling unit per acre in a conservation or clustering development and maintaining a minimum of 70 percent of the land in permanent open space. For the purpose of this section, open space shall mean any or all of the following: crop lands, conservation lands, park lands, open water, and woodlands but does not include any part of a buildable lot.

3.16.1. Table of permitted uses.

Use of a building, structure or land shall be allowed only in the zoning districts indicated and for the purposes specified in the following table of permitted uses. Each use is mutually exclusive and does not encompass other uses listed in the table. A principal use listed in the table in any district denoted by the letter "P" is permitted by right provided all other requirements of state law, this ordinance, and all other applicable ordinances and regulations of Boone County have been satisfied. A principal use listed in the table of permitted uses in any district denoted by the letter "S" is a special use and permitted only subject to the provisions of article 2.7. A principal use listed in the table of permitted uses in any district denoted by the letter "T" is a temporary use and permitted only subject to the provisions of article 4.2. A use listed in the table of permitted uses in any district denoted by the letter "A" is an accessory use and permitted only subject to the provisions of article 5.2. A use of building, structure or land not indicated by either "P" or "S", "T", or "A" is not allowed in that district.

3.16. Table of Permitted Uses												
KEY: P = Permitted Use; S = Special Use; T = Temporary Use; A = Accessory Use												
	A-1	A-2	RE	R-1	RC	RC-2	RTN	B-1	B-2	I-1	I-2	Clarifying Conditions

A. Agriculture Uses:												
Agriculture	P	P										
Artificial lakes three acres or less	P	P	P	P	P	P	P	P	P	P	P	
Artificial lakes more than three acres	S	S	S	S	S	S	S	S	S	S	S	
Animal shelter	S	S							S	S	S	
Auction, livestock	S									S	S	
Auction sales yards	S/T									S	S	Does not include livestock or motor vehicles. Shall not be held for more than 3-days in a one week period, All articles not sold at the end of the auction for that one week period shall be removed from the property, Farm produce, rebuilt, reconditioned and used household goods and appliances shall be offered for sale.
Commercial facility for breeding and raising nonfarm fowl and animals	S	S										
Farm, seasonal working tenant housing	S											
Farm equipment sales and service, including outdoor storage	S								P	P	P	
Feed stores	S								P	P	P	

Fish and game hatcheries and preserves	S	S										
Kennels, boarding and/or breeding	S									S	S	
Landscaping compost facility	S											Facility shall not be located closer than 700 feet from any residence, business or institutional facility; not closer than 200 feet from the nearest potable water supply well and 200 feet from any body of surface water and at least 100 feet from any property line. Facility shall be located outside the limits of the 500-year flood plain.
Nursery stock and horticultural supplies (garden center), retail; provided that in A-1 and A-2 districts nursery stock is grown on-site, or on adjacent sites	S	S							P	P		
Orchards and vineyards	P	P			P	P	P					Only Permitted within open space areas in the residential districts
Plant nurseries (retail)	S	S							P			
Private greenhouses	A	A	A	A	A	A	A					

Roadside stands	A	A	T	T	T	T	T	T	T	T	T	
Row crop production	P	P	P	P	P	P	P	P	P	P	P	Only permitted within open space areas in the residential districts
Slaughter houses	S									S	S	
Small Rural Business	S	S										
Stables	P	P	A									
Stables, commercial	S	S										
Warehouses, grain storage	S	S								P	P	
B. Resource Management:												
Forest management and harvesting	P	P	P	P	P	P	P	P	P	P	P	
Planned development			S	S	S	S	S	S	S	S	S	
Woodland clearing	S	S	S	S	S	S	S	S	S	S	S	
C. Utilities:												
Public water wells or stations, filtration plants, reservoirs, and storage tanks, provided no structure shall be located less than 75 feet from any lot line	P		P	P	P	P	P	P	P	P	P	
Sanitary landfills, refuse dumps or garbage disposal plants; shall be located on a tract of at least 20 acres and located at least 300 feet from the nearest lot line	S									S	S	

Sewage treatment plants	S									S	S	
Telephone exchange or public utility substation	P	P	P	P	P	P	P	P	P	P	P	
Wind energy conversion systems (WECS) 1.5 MW or greater	S											See section 4.8
Wind energy conversion systems (WECS) less than 1.5 MW	P											In no instance shall a WECS be located closer than 1.10 times its total height to a primary structure or front property line. In the event one or more of the conditions are not able to be met a special use shall be required.
D. Residential and Tourist Lodging Uses:												
Accessory dwelling units	S						P		P			See Section 4.20
Accessory relative living quarters	P	P	P	P	P	P	P					In the event a separate entrance and/or substantially separate living quarters is desired, then a special use is required in all permitted districts. See section 4.11
Bed and breakfast establishment	S	S	S	S	S	S	S	S				
Convents, seminaries, monasteries	S		S	S	S	S	S					
Day care home	A	A	A	A	A	A	A	A				

Dwelling unit linked to agricultural conservation easement	S				S								See section 4.14
Dwelling unit linked to lot-of-record exchange	S												See section 4.15
Dwelling units above ground floor retail, office, food service uses						P	P	P	P				
Group home	S				S	S	S						
Home-based business	P	P	P	P	P	P	P						
Home-based business, in accessory structure	A	S	S	S	S	S	S						
Hotels, motels							S	S	P	P	S		
Mobile home parks				S			S						
Multiple-family residences						S	P						Subject to district conditions
Private swimming pools	A	A	A	A	A	A	A						Provided they are totally enclosed by a fence or wall of a minimum 4 feet in height
Rooming, boarding, or lodging houses (< 15 roomers or boarders)							P	S					
Single-family residences	P	P	P	P	P	P	P						Subject to district conditions
E. Public or Institutional Uses:													
Assembly halls	S							S	P	P			
Banks and financial institutions							P	P	P				
Cemeteries	S	S											
Charitable institutions	S						S	S	P				
Churches and other places of worship	S	S	S	S	S	S	S	P	P	P			

including Sunday School													
Crematorium											P	P	
Energy facilities, 1.0 MW or greater	S	S	S	S	S	S	S	S	S	S	S	S	Not Including WECS
Energy facilities, less than 1.0 MW	P	P	P	P	P	P	P	P	P	P	P	P	Not Including WECS
Governmental and cultural uses: fire and police, community centers, libraries, public emergency shelters, governmental and post office building	S	S	S	S	S	S	S	P	P	P	P	P	
Hospitals								S	P				
Medical and dental clinics						P	P	P	P	P			
Local recycling station								S	S	P	P		
Local recycling collection container						S	S	P	P	P	P		
Nursery schools and day care centers						S	S	P	P	S	S		
Nursing homes and orphanages	S						S	P					
Penal institutions	S										S	S	
Restricted landing areas	S												
Railway or bus stations	S							S	P	P	P		For passengers, not freight
Schools	S	S	S	S	S	S	S						
Universities or college buildings and trade schools								S	S	S			
Veterinary clinic, hospitals	S							P	P				
F. Recreation Uses:													

Country clubs and golf courses	S	S	S	S	S	S	S						
Fair grounds and amusement parks	S								S				
Golf driving ranges and miniature golf	S								S				
Hunting and fishing lodges	S												
Marinas	S								P				
Off-road riding facility	S												
Outdoor commercial recreation enterprise	S	S						S	S	S	S		
Outdoor shooting ranges	S												
Private recreation enterprise	S	S						S	S	S	S		
Public camp	S												
Public parks, playgrounds	P	P	P	P	P	P	P	P	P				
Seasonal tourist attraction	S	S											
Stadiums and athletic fields	S							S	S				May be accessory to school or park
Ultra-light landing area for 5 or fewer air vehicles	P												
Ultra-light landing area for 6 or more air vehicles	S												See section 4.5.3
G. Commercial/Retail Business:													
Adult theater									S	S	S		Shall comply with section 4.12
Antique sales	S							P	P				
Automobile repair service								S	P	P	P		Also see Collision repair service
Automotive services including, automobile service									P	P	P		

stations, mobile home or trailer sales, and sales rooms or lots												
Bait sales, live	S							P	P			
Beer garden								S	S	S	S	See section 4.13
Billiard rooms and taverns; excludes adult entertainment establishments								S	P	P		
Boat sales, service, storage and parking									P	P	P	
Bottled gas storage and distribution	S									P	P	
Cannabis Craft Grower	S							S	S	S	S	See Section 4.19
Cannabis Cultivation Center	S							S	S	S	S	See Section 4.19
Cannabis Dispensing Organization								S	S	S	S	See Section 4.19
Cannabis Infuser Organization or Infuser	S							S	S	S	S	See Section 4.19
Car washes									P	P	P	
Collision repair service									S	P	P	
Commercial recreation, including but not limited to, dance halls or academies, night clubs, but excluding adult entertainment establishments								S	P	P		
Commercial vehicle parking	S								S	P	P	1. If vehicles are parked outdoors, then the uses shall be subject to the

												conditions in sections 4.1 Design Criteria (parking and outdoor storage) and 5.1 Development and Design Standards. 2. Residents who drive their own semi-cab and trailer as a profession are subject to Table 3.16 J Transportation Uses: limited to one-semi cab and trailer per parcel. 3. Please see the definition in section 1.2 for further restrictions.
Drive thru							S	S	S			
Dry cleaning establishments							S	P	P	P	P	
Electric appliance service and sale							P	P	P			
Floral and plant supplies	S						S	P	P			
Food stores in which items are sold directly to the public, including; retail bakeries, retail dairies, delicatessens, groceries, meat markets						S	S	P	P			
Funeral home or casket sales	S							P	P			

Furniture and automotive upholstery, furniture repair and restoration								P	P			
Lodges or private club								P	P	P	P	
Massage establishments									S	S	S	State license required
Medicinal cannabis dispensaries and medicinal cannabis cultivation centers										S		
Off-premise advertising signs								P	P	P	P	
Open sales lot									P	P		
Outdoor eating areas							A	A	A	A	A	
Personal service including barber and beauty shops, retail printing, dress making and millinery shops, laundries, shoe repair shops and tailor and pressing shops, or similar uses						P	P	P	P			
Professional offices for physicians, dentists, attorneys, architects, engineers, artist, planner, accountant, real estate, insurance sales, and similar professional service, including						P		P	P			

studios, or similar uses													
Radio and TV studios								P	P				
Restaurants							S	P	P				
Retail stores including, apparel, jewelry, music, furniture, variety, or similar uses, but excluding adult entertainment establishments						S	P	P	P				
Sale of miscellaneous lawn and garden ornaments	S								P				
Self-service storage facility									S	P	P		
Supermarket							S	S	P				
Theaters, indoor								S	P	P			
Theaters, outdoor	S								S	S			
H. Industrial Uses:													
Cannabis Transportation								S	S	S	S		See Section 4.19
Carpentry, cabinet making, upholstery										P	P		
Cold storage plants, breweries, milk bottling, ice plants and storage										P	P		
Commercial liquefied fertilizer storage and distribution	S									P	P		
Commercial petroleum tank farms												S	
Commercial printing, publishing										P	P		

Medicinal cannabis cultivation center										S		Comply with section 4.17
Medicinal cannabis dispensary										S		Comply with section 4.16
Motor vehicle salvage yards											S	
Motor vehicle storage/impound yards									S	S	S	Only allowed by special use in B-2 when accessory to a permitted automotive use.
Outdoor storage									S	S	P	
Painting, sign painting, and other similar establishments									S	P	P	
Pottery and figurines, using previously pulverized clay and kilns fired only with gas or electricity									S	P	P	
Processing plants										S	S	
Production, assembly, fabrication, cleaning, servicing, testing, repair or storage of the following products:												
A) Coal, coke and tar products, including gas manufacture,											P	
B) Electric central stations, power and steam generating plants,											P	
C) Explosives, when not											P	

other similar materials													
Truck stop											P	P	
Warehousing											P	P	
Weighing stations, state operated											P	P	
I. Other Uses:													
Towers, less than 200 feet above ground level	P	P	P	P	P	P	P	P	P	P	P	P	The 200 foot height measurement is applicable to the support structure, not the total height. Does not include WECS or communication towers.
Towers, 200 feet or greater above ground level	S	S	S	S	S	S	S	S	S	S	S	S	The 200 foot height measurement is applicable to the support structure, not the total height. Does not include WECS or communication towers.
J. Transportation Uses:													
Airports and heliports	S										S	S	
Commercial semi-trailer parking	S												Only applicable to properties that have active mining and earth material extraction operations
Freight terminals, motor or rail												P	
Railroad Loop/Spur Line											S		Railroad loop or spur line to connect to existing

													and active class one railroad main line
Public parking garage							S	S	P	P	P		
Railway or bus stations	S							S	P	P	P		For passengers, not freight
Restricted landing area	S												
Semi-cab and trailer parking	S								S	P	P		Limited to one nonfarm cab and trailer in A-1. Trucks licensed to a farm operator on farm property owned or operated by the licensee and used primarily as a farm vehicle are permitted in the A-1 district.

(Ord. No. 09-23, § 1, 5-20-2009; Ord. No. 09-33, § 1, 6-17-2009; Ord. No. 09-46, § 1, 9-16-2009; Ord. No. 10-28, § 1, 5-19-2010; Ord. No. 11-36, § 1, 7-20-2011; Ord. No. 12-39, § 1, 12-19-2012; Ord. No. 14-44, § 3, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016; Ord. No. 17-09, § 1, 4-19-2017; Ord. No. 19-10, § 1, 1-16-2019; Ord. No. 19-15, § 1, 3-20-2019; Ord. No. 20-04, § 1, 3-18-2020; Ord. No. 21-07, § 1, 3-18-2021)

CHAPTER 4. DESIGN CRITERIA FOR SPECIFIC USES

4.1. GENERAL USE CRITERIA

4.1.1. General use criteria.

- A. All uses in commercial and industrial districts shall be subject to the following conditions:
1. All rooftop mechanical service equipment shall be screened from view from grade level of any street, park, parking lot, or from grade of adjoining property. All mechanical equipment shall be screened or colored to match or blend in with the field color of the building.
 2. All uses shall be conducted within completely enclosed buildings unless otherwise specified.
 3. Parking lots shall be screened from the sidewalk by low walls, fences or hedges.
 4. Outdoor storage, trash collection, and loading areas. Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas when visible from adjoining properties and/or public streets shall be screened, recessed or enclosed. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.
 - a. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from adjacent streets.
 - b. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street or public sidewalk.
 - c. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
 - d. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.
 5. Delivery and loading operations. Delivery and loading operations shall not disturb adjoining neighborhoods or other uses. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the lot owner submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 db as measured at the lot line of any adjoining property.
- B. All parking garages shall be subject to the following conditions:
1. Parking decks shall not directly face a street. When a parking deck faces directly on a street the ground floor shall have retail shop fronts fronting the adjacent street.
 2. Parking decks shall be concealed from view by being placed behind buildings or disguised with architectural design and/or ornamentation.
 3. Parking decks shall be constructed of same or similar materials on surrounding buildings.
- C. All uses with live music shall be subject to the following conditions:
1. Live music shall not be audible off the premises at decibel levels greater than normal background noise after 11:00 p.m., if such establishments are located within 300 feet of a residence.

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- D. All uses with outdoor seating shall be subject to the following conditions:
1. Outdoor seating, tables and canopies may encroach upon public sidewalks but shall not obstruct any sidewalks or streets.
 2. Recorded music shall not be audible off the premises at decibel levels greater than normal background noise.

4.2. TEMPORARY USES AND SPECIAL EVENTS⁵

4.2.1. Intent.

It is the intent of the following to govern the operation of certain transitory or seasonal uses. The zoning enforcement officer, upon receipt of an application for a temporary use permit, shall notify all other county department that may be affected by the use.

(Ord. No. 11-36, § 1, 7-20-2011)

4.2.2. Temporary use permit.

Applications for a temporary use permit shall be made to the zoning enforcement officer at least 14 days before the commencement of the temporary use and shall contain the following information:

- A. The commonly known address, legal description and property index number of the property to be used, rented or leased for the temporary use;
- B. A description of the proposed use;
- C. The applicant's name and the property owner's name (if different than applicant);
- D. Sufficient information (including but not limited to site plans, photos, licenses, letters, etc.) to determine that the following are in compliance with ordinances in effect;
- E. Provisions for a waste disposal (solid and human);
- F. Provisions for temporary food service facilities;
- G. Paved or graded ingress and egress for emergency, police and regulatory traffic;
- H. Required yards: Twenty-foot setback from all right-of-ways and all other property lines;
- I. Parking spaces;
- J. Compliance with applicable building and fire codes;
- K. Traffic control;
- L. Provisions for clearing debris;
- M. Acceptable hours of operation; and
- N. A security plan.

⁵Editor's note(s)—Ord. No. 11-36, § 1, adopted July 20, 2011, amended Ch. 4, § 4.2 in its entirety to read as herein set out. Former § 4.2, §§ 4.2.1—4.2.7, pertained to similar material, and derived from Ord. No. 08-20, § 1, adopted July 9, 2008.

The temporary permit shall be issued only if the above criteria are met to the satisfaction of the zoning enforcement officer and all other departments have approved the request.

(Ord. No. 11-36, § 1, 7-20-2011)

4.2.3. Specific uses and regulations.

The following are considered temporary uses and are subject to specific regulations and time limits, in addition to the regulations of any zoning district in which the uses are located.

- A. *Animal show.* A temporary use permit may be issued for the showing of animals and displays of their performance in both formal and informal competitions and practices of ten or more participants and/or spectators within the A-1, A-2, B-1 and B-2 districts. A permit for an animal show shall be valid for not more than one day. No more than six permits shall be issued for any single location per year. Each permit is not renewable; but, two permits may be applied for within a seven-day period.

Minimum requirements for an animal show are as follows:

1. *Prohibited activities:* Events including but not limited to horse fore footing (tripping), tailing and heeling shall be prohibited. Events that cause the intentional harm of an animal or are in violation of the Illinois Animal Welfare Act are also prohibited.
 2. *Regulations:* Compliance with the regulations accepted by the Professional Rodeo Cowboys Association, the Women's Professional Rodeo Association, the Illinois Federation of Charros or any other appropriate regulatory authority for animal shows.
 3. *Hours of operation:* Animal shows shall not occur for more than two consecutive days at a time and shall operate within the hours of 9:00 a.m. to 9:00 p.m.
 4. *Security:* Compliance to the security plan approved by the Boone County Sheriff's Department.
 5. *Parking:* Appropriate parking shall be provided. Parking in the public right-of-way or within 20 feet of the property line is prohibited.
 6. *Access:* If a single access drive is used, the access shall be wide enough to accommodate two-way traffic. If the access can not accommodate two-way traffic, then two access drives shall be used and one shall be designated as ingress and one designated as egress.
 7. *Site plan:* A site plan showing parking, buildings, event areas, etc. shall be submitted for review to the appropriate county staff. A site plan must be approved prior to the commencement of any event.
 8. *Music/public announcement system:* Music, announcements or any other sounds related to the animal show shall not exceed 70 decibels at the property line.
 9. *Lighting:* Any outdoor lighting shall not exceed 0.5-foot candles at the property line.
- B. *Asphalt/concrete plant and construction trailer.* A temporary use permit may be issued for portable asphalt/concrete plants and construction trailer, for use in road construction and repair. The permit shall be issued for a period not to exceed 90 consecutive days, but may be renewed for one or more 90 consecutive day period(s) if completion of the local project is delayed for reasons beyond the control of the contractor. All items associated with the temporary use shall be removed no later than 14 days after completion of the road project.
- C. *Carnival or circus.* A temporary use permit may be issued for a carnival or circus within the B-1, and B-2 districts. The permit shall be valid for a period not longer than seven consecutive days and is not renewable.

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- D. *Christmas tree sales.* A temporary use permit may be issued for the display and open-lot sale of Christmas trees within the A-1, B-1, and B-2 districts. The permit shall be valid for a period no longer than 60 consecutive days (including setup and tear-down) and is not renewable.
 - E. *Contractor's office and equipment shed.* A temporary use permit may be issued for a trailer for use by a building contractor as a temporary office or shelter incidental to construction on and/or development of the premises on which the trailer is located only during the time of said construction or development. The permit shall be valid for not more than one year, but may be renewed.
 - F. *Festival.* A temporary use permit may be issued for tents or other temporary structures and related facilities to house and serve activities, such as but not limited to, public celebrations, special observances, cultural events, or entertainment programs sponsored by a local civic, religious, governmental or recognized, duly chartered fraternal organizations. The permit shall be valid for not more than seven consecutive days and is not renewable.
 - G. *Fireworks stand (legal fireworks).* A temporary use permit may be issued for the sale of legal fireworks and related items within the B-1 and B-2 districts. The firework stand shall comply with state and local fire department regulations. The permit shall not be valid for more than 30 consecutive days and is not renewable.
 - H. *Flea market.* A temporary use permit may be issued for the establishment of an open air flea market for the sale of new and second hand goods, handicrafts and antiques by individuals each occupying separate booths or tables within the B-1 and B-2 districts. The permit shall not be valid for more than three consecutive days, not to exceed 12 calendar days per month. Not more than two renewals are allowed per calendar year.
 - I. *Mobile food sales (not associated with other temporary uses).* A temporary use permit may be issued for the sale of food from a vehicle or other temporary structure within the B-1, B-2, 1-1, and 1-2 districts. The vehicle or structure used for sales shall be removed from the property nightly. The permit shall be valid for not more than 90 days per location, but is renewable one time per calendar year.
 - J. *Outdoor music/entertainment event, outdoor concert.* A temporary use permit may be issued for outdoor music and entertainment events, outdoor concerts (not otherwise qualifying as a tent theater, religious meeting or festival sponsored by local civic, religious, governmental organizations and recognized, duly chartered fraternal organizations) within the B-1 and B-2 districts. Said permit shall only be valid for eight consecutive days from the date of issuance and is not renewable.
 - K. *Real estate project sales office.* A temporary use permit may be issued for a temporary real estate office in any new subdivision which has been approved by the county board. The office shall contain no sleeping or cooking accommodations. The permit shall be valid for not more than one year, but is renewable. The office shall be removed upon completion of the development of the subdivision. A model home may be used as a temporary sales office but must obtain a certificate of occupancy.
 - L. *Religious tent meeting.* A temporary use permit may be issued for a tent or other temporary structure to house religious meetings for a period of not more than seven consecutive days and is not renewable.
 - M. *Retail sales.* A temporary use permit may be issued for the sale of general merchandise from a temporary structure within the B-1 and B-2 districts. The structure shall be removed from the property nightly. The permit shall not be valid for more than 90 consecutive days per location, but is renewable one time per calendar year.
 - N. *Sawmill (portable).* A temporary use permit is required for the cutting and use of the trees from that parcel or lot only within the A-1 and A-2 districts. The sawmill shall not be located closer than 500 feet from a residence unless it is that of the owner. The permit shall be valid for six months, but may be renewed.

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- O. *Seasonal sales of farm product.* A temporary use permit may be issued for the operation of roadside stand for the sale of farm produce which was not grown on the premises within the B-1, B-2, I-1 and I-2 Districts. The permit shall be valid for not more than six months per year and is not renewable. No sales shall be made within 30 feet of any street or road right-of-way. For any roadside stand operating more than three months per year, an off-street parking area shall be provided and the maximum area of the roadside stand shall be 120 square feet.
 - P. *Tent sales.* A temporary use permit may be issued for a tent to house the sale of merchandise by an established local retailer within the B-1 and B-2 districts. The permit shall be valid for not more than seven consecutive days, but may be renewed one time per calendar year.

(Ord. No. 11-36, § 1, 7-20-2011)

4.2.4. Reserved.

4.2.5. Issuing permits.

The zoning enforcement officer shall issue a temporary use permit only if the following conditions have [been] met:

- A. All appropriate fees are paid in accordance with the fee schedule adopted by the county board;
- B. A site plan is provided and approved by all county staff. The site plan shall include but not be limited to the following: Area of the temporary use, parking, ingress and egress, signage and setbacks;
- C. All other county and State of Illinois permits, if required for the proposed use, have been approved;
- D. All conditions specified in the specific regulations of this section are met;
- E. All conditions specified by the zoning enforcement officer and/or other county staff are met. Appeals of decisions shall be filed with the zoning board of appeals in accordance with section 2.9; and
- F. The zoning enforcement officer shall have the authority to deny a temporary use permit if the applicant has a demonstrated and documented failure to comply with the regulations of a similar previously granted temporary use.

(Ord. No. 11-36, § 1, 7-20-2011)

4.2.6. Permit form.

A written permit will be issued for all temporary uses and shall contain the following information:

- A. Applicant's name;
- B. Location, type, and effective dates of the temporary use;
- C. Conditions specified by county authorities for the temporary use;
- D. Signature of the zoning enforcement officer issuing the permit; and
- E. All permits shall be forwarded to the Boone County Sheriff's Department.

(Ord. No. 11-36, § 1, 7-20-2011)

4.2.7. Permit renewal.

Only permits which are renewable shall have an application filed for renewal at least 15 days prior to the expiration date of the current permit. Permits shall not be renewed if a violation of the current temporary use permit or other applicable codes and ordinances is determined to exist by the zoning enforcement officer.

(Ord. No. 11-36, § 1, 7-20-2011)

4.2.8. Permit fees.

Temporary permit fees shall be collected according to the most recent fee schedule approved by the county board. Permit fees shall be paid at time of application submittal.

(Ord. No. 11-36, § 1, 7-20-2011)

4.2.9. Permit revocation.

The zoning enforcement officer shall have the authority, at any time prior to or during the period for which a permit has been issued to revoke the permit if it is determined that information is inaccurate or incomplete of which inaccuracy or omission substantially effects the event proposed or if the zoning enforcement officer becomes aware of information which he believes can poses serious threat to the health, welfare, security of safety of any resident of Boone County or any other persons attending the event.

(Ord. No. 11-36, § 1, 7-20-2011)

4.3. HOME-BASED BUSINESSES

4.3.1. Purpose.

Home-based businesses are a necessary and desirable part of the development of a community, but if left unchecked can have a negative effect on the value, use and enjoyment of adjoining property and the neighborhood. It is necessary to establish performance standards to measure the appropriateness of the many diverse home-based businesses in Boone County. It is the intent of this section to:

- A. Ensure the compatibility of home-based businesses with other uses permitted in agriculture and residential zoning districts;
- B. Maintain and preserve the character of agriculture and residential neighborhoods;
- C. Promote the efficient use of public services and facilities by assuring that services are provided to the residential population for which they were planned and constructed, rather than provided to commercial uses; and,
- D. Prevent the generation of vehicular or pedestrian traffic in greater volumes than would normally be expected in agriculture and residential neighborhoods.

4.3.2. Performance standards.

In addition to the standards and criteria established in section 2.7, herein, no home-based business, as defined herein, shall hereafter be established, altered or enlarged in any residence district unless such home-based business complies with the following performance standards in all residence districts:

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- A. *Employees.* No more than one person who is not a permanent resident in the dwelling shall be employed in the home-based business.
 - B. *Areas used.* The nature of the home-based business shall be that of an activity operating primarily within the home's living area. Accessory buildings may be utilized in a home-based business as follows:
 - 1. The use of an accessory building in conjunction with a home-based business located on any lot of a platted subdivision or unincorporated village whose principal use is residential shall be permitted by a special use permit. The special use permit, without further action by the county board, shall become null and void coincidentally with the expiration of the home-based business permit.
 - 2. The use of an accessory building in other rural locations shall be permitted by the home-based business permit.
 - C. *Area limited.* No more than 25 percent of the home's living area shall be devoted to the home-based business. The area of any attics, basements, and accessory buildings shall not be used in the calculation of the home's living area.
 - D. *Exterior evidence.* There shall be neither external alteration of the dwelling nor any other evidence indicating the existence of a home-based business.
 - E. *Signs.* Only a nameplate in accordance with section 5.6 of this ordinance shall be permitted.
 - F. *Exterior storage.* There shall be no exterior storage of equipment or materials used in the home-based business.
 - G. *Disturbances.* No unreasonable noise, odor, liquid, or solid waste shall be emitted nor shall any electrical disturbance to the surrounding residents be allowed by the home-based business.
 - H. *Traffic.* A home-based business shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the area. Complaints by neighboring residents or the general public will be very instrumental in assessing permit application approval or denial.
 - I. *Permit and fee required.* A home-based business permit must be secured from the county zoning enforcement officer. The initial fee and annual renewal fees shall be charged in accordance with the fee schedule adopted by the county board.
 - J. The following uses by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations. Therefore, the following shall not be permitted as home occupations: cannabis business establishment, cannabis craft grower, cannabis cultivation center, cannabis dispensing organization, cannabis infuser organization nor cannabis transportation organization.

(Ord. No. 20-04, § 1, 3-18-2020)

4.4. NON-CONFORMING BUILDINGS, STRUCTURES AND USES

4.4.1. General.

Some lots, structures, uses of land, or characteristics of use may exist which were lawful before the adoption of the districts establish in this Zoning Code, or amendments which may later be adopted, but which would be prohibited, regulated, or restricted under the regulations of this Code. It is the intent of the Code to permit these nonconformities to continue until they are removed, but not to encourage their survival under the terms this Code. Nonconformities shall not be enlarged upon, expanded, or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming

use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged by attachment on a building or by the addition of other uses of a nature which would be prohibited generally in the district involved. Nonconforming uses are declared incompatible with permitted uses in the districts involved.

4.4.2. Agricultural exemptions.

Existing homes in agricultural districts which are nonconforming with respect to the setback from the highway may be expanded to the side or rear without need for a variation provided such enlargement complies with the required side and rear setbacks. The county engineer shall review and approve application for such enlargement or expansion prior to issuance of a building permit. In such case where the county engineer denies the application, the applicant may file a request for a variation in accordance with section 2.8.

4.4.3. Non-conforming uses of land.

Where at the time of passage of this Code or subsequent more restrictive amendment hereto, a lawful use of land exists which would not be permitted by the regulations imposed, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment Code.
- C. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Code for the district in which such land is located.

4.4.4. Non-conforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portions of structure be destroyed by any means to an extent of more than 50 percent of its fair market value prior to the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.
- C. Should such nonconforming structure be moved for any reason for any distance it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. A nonconforming building or structure may be maintained or repaired in order to keep the building or structure in a safe condition. A nonconforming building or structure which is nonconforming only with respect to the setback regulations for the zoning district in which it is located may altered or enlarged, provided that the alteration or enlargement does not increase the degree of any existing nonconformity, does not establish any additional nonconformity, does not occur in any required setback, and complies with all of the regulations of the zoning district in which it is located and all other applicable codes and ordinances.

4.4.5. Non-conforming uses of structures.

If a lawful use involving individual structures with a fair market value of \$1,000.00 or more, or of structure and land in combination, exists at the effective date of adoption or amendment of this Code that would not be allowed in the district under the terms of this Code, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside of such building.
- C. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for one year, (except when government action impedes access to the premises) the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- D. Where nonconforming use status applied to a structure and premises in combination, removal, or destructions of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the fair market value at the time of destruction.

4.4.6. Repairs and maintenance.

On the nonconforming structure or portion of a structure containing a nonconforming use, ordinary repairs, or repair or replacement of nonbearing wall, fixtures, wiring or plumbing may be made to an extent not exceeding 50 percent of the fair cash market value of the nonconforming structure provided that cubic content existing when it became nonconforming shall not be expanded.

4.4.7. Appeals procedure.

Any appeal made regarding a zoning certificate or other permit for a legally nonconforming use or structure shall follow the procedure outlined in section 2.9.

4.5. AIRPORTS AND AIRCRAFT

In addition to the standards and criteria established in section 2.7, herein, no special use permit shall be granted for the following uses unless evidence is presented to establish the standards and criteria set forth herein can be completely satisfied.

4.5.1. Airports.

Airports shall meet the following requirements:

- A. Commercial airports shall provide at least the following facilities on the airport property area: hangar or office, wind direction indicator, fuel and oil facilities, sanitary drinking water, first aid kit, sanitary toilets, adequate fire protection equipment, automobile parking area, reasonably accessible telephone, adequate tie down facilities, and circle marker where a nonstandard traffic pattern is used.

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- B. An airport is subject to the requirements of the Illinois Department of Transportation Division of Aeronautics and the Federal Aviation Administration.
 - C. Maximum height of adjacent structures. No building or structure shall hereafter be erected or altered in any district in which an airport may be approved for a distance of 3,500 feet from all points on the runway center line that exceeds a height of one foot for every seven feet of horizontal distance from the center line (7:1). Further, an approach area starting at the runway end and continuing to a width of 500 feet at 3,500 feet from the runway end shall be protected from any structure of over one foot in height for each 20 feet of horizontal distance from the runway (20:1).
 - D. Airports may not be initially located closer to the limits of a municipality or to the boundary of a residential zoning district, or to the lot line of an educational or institutional facility than one-half mile from the end of a runway or 1,000 feet from the center line of the runway.

4.5.2. Restricted landing areas.

Restricted landing areas shall meet the following requirements:

- A. Number of based aircraft: Only three air-worthy aircraft owned or leased by the holder of the permit for the restricted landing area may be based on the restricted landing area.
- B. Type of aircraft permitted: Aircraft operating on the restricted landing area are limited to small aircraft as described by Federal Aviation Regulations, Part 1, and are limited to 300 horse power per engine.
- C. Minimum separation: Every restricted landing area must be separated by one statute mile (5,280 feet) from any point along the center line of any other restricted landing area.
- D. Each restricted landing area must meet all current Illinois Department of Transportation Division of Aeronautics and federal regulations.

4.5.3. Ultralight aircraft landing area for six or more air vehicles.

- A. All air vehicles not licensed by the FAA are considered ultralight aircraft. Due to the unique operating characteristics of ultralight aircraft, licensing procedures and minimal federal aviation regulations shall follow the procedures outlined in Federal Aviation Regulations Part 103.
- B. Special use permit required. Any ultralight aircraft landing area having six or more based air vehicles shall not be established or operated without first obtaining a special use permit in the manner prescribed in section 2.7.
- C. Type of aircraft permitted. Only air vehicles considered ultralights may be based at an ultralight aircraft landing area.

4.6. MOBILE HOME PARKS

In addition to the standards and criteria established in section 2.7, herein, no special use permit shall be granted for the use(s) listed below unless evidence is presented to establish the standards and criteria set forth herein.

4.6.1. Findings.

The zoning board of appeals shall review the particular facts and circumstances of each proposed mobile home park in terms of the following standards and shall find adequate evidence showing that the mobile home park development:

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- A. 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 use will not change the essential character of the same area;
 - B. Will not be hazardous or detrimental to existing or future neighboring uses;
 - C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
 - D. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
 - E. Will be consistent with the intent and purpose of this ordinance and the comprehensive plan;
 - F. Will have vehicular approaches to the property which shall be so designed as not to create any interference with traffic on surrounding public streets or roads;
 - G. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance; and
 - H. Will meet all applicable codes and laws.

4.6.2. General standards.

The following are general requirements that must be met before the special use permit can be granted:

- A. Essential community facilities and services for type of mobile home park under consideration such as schools, recreation areas, and police and fire protection, shall be reasonably accessible to the park or provisions shall be made assuring these facilities and services.
- B. The park shall not be subject to hazards such as objectionable smoke, noxious odors, unusual noise, the probability of flood or erosion or the possibility of insect or rodent infestations. In no event shall any special use permit be granted where the mobile home park, or any part thereof where mobile homes are to be placed, is located within a special flood hazard area.
- C. The condition of soil, ground water or flood level drainage and topography shall be such as not to create hazards to the property or to the health and safety of the residents.
- D. Direct vehicular access to the park shall be provided by means of an abutting improved public street. Sole vehicular traffic access shall not be by an alley.
- E. Any nonresidential use of the property shall be subordinate to the residential use and character of the property and any nonresidential use if permitted shall be harmonious with the residential character of the property. Only those commercial uses for the use of or service to the mobile home park occupants shall be permitted.
- F. Combustible or flammable materials, other than individual fuel storage on each mobile home lot and not exceeding two 55-gallon capacity containers subject to approval of state fire regulations, shall not be stored or manufactured on the property.
- G. Individual services and facilities shall be established for each mobile home lot as follows:
 - 1. A continuous supply of safe and potable water.
 - 2. Sanitary facilities and safe methods of sewage disposal.
 - 3. Electricity for artificial lighting, and to serve electrical equipment used in the mobile home.
 - 4. Tenant storage, including locker of at least 90 cubic feet.

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5. Parking space.
- H. Common services and facilities shall be provided in appropriate locations:
1. Parking space.
 2. Laundry, drying facilities and toilets.
 3. Recreation facilities.
 4. Management office.
 5. Management storage.
 6. Garbage and trash disposal.

4.6.3. Additional application requirements.

In addition to the application requirements for a special use permit, an application for a mobile home park shall be accompanied by the following items of information:

- A. Plat of survey and relation to surrounding property.
- B. Topographic map, not less than two foot contour intervals, clearly describing property.
- C. Plans of proposed water supply and sewerage disposal.
- D. Location of tree masses, individual tree location where pertinent, streams, lakes, and existing sewer and water, gas, storm sewers, fire hydrants and other pertinent data.
- E. Test holes showing soil data required for disposal fields.
- F. The planner's name, the engineer's name and the architect's name shall be shown on all plans.
- G. All plans shall show professional competence in drawing and analysis and shall include pertinent data ordinarily used and shown on the plans by a competent landscape architect, architect, sanitary engineer or a professional engineer, in the particular field he is competent to act.
- H. The owner shall pay a fee in accordance with the fee schedule adopted by the Boone County Board, to cover the cost of the initial plan review.

4.6.4. Design standards.

- A. *Size.* No mobile home park shall be established on a tract of land having less than 40 acres.
- B. *Lot size.* The minimum size of an individual mobile home lot shall be 4,000 square feet. The average size of all lots in the mobile home park shall be 5,300 square feet, excluding streets and common areas.
- C. *Setbacks.*
 1. No building, structure, or trailer shall be located closer than 50 feet to any property line of the mobile home park, nor closer than 75 feet to any principal county, township, or state highway or arterial street or roadway right-of-way.
 2. Mobile homes, attached or detached garages, or any additions or appurtenances thereto shall be setback at least 20 feet from the pavement of streets, roadways, or sidewalks within the mobile home park.

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3. No part of any mobile home, attached or detached garages, or any addition or appurtenance thereto, shall be placed within 20 feet of any other mobile home, attached or detached garage, or any addition or appurtenance thereto, nor within 50 feet of any accessory or service building or structure.
 4. Patios or outdoor living space shall be adjacent the mobile home stand and shall not be less than 180 square feet. in area for each home stand.
- D. *Height.* No building, structure, or mobile home shall be higher than two and one-half stories or 35 feet.
- E. *Streets.* Mobile home park streets shall be private unless the mobile home park is built to conform to county subdivision regulation requirements.
1. Entrance streets or streets serving 40 or more lots shall have a minimum width of 40 feet with guest parking allowed on both sides.
 2. There shall be at least one major thoroughfare for complete and uninterrupted traffic circulation within the mobile home park. This street shall be at least 24 feet wide. No parking shall be permitted. All collector streets shall meet the same width and parking requirements.
 3. Minor streets (those streets serving less than 40 lots) shall have the following minimum widths:
With parking (both sides): 34 feet.
With parking (one side): 27 feet.
With no parking: 20 feet.
 4. One-way minor streets shall be allowed when the street serves less than 20 lots. The following minimum widths shall be required:
With parking (one side): 17 feet.
With no parking: 12 feet.
 5. Culs-de-sac and turning circles shall have a minimum diameter of 100 feet.
 6. Streets shall be adapted to the topography and shall be aligned for the safety of traffic, satisfactory drainage, and proper functioning of sanitary and storm sewer systems.
 7. Intersections shall be generally at right angles with off-sets and intersections more than two streets at one point avoided.
 8. Pavements shall be protected at the edges by curbs, gutters, or other suitable edging where necessary to prevent raveling of the wearing surface and shifting of the base.
 9. Gradients of streets shall be at least 0.014-percent and not exceed on collector streets five percent and minor streets seven percent.
- F. *Driveways.* Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other materials, and elsewhere as needed. Driveways serving a single mobile lot shall be at least nine feet wide.
- G. *Mobile home location.* All mobile homes shall be located on poured concrete pads or similar durable construction. In no case shall mobile homes be allowed on concrete blocks only.
- H. *Parking.*
1. *Number spaces required:* There shall be at least two parking spaces per mobile home located on the mobile home lot.
 2. *Dimensions:* Each parking space shall be at least nine feet wide and 20 feet long.

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- I. *Sidewalks.*
 - 1. All sidewalks shall be of concrete or asphalt construction.
 - 2. Sidewalks shall be provided to every mobile home from the street or parking area.
 - 3. Common sidewalks shall be provided where traffic is concentrated such as near the park entrance, park office, and community facilities. Such common walks shall be at least five feet wide.
 - J. *Laundry facilities.* Laundry facilities, when provided, shall be located where they will be easily accessible and where they will not impair views from home stands.
 - K. *Landscaping.* Within the 50 foot setback surrounding the mobile home park, there shall be screen fencing or landscape plantings which shall be so designed or planted as to be at least 50 percent opaque when viewed horizontally between two feet and eight feet above average ground level.
 - L. *Recreation facilities.*
 - 1. Recreation areas and facilities, such as playgrounds, community buildings and common open space shall be provided to meet the anticipated needs of the residents the park is designed to serve. Recreational facilities for small children should be separated from other recreational facilities.
 - 2. At least 20 percent of the gross site area shall be devoted to common recreational land.
 - M. *Garages.*
 - 1. Mobile home parks shall not be required to provide completely enclosed parking at each lot.
 - 2. Each individual attached or detached garage shall not exceed 600 square feet.
 - 3. No individual attached or detached garage shall exceed 15 feet in height.
 - 4. Minimum building separation: A garage shall be set back no less than 20 feet from any adjacent structure.
 - 5. Building permits shall be obtained prior to the construction of any attached or detached garage.

4.6.5. Common building requirements.

The following services shall be properly shown on the plans:

- A. *Management office.* The management office shall include room for the usual office furniture and supplies and shall contain a lavatory and water closet. Suitable facilities shall be provided for mail distribution.
- B. *Management storage.* Storage for utility connection supplies in quantity, mobile home accessories and maintenance materials and equipment shall be provided in a separate building or in a building with other facilities.
- C. *Laundry and toilets.* Laundry and toilet facilities, when provided, shall comply with the following requirements:
 - 1. Provide laundry facilities equipped with washing machines and dryers. Satisfactory concession arrangements for washers and dryers may be accepted if suitable water, plumbing and electrical facilities are provided for installation of such equipment.
 - 2. At each laundry location, provide for each sex at least one lavatory and one water closet in a distinctly marked room with sound resistant wall and with vestibule or screen wall which prevents view inside when the door is open.

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3. Finish material of toilet rooms and laundry shall be moisture resistant and capable of withstanding frequent washing and cleaning.
- D. *Setbacks.*
1. *From property lines:* 50 feet.
 2. *From right-of-way:* 75 feet.
 3. *From other structures and mobile homes:* 50 feet.

4.6.6. Utilities.

A. *Water supply.*

1. The objective is to furnish an adequate supply of safe water of satisfactory quality under adequate pressure to all mobile homes and utility buildings and in addition, to furnish an adequate supply for fire protection, and shall be shown on proper plan or plans.
2. Water supply systems shall comply with the Illinois Administrative Code Title 77: Public Health, Chapter I: Department of Public Health, Subchapter q; Mobile Homes, Part 860 Manufactured Home Community Code.
3. If applicable, water supply systems shall be reviewed and approved by the county health department.

B. *Sewage disposal.*

1. The objective is to furnish each mobile home and utility building with an adequate and safe method of sewage disposal by a water carriage sewerage system.
2. Sewage disposal systems shall comply with the Illinois Administrative Code Title 77: Public Health, Chapter I: Department of Public Health, Subchapter q; Mobile Homes, Part 860 Manufactured Home Community Code.
3. If applicable, sewage disposal systems shall be reviewed and approved by the county health department.

C. *Drinking fountains.* Drinking fountains shall be provided in or near park or play areas. Drinking fountains shall conform to all state and local health authority requirements.

D. *Fire protection.* The system shall meet the standards for adequate fire protection as established the National Fire Protection Association.

E. *Garbage and trash disposal.*

1. The objective is to dispose of garbage and trash in a safe manner without creating a nuisance or unsanitary condition.
2. Wherever reasonable, garbage and trash collections and disposal shall be by means of a public system.
3. Wherever a public system is not reasonable, arrangements for the disposal of garbage and trash shall be approved by the Illinois State Department of Public Health and Boone County Health Department.
4. To be acceptable, arrangements and agreements for garbage and trash disposal shall cover a period of at least one year.
5. Individual collection units or trash cans shall be placed below the ground level or kept out of public view in similar manner.

F. *Collection stations.* Unless individual garbage and trash collection is provided, a permanent location shall be selected for garbage and trash containers. Satisfactory racks or holders upon concrete platforms or other

acceptable methods shall be provided which will minimize spillage and container deterioration and visual pollution. Trash storage areas shall be screened from view with landscaping, fence or wall or a combination thereof equal to the height of the trash storage receptacles being screened.

- G. *Codes and regulations.* The complete electrical system shall be new and parts thereof shall comply with the more restrictive requirements of the currently adopted Building and Electrical Codes. In the absence of clarifying codes, installations shall comply with the National Electrical Code unless otherwise modified herein.
- H. *Utility lines.* All utility distribution, collection and service lines, wires and cables, shall be underground within the mobile home park.
- I. *Exterior lighting.* Adequate lights shall be provided to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night.
- J. *Telephone service.* When telephone service to mobile home stands is provided, the distribution system shall be underground, and shall be in general conformance with the placement of the electrical distribution system.

4.6.7. Inspections.

All required site improvements to be installed under the provisions of this section shall be inspected at the owner's expense by a qualified registered professional person who, when the work is completed, shall certify to the Boone County Board that the work complies in all respects with the approved plans and specifications. Construction authorized under a building permit shall be inspected by the county building department.

4.7. EARTH MATERIALS EXTRACTION

4.7.1. Purpose.

It is the purpose of this section to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Earth materials extraction, processing, and site reclamation shall be determined and permitted on a special use basis.

4.7.2. Where permitted.

- A. The extraction of earth materials (gravel, peat, sand, and stone) may be allowed as a Special Use in any I-2 District, and in the A-1 district when the use is the subject of a Settlement Agreement and Consent Order existing prior to 2006, and shall follow the procedure for Special Uses as specified in Section 2.7 of this Ordinance, as well as the provisions of this Section 4.7.
- B. The extraction of earth materials (topsoil and clay) may be allowed as a special use for work towards remediation of Superfund sites or closed landfills in any A-1 or I-2 district and shall follow the procedure for special uses as specified in section 2.7 of this ordinance, as well as the provisions of this section 4.7.

(Ord. No. 19-15, § 1, 3-20-2019)

4.7.3. Exemption to requirements.

If surface mining operations are conducted upon a parcel of land not exceeding two acres in total area and upon which is less than ten feet overburden, by the owner thereof for the single purpose of improving the

agricultural use of that parcel or another parcel in his ownership or that of his spouse or children, the owner thereof shall file with and to the satisfaction of the zoning enforcement officer and the approval of the zoning administrator his affidavit that the foregoing conditions are applicable. Such mining operations may be conducted without a hearing before the zoning board of appeals and without approval of the county board. The zoning enforcement officer shall make available to the owner, the necessary form of application and affidavit.

4.7.4. Application procedure.

Any person, firm or corporation desiring to commence the mining and processing of topsoil, earth, clay, gravel, sand, stone or other minerals shall make written application for a special use permit to the zoning administrator. Application for such permit shall be made upon a form furnished by the zoning administrator, which form shall contain a description of the tract, or tracts, of land and the number of acres thereof to be mined by the applicant and which description shall include the section, township, range and county in which the land is located and shall otherwise describe the land and that portion thereof to be mined with sufficient certainty so that it may be located and distinguished from other lands, and a statement that the applicant has the right and power by legal estate owned to mine and reclaim that land so described. Such application shall be accompanied by ten copies of the following:

- A. A detailed map of the land drawn at a scale of one inch equals 100 feet showing at least the following specifics:
 - 1. Existing topographical features at two foot contour intervals, up to and including seven percent grade. Greater than seven percent grade would require five-foot counters.
 - 2. Location of water courses and drainage systems.
 - 3. Outline of area to be excavated.
 - 4. The proposed location of sorting, grading, crushing, and similar equipment necessary to the operation and initial distribution of the excavated products.
 - 5. The proposed location of any buildings, scale house, equipment storage areas, and equipment repair sheds or areas.
- B. Statements shall be provided regarding:
 - 1. Ownership of land.
 - 2. Minerals to be mined.
 - 3. Character and composition of vegetation and wildlife of the site and the surrounding area to be mined.
 - 4. The nature, depth and proposed disposition of the overburden.
 - 5. The estimated depth to which the mineral deposit will be mined.
 - 6. The technique to be used in surface mining.
 - 7. Estimated type and volume of excavation.
 - 8. The equipment proposed to be used.
 - 9. Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface or underground water.
 - 10. The recycling of water used for washing and grading.
 - 11. The proposed usage or drainage of excess water.

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- C. A detailed reclamation plan and map drawn to a scale of one inch equals 100 feet designating which parts of the land shall be reclaimed for forest, pasture, crop, horticultural, home site, recreational, industrial, or other use including food, shelter and groundcover for wildlife, and shall show the same by appropriate designation on the reclamation plan. The reclamation plan and map shall specify progress and completion dates of the reclamation plan; provided, however, the reclamation is to be completed prior to the expiration of three years after termination of the mining operation on the land. In the event the operator and the county shall mutually determine that characteristics of the area concerned have been found to be present during the conduct of mining, changes may be made in the original reclamation plan mutual consent of the operator and the county board, which change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables. Contours shall conform to requirements of development proposed, but not less than required for existing original topography.
 - D. A written statement containing an explanation of the reclamation plan including methods of accomplishment, phasing and timing.
 - E. The applicant shall be permitted to submit the forms, including the reclamation plan and reclamation map, delivered by him to the proper department of the State of Illinois in his application for a permit under Act of the General Assembly entitled: "The Surface-Mined Land Conservation and Reclamation Act".

4.7.5. Review procedures.

The operator shall furnish the zoning administrator with the required copies of the aforesaid statements, maps and other related exhibits for review of the reclamation plan no less than 60 days before the zoning board of appeals hearing. The review procedure shall be as established for the review of special uses in section 2.7 of this ordinance.

4.7.6. Term of permit.

Each special use permit issued hereunder shall be effective for a maximum of ten years from and after the date of issuance thereof, provided the requirements of operation and reclamation, as are set forth under the operators permit and application, shall be met. An examination of the premises shall be made by the zoning enforcement officer at intervals of not more than six months during the term of operation.

(Ord. No. 19-16, § 1, 3-20-2019)

4.7.7. Renewal of special use permit.

- A. A renewal of the special use permit shall be for a period of time not more than ten years.
- B. A request to renew the special use permit that involves acreage or equipment in addition to the allowed in the original permit shall be treated in the same manner as the initial application.
- C. A request to renew the special use permit when no additional acreage or equipment will be brought into use shall be handled in the following manner:
 - 1. If an operator is not able to finish mining the acreage described in the special use permit in the time specified, he shall apply to the zoning board of appeals. A public hearing will be held. The maps required by this ordinance for the initial hearing shall be revised, updated and resubmitted along with a statement of the current status of the mining reclamation. A new map describing conditions present on the site shall be furnished.

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2. The applicant shall furnish the zoning administrator with a copy of the aforesaid statements, maps, plans and other related exhibits for review of the revised or extended reclamation plan no less than 60 days before the zoning board of appeals hearing.

D. The review procedure described in section 2.7 shall apply.

(Ord. No. 19-16, § 1, 3-20-2019)

4.7.8. Bond.

All operators shall be required to obtain the proper permits and submit a bond, cash in lieu of bond, or a stand-by irrevocable letter of credit drawn upon a financial institution acceptable to the county. The bond shall be payable to the county on condition that the principal shall faithfully perform and complete the approved reclamation plan. Such bond, cash in lieu of bond, or a stand-by irrevocable letter of credit drawn upon a financial institution acceptable to the county shall be in an amount of not less than \$2,500.00 for each acre to be affected. The actual dollar amount shall be established during the hearing process with the zoning board of appeals. A photocopy of the bond, verification of cash in lieu of bond, or a copy of the stand-by irrevocable letter of credit drawn upon a financial institution acceptable to the county shall be provided by the operator to the zoning administrator.

4.7.9. Mining operation requirements.

Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon the lands described in the permit, subject to the following requirements:

- A. The mining operations shall be conducted in compliance with the laws of the State of Illinois and Federal Government, especially as related to safety standards, and ordinances and resolutions of the County of Boone, as amended from time to time, and in compliance with and furtherance of approval of reclamation plan for the affected land.
- B. Clearing of the mining site shall include the moving of existing trees and shrubs to such locations as will provide screening as hereinafter provided whenever possible or as will conform to the plan for ultimate use of the property as shown on the reclamation plan to be submitted.
- C. Maximum depth of excavation shall not be below existing groundwater, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation for conformance to the approved reclamation plan.
- D. Adequate planting and/or fencing shall be provided along all public roads adjacent to the property involved, sufficient to screen the operation from public view, as reasonably as possible, and as approved by the county board in granting a special use.
- E. Not more than one entrance and one exit from a highway or road shall be provided to the area of operation. Such entrance shall be subject to approval by the Department of Highways having jurisdiction and shall, preferably be located along a secondary road, and shall be located as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. If required, by the Highway Department having jurisdiction, acceleration and deceleration strips shall be provided on either side of such entrance and exit, of not less than 100 feet in length each, and shall be paved of such material as shall be required by the Highway Department having jurisdiction. Furthermore, a paved road from the entrance and exit, a distance not less than 300 feet from the right-of-way line into the area of operation shall be provided in order to minimize the deposit of dirt and gravel from trucks onto the public highway. Such pavement shall be in accordance with the

specifications of the county highway department. Entrances and exits shall be provided with the gates to be securely locked during hours of in-operation.

- F. Trucks used in hauling materials from the site of excavation shall be loaded in such a manner as to prevent spillage onto the public highway.
- G. Any spillage on said highways resulting from overloading or from material adhering to truck tires shall be removed periodically from said public highways at intervals of not more than 24-hours, and all safety precautions shall be observed during such process of removal.
- H. Overburden shall not be removed in excess of the area to be mined within one year. Development toward final plan shall be carried on as excavation progresses. Where ground cover or other planting is indicated on approved plan, such planting shall be made in areas where excavation is completed and land is not being used for material storage.
- I. Operations shall be conducted only during the hours from 5:00 a.m. to 6:00 p.m., Monday through Sunday, except during public emergency during which sand and gravel is needed and upon order of the county board, the county sheriff, or the county superintendent of highways.

A mine operator may request temporary extended hours for the hours of 6:00 p.m. to 10:00 p.m., weekdays and Saturdays for a total of two 8 ½ hour work shifts per work day, approval of which by the County shall not be unreasonably withheld. Request for temporary extended hours shall be sent to the County Building and Zoning Department and the County Board Chairman via certified letter. The written request shall document the needs by demonstrating the following:

- Extended hours of operation are needed on a temporary basis when reasonably necessary to meet the requirements of specific projects;
- Examples of projects for which extended hours are reasonable include specific projects for the Illinois Department of Transportation, Illinois Toll Authority, and other federal, state, and local projects.

The County Board Chairman shall acknowledge receipt of said request and respond in writing within ten business days.

The Mine Operator shall not operate the requested extended hours until there is written approval by the County Board Chairman.

Operations during the hours of 5:00 a.m. to 6:00 a.m. shall be for the purpose of loading trucks. No crushers or similar equipment shall operate during the hours of 5:00 a.m. to 6:00 a.m.

In all cases when the Mine Operator conducts hours of operation before dawn or after dusk, and where permitted by law, the Mine Operator shall require that its equipment and vehicles shall use visual back-up warning devices in lieu of audible back-up warning devices, unless prohibited by regulatory authority.

During a period when the Mine Operator is granted extended hours, if the County Building and Zoning Officer verifies a violation of the Mine Operator operating outside the extended hours, the Boone County Chairman may revoke the extended hours previously granted.

- J. No extraction operations shall be conducted in such a manner as to permanently lower the water table of surrounding inhabited properties.
- K. Where required by the county board in granting a special use for a mining operation, to promote safety, a fence shall be erected which shall be of a nature and character to protect the general public from danger.

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- L. Weeds and other unsightly or noxious vegetation shall be cut or trimmed at least twice a year or as may be necessary to present a reasonably neat appearance and to prevent seeding on adjoining property.
 - M. Existing trees and groundcover along public road shall preserve, maintained, and supplemented for the depth of the required roadside setback.
 - N. Upon the completion of operations, the land shall be left in a condition so that sufficient drainage is provided in order to prevent water pockets or undue erosion with all grading and drainage such that natural storm water leaves the entire property at the original, natural, drainage points and that the area drainage to any one such point is not increased. In the event the reclamation plan shall provide for the permanent establishment of a lake, the grading and drainage may be altered, but not in such a manner as to cause damage or inconvenience to surrounding or abutting properties.
 - O. Graded or backfilled areas or banks in the cases of excavations made to water-producing depth shall be covered with topsoil to a minimum depth of six inches. Such topsoil shall have a minimum of 25 percent organic material except that no greater depth of topsoil or percentage of organic material shall be required than originally existing on property prior to the commencement of operation.
 - P. Upon replacement of the topsoil; trees, shrubs, legumes, grasses, or groundcover shall be planted upon such area in order to avoid erosion, in accordance with approved reclamation plan.
 - Q. Whenever production on any property shall have been completed, all buildings, plants, structures (except fences) and equipment shall be entirely removed within six months after such completion, unless same are to be used in connection with the reclamation project proposed or relative to the removal of stored materials. Any and all stockpiled materials shall be removed in not more than two years following cessation of production and the area occupied by such stockpiled material, or materials, shall then be restored as provided for in the reclamation plan.

(Ord. No. 19-16, § 1, 3-20-2019)

4.7.10. Setbacks requirements.

Unless otherwise specifically provided in the applicable special use permit, production, processing and excavation shall not be conducted closer than 1,000 feet to the boundary of any zoning district where such operations are not permitted, nor shall such production, processing and excavation be conducted closer than 150 feet to the right-of-way of any existing or platted street or highway.

4.7.11. Non-conforming earth extraction operations.

Any mining operation legally commenced prior to the adoption of this section shall be exempt from the requirements hereof, except that said operations shall not be exempt from the requirements hereof pertaining to the hours of operations, the operation of motor vehicles and safety regulations. Any change in these requirements shall require public notice and a public hearing per section 2.7.

4.7.12. Revocation of permit.

Upon failure by the holder of a mining operations special use permit, issued pursuant to the provisions of this section, to fully comply with the provisions hereof and when same has been certified by the zoning enforcement officer to the zoning board of appeals, the board of appeals shall give notice to said permit holder, and the owner of the land (which notice may be given by mail addressed to their last known address) setting forth the provision of this section being violated by the permit holder, and the time and place of hearing to be held by the board of appeals to consider the same; and upon such hearing being held, if the board of appeals shall find

that the provisions of this section have not been complied with by the permit holder then the board of appeals shall recommend to the county board that the mining operations permit to be suspended or terminated, and the county board may suspend or terminate the permit.

4.8. WIND ENERGY CONVERSION SYSTEMS SITING⁶

4.8.1. Purpose.

It is the purpose of this section to:

1. Assure the protection of health, safety, welfare and property values for all Boone County residents and landowners.
2. Assure that any development and production of wind-generated electricity in Boone County is safe and effective.
3. Facilitate economic opportunities for local residents.
4. Promote the supply of wind energy in support of Illinois' statutory goal of increasing energy production from renewable energy sources.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.2. Applicability.

This ordinance governs the siting of wind energy conversion systems (WECS) and substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECSs with an aggregate generating capacity of 1.5 mw or less and that locate the WECS on their own property are not subject to requirements of this section.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.3. Prohibition.

No WECS or Substation governed by section 4.8.2 of this ordinance shall be constructed, erected, installed, or located within Boone County unless prior siting approval (approved special use and building permit issuance) has been obtained for each individual WECS and substation pursuant to this ordinance.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.4. Special use permit requirements.

In addition to the standards and criteria established in section 2.7, herein, no special use permit shall be granted for the use(s) listed below unless evidence is presented to establish that the standards and criteria set forth herein have been met.

⁶Editor's note(s)—Ord. No. 12-40, § 1, adopted December 19, 2012, amended Ch. 4, § 4.8 in its entirety to read as herein set out. Former § 4.8, §§ 4.8.1—4.8.15, pertained to similar material, and derived from Ord. No. 08-20, § 1, adopted July 9, 2008.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.5. Definitions.

The following words and terms when used in the interpretation and administration of this section 4.8 shall have the meaning set forth herein except where otherwise specifically indicated:

Applicant: Shall mean the entity or person who submits to the county an application for the siting of any WECS or substation.

Financial assurance: Shall mean reasonable assurance from a credit-worthy party; examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.

Operator: Shall mean the entity responsible for the day-to-day operation and maintenance of the WECS and substations, including any third party subcontractors.

Non-participating property: Any property within the WECS project other than participating property.

Owner: Shall mean the entity or entities with an equity interest in the WECS(s), including their respective successors and assignees. Owner does not mean (1) the property owner from whom the land is leased for locating the WECS, unless the property owner has an equity interest in the WECS, or (2) any person holding a security interest in the WECS solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS at the earliest practicable date.

Participating landowner: A landowner whose property (or portion thereof) is currently leased or proposed to be leased for the production, siting or development of a WECS and all landowners who have waived their rights to the setbacks provided in this section.

Participating property: A property where a WECS is located or proposed to be located pursuant to an agreement with the owner/operator.

Professional engineer: Shall mean a qualified individual who is licensed as a professional structural engineer in the State of Illinois.

Primary structure: Shall mean, for each property, the structure that one or more persons occupy the majority of the time on that property for either business or personal reasons. Primary structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structure excludes such structures as hunting sheds, storage sheds, pool houses, unattached garages and barns.

Substation: Shall mean the apparatus that connects the electrical collection system of the WECS and increases the voltage for connection with the utility's transmission lines.

Wind energy conversion system (WECS): Shall mean all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer and electrical cabling from the WECS tower to the Substation.

WECS project: Shall mean the collection of WECS(s) and substations specified in the siting approval application pursuant to Section 4.8.6 of this ordinance.

WECS tower: Shall mean the support structure to which the nacelle and rotor are attached.

WECS tower height: Shall mean the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.6 Special use application requirements.

In addition to the special use permit requirements per section 2.7, a WECS applicant shall meet with county representatives in a pre-application meeting and submit to Boone County descriptions, site plans, studies, reports, certifications and approvals demonstrating compliance with the ordinance.

- A. A pre-application meeting shall be held with representatives from the planning department, building department, county highway department, impacted township, the Boone County Soil and Water Conservation District and all other applicable departments and agencies as determined by the planning department.
- B. In addition to a special use permit application per section 2.7, a WECS applicant shall submit to the Boone County Planning Department a "WECS Project Summary," including, to the extent available:
 - 1. A general description of the project, including its approximate name plate generating capacity, the potential equipment manufacturer(s), type(s) of WECSs, number of WECS and name plate generating capacity of each WECS, the maximum height of the WECS tower(s) and the maximum diameter of the WECS(s) rotors.
 - 2. A description of the general location of the project.
 - 3. A description of the applicant, owner, and operator, including their respective business structures (business form).
 - 4. A general business plan outlining all major WECS related events that will take place over the useful life of the WECS project.
 - 5. The names, addresses, and phone numbers of the applicants, owners, operators, and all property owners included in the application.
 - 6. A site plan for the installation of WECSs showing the planned location of each WECS tower, guy lines and anchor bases (if any), primary structure(s), property lines including identification of adjoining properties, setback lines, public access roads and turnout locations, substations, electrical cabling from the WECS tower to the substations, ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of the setback established in section 4.8.7.H.
 - 7. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance (including but not limited to: Natural resource areas, bird and bat migration paths, shadow flicker, noise levels, vibration levels).
 - 8. A visual simulation including scale elevations of the proposed WECS and perspective drawings or photographic representations showing the WECS spatially accurate to the landscape and surrounding land uses.
 - 9. The Applicant shall notify the planning department of any changes to this information that occur while the special use permit application is pending.
- C. For special use permit applications involving multiple WECS towers, only one application is required. Although processed as one special use, each tower within a WECS special use shall be charged the established special use fee.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.7 Design and installation.

- A. *Design safety certification.*
1. WECSs shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
 2. Following the granting of siting approval and special use permit under this ordinance, a professional structural engineer shall certify, as part of the building permit application that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- B. *Controls and brakes.* All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
- C. *Electrical components.* All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards e.g., ANSI and International Electrical Commission.
- D. *Color.* Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color. No advertisement or signs shall be allowed.
- E. *Compliance with the federal aviation administration.* The applicant for the WECS shall comply with all applicable FAA requirements. Evidence of compliance shall be submitted with the siting request.
- F. *Warnings:*
1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
- G. *Climb prevention.* All WECS towers must be un-climbable by design or protected by anti-climbing devices including, but not limited to:
1. Fences with locking portals at least six feet high; or
 2. Anti-climbing devices 12 feet vertically from the base of the WECS tower.
- H. *Setbacks.* All WECS towers shall provide the following minimum setbacks:
1. From all property lines: All WECS towers shall be setback a distance of not less than 2,640 feet or 5.5 times the height of the WECS including the blades at the highest point, whichever is greater. A participating Landowner may waive this setback requirement, but in no case shall a WECS tower be located closer to a primary structure than 1,500 feet or three times the height of the WECS including the blades at the highest point, whichever is greater.
 2. From public roads, third party transmission lines, and communication towers: 2.0 times the WECS tower's height.
 3. The applicant does not need to obtain a variance from the county upon waiver by either the county or property owner of any of the above setback requirements. Any waiver of any of the above setbacks shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

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- I. *Compliance with additional regulations.* Nothing in this ordinance is intended to preempt other applicable state and federal laws and regulations.
- J. *Use of Public Roads.*
1. *Road agreement.* A road agreement that includes all effected jurisdictions (municipal, township, county, state, etc.) must be agreed upon by all parties and recorded with the Boone County Recorder's Office. A signed agreement must be recorded prior to the issuance of the first building permit. The agreement shall include but not be limited to:
 - A. An applicant, owner, or operator proposing to use any Boone County roads for the purpose of transporting WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECSs or substations, shall:
 1. Identify all such public roads; and
 2. Obtain applicable weight and size permits from relevant government agencies prior to construction.
 - B. To the extent an applicant, owner, or operator must obtain a weight or size permit from the county, the applicant, owner, or operator shall:
 1. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
 2. Secure financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating, or maintaining the WECS.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.8. Operation.

- A. *Maintenance.*
1. The owner or operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the zoning administrator. In addition to the above annual summary, the owner or operator must furnish such operation and maintenance reports as the county reasonably requests.
 2. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require recertification under section 4.8.7.A.1 of this ordinance. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than like-kind replacements) the owner or operator shall confer with a third-party certifying entity identified in section 4.8.7.A.1 to determine whether the physical modification requires re-certification.
- B. *Interference.*
1. The applicant shall provide the applicable microwave transmission providers and local emergency service providers and local emergency providers (e.g., 911 operators) copies of the project summary and site plan, as set forth in section 4.8.6.B.3. The applicant shall provide evidence that any potential interference has been resolved to the satisfaction of the providers. If, after construction of the WECS, the owner or operator receives a written complaint related to the abovementioned interference, the owner or operator shall take reasonable steps to resolve the complaint.
 2. If, after construction of the WECS, the owner or operator receives a written complaint related to interferences with local broadcast residential television, the owner or operator shall take reasonable steps to resolve the complaint.

C. *Coordination with local fire departments.*

1. The applicant, owner or operator shall submit to the local fire department(s) a copy of the site plan.
2. Upon request by the local fire department(s), the owner or operator shall cooperate with the fire department(s) to develop the fire department's emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. *Materials handling, storage and disposal.*

1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
2. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.9. Noise levels.

Noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board regulations. The applicant, through the use of a qualified professional, as part of the special use permit application approval process shall appropriately demonstrate compliance with the above noise requirements.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.10. Birds.

A qualified professional, such as an ornithologist or wildlife biologist shall conduct an avian habitat study, as part of the special use permit application approval process to determine if the installation of WECSs will have a substantial adverse impact on birds. The applicant must take reasonable action to mitigate such adverse impacts on habitat and migration.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.11. Public participation.

Nothing in the ordinance is meant to augment or diminish existing opportunities for public participation such as public hearings and open meetings.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.12. Liability insurance.

The owner or operator of the WECS shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1,000,000.00 per occurrence and \$1,000,000.00 in the aggregate.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.13. Decommissioning and site reclamation plan required.

At the time of special use permit application, the county and the applicant, owner and/or operator must formulate a decommissioning and site reclamation plan to ensure that the WECS project is properly decommissioned. The decommissioning and site reclamation plan shall be binding upon all successors of title to the land. A signed decommissioning and site reclamation plan must be submitted to the zoning administrator prior to the granting of the special use permit.

The applicant or subsequent project operator shall ensure that the WECS facilities are properly decommissioned within 12 months of the end of the project life or the facility abandonment. The applicant or subsequent project operator's obligations shall include removal of all physical material of the project improvements to a depth of 48 inches beneath the soil surface and the restoration of the area as near as practicable to the same condition prior to construction.

- A. A decommissioning and site reclamation plan shall be prepared by an independent Illinois Certified Professional Engineer and shall include:
1. Provisions describing the triggering events for decommissioning the WECS project;
 2. A description of the methodology and cost to remove all above ground and below ground WECS facilities of the approved special use permit;
 3. Provisions for the removal of all above ground and below ground WECS facilities of the approved special use permit;
 4. Methodology and cost to restore all areas used for construction, operation and access to a condition equivalent to the land prior to the WECS construction;
 5. A work schedule and a permit list necessary to accomplish the required work;
 6. Methodology to identify and manage any hazardous or special materials.
 7. Proof that the necessary amount and form of financial security has been received by the county in the form of an escrow account that names Boone County as the beneficiary. The amount of security shall be equal to the positive difference between the total cost of all decommissioning and restoration work and the net salvage value of all removed WECS equipment or materials, plus a ten-percent contingency. To determine that amount, the WECS owner and the Boone County Board shall: 1) obtain bid specifications provided by a professional structural engineer; 2) request estimates from construction/demolition companies capable of completing the decommissioning of the WECS project; the Boone County engineer, an independent engineer of the county's choosing, the zoning administrator and the zoning enforcement offices will review all estimates and make a recommendation to the Boone County Board for an acceptable estimate. Boone County reserves the right to pursue other estimates; 3) certification of the selected estimate by a professional structural engineer. All costs to secure the estimates will be funded by the WECS owner.
 8. A provision that the terms of the decommissioning plan shall be binding upon the WECS owner or operator and any of their successors, assigns, or heirs;
 9. Confirmation by affidavit that the obligation to decommission the WECS facilities is included in the lease agreement for every parcel included in the special use application. A list of all landowners should be kept current and affidavits shall be secured from future WECS owners and landowners stating their financial understanding;
 10. A provision that allows for the county to have the legal right to transfer applicable WECS material to salvage firms;

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11. Identification of and procedures for Boone County to access the financial assurances; and
 12. A provision that Boone County shall have access to the site, pursuant to reasonable notice to affect or complete decommissioning. A portion of the escrow account will be required to be held for one year past the decommissioning to settle any potential disputes.
- B. Provisions triggering the decommissioning of any portion of the WECS project due to abandonment:
1. Inactive construction for 12 consecutive months or if there is a delay in obtaining electrical certification for 12 consecutive months, unless a signed document is provided by the utility company claiming responsibility for the delay.
 2. If no electricity is generated by an individual turbine or the entire project for 12 consecutive months after electricity is initially generated, unless proof is provided that new parts have been ordered and will be received within six months. The Boone County Zoning Administrator shall have access to records in order to determine the electric generation of every turbine.
 3. The principal company dissolves or chooses to walk away from the project.
 4. If any part of an individual turbine or the project falls into disrepair, is in threat of collapsing or any other health and safety issue.
- C. Provisions for the removal of structures, debris and cabling; both above and below the soil surface:
1. Items required to be removed include but are not limited to: Turbines, transformers, foundation pads, electrical collection systems and transporters, underground cables, fencing, access roads and culverts. A landowner must sign an agreement if they wish for the access roads or culverts to remain.
- D. Provisions for the restoration of soil and vegetation:
1. All affected areas shall be inspected, thoroughly cleaned and all construction related debris shall be removed.
 2. Items required to be restored include but are not limited to: Windbreaks, waterways, site grading, drainage tile systems and topsoil to former productive levels.
 - a. In work areas involving decommission from expansion of turbine crane pads, widening access roads or any other work areas, the topsoil must be first removed, identified and stored separate from other excavated material for later replacement as applicable.
 - b. The 48-inch below-surface excavation area shall be filled with clean sub-grade material of similar quality to that in the immediate surrounding area.
 - c. All sub-grade material will be compacted to a density similar to surrounding grade material.
 - d. All unexcavated areas compacted by equipment used in decommissioning shall be de-compacted in a manner that adequately restores the topsoil and sub-grade material to the proper density consistent and compatible with the surrounding area.
 - e. Where possible, the topsoil shall be replaced to its original depth and surface contours.
 - f. Any topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of the effected site.
 3. Disturbed areas shall be reseeded to promote re-vegetation of the area to a condition reasonably similar to the original condition. A reasonable amount of wear and tear is acceptable.

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4. Restoration measurements shall include: leveling, terracing, mulching and other necessary steps to prevent soil erosion; to ensure establishment of suitable grasses and forbs; and to control noxious weeds and pests.
 5. Items required to be repaired after decommissioning include but are not limited to: roads, bridges and culverts.
 6. An independent drainage engineer shall be present to insure drainage tiles, waterways, culverts, etc. are repaired as work progresses.
 7. A soil erosion control plan shall be approved by the Boone County Soil and Water Conservation District.
 8. All Stormwater management, floodplain and other surface water codes and ordinances shall be followed.
- E. Estimating the costs of decommissioning:
1. Costs shall include but not be limited to engineering fees, legal fees, accounting fees, insurance costs, decommissioning and site restoration.
 2. When factoring the WECS salvage value into decommissioning costs, the authorized salvage value may be deducted from decommissioning costs if the following standards are met:
 - a. The net salvage value shall be based on the average salvage price of the past five consecutive years, this includes any deconstruction costs.
 - b. The maximum allowable credit for the salvage value of any WECS shall be no more than the estimated decommissioning costs of removal of the above ground portions of that individual WECS or up to 70 percent of the total estimated decommissioning costs, whichever is greater.
 3. Adjustments to the financial assurance amount that reflect changes in the decommissioning costs and salvage values shall be submitted every five years and shall be adjusted for inflation and other factors. The escrow account shall be adjusted accordingly within six months of receiving the updated information as determined by an Illinois professional engineer. Failure to provide financial assurance as outlined herein shall be considered a cessation of operation.
 4. When determining salvage values—demolition costs, transportation costs and road permits shall be a consideration.
 5. If salvage value items are removed prior to decommissioning, then the escrow account must be credited.
- F. Financial assurance:
1. The county shall have access to the decommissioning fund secured by the escrow account in a bank of the county's choosing if:
 - a. The WECS operator fails to address a health and safety issue in a timely manner; or
 - b. The WECS operator fails to decommission the abandoned turbine(s) or the entire WECS project in accordance with the decommissioning and site reclamation plan.
 2. The applicant and/or WECS owner shall grant perfected security in the escrow account by use of a control agreement establishing the county as an owner of record pursuant to the Secured Transit Article of the Uniform Commercial Code, 810 ILCS 9/101 et seq.
 3. The escrow agent shall release the decommissioning funds when the WECS owner or operator has demonstrated and Boone County concurs that decommissioning has been satisfactorily

completed, or upon written approval of the county to implement the decommissioning plan. Ten percent of the fund shall be retained one year past the date to settle any outstanding concerns.

4. Any interest accrued on the escrow account that is over and above the total value as determined by the Illinois professional structural engineer shall go to the WECS owner.
5. The applicant shall identify procedures for Boone County to assess the financial assurances, particularly if it is determined that there is a health and/or safety issue with the WECS and the principal company fails to adequately respond as determined by the county board.
6. The county shall be listed as a debtor but shall not be responsible for any claims against the WECS owner and/or operator.
7. The applicant shall agree that the sale, assignment in fact or at law, or other transfer of the applicant's financial interest in the WECS shall in no way effect or change the applicant's obligation to continue to comply with the terms, covenants and obligations of this agreement and agrees to assume all reclamation liability and responsibility of the WECS.
8. Boone County and its authorized representatives have the right of entry onto the WECS premises for the purpose of inspecting the methods of reclamation or for performing actual reclamation if necessary.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.14. Remedies.

- A. The applicant's, owner's or operator's failure to materially comply with any of the above provisions shall constitute a default under this ordinance.
- B. Prior to implementation of the existing county procedures for the resolution of such default(s), the appropriate county body shall first provide written notice to the owner and operator, setting forth the alleged default(s). Such written notice shall provide the owner and operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- C. If the county determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing county ordinance provisions addressing the resolution of such default(s) shall govern.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.8.15. Future operators.

Future operators, successors, assignees, or heirs shall agree in writing to accept and to conform to all provisions of the special use permit. Prior notice to the county of the intent to sell or transfer ownership shall be done in a timely manner. Such agreement shall be filed with and accepted by the county before the transfer to a new operator, successors, assignees, or heirs shall be effective.

(Ord. No. 12-40, § 1, 12-19-2012; Ord. No. 15-30, § 1, 11-18-2015)

4.9. GROUP HOMES

4.9.1. Special use permit required.

No person shall establish, operate or maintain a group home without first obtaining a special use permit authorized and issued by the county board in accordance with the standards and procedures set forth in this ordinance. In addition to the standards and criteria established in section 2.7, herein, no special use permit shall be granted for a group homes unless evidence is presented to establish the standards and criteria set forth herein.

4.9.2. Standards.

No permit for a group home shall be granted by the county board unless the following requirements are met:

- A. *Occupancy:* Each single occupancy bedroom within a group home shall contain a minimum of 55 square feet of net floor area per occupant exclusive of space devoted to closets, wardrobe areas, bathrooms, and clearly definable hallways and entryway areas. The residents of a group home shall regularly utilize the common cooking facilities and common living and eating areas within their group home.
- B. *Spacing:* A group home shall be located no closer than 1,000 feet from another group home. This requirement may be waived if the county board, acting upon the recommendation of the zoning board of appeals, finds that the cumulative effect of such uses would not alter the residential character of the neighborhood in which they are located, would not create an institutional setting, and would not adversely affect the value and character of surrounding properties.
- C. *Residential character:* A group home shall be designed and maintained to be compatible in size, type and building materials to adjacent dwellings. In addition, a group home shall have no signage or activities that would alter the residential character or appearance of the dwelling. With the exception of those offices and meeting rooms that are used only by the residents of the group home, no offices or meeting rooms shall be maintained within a group home.
- D. *Traffic generation and parking:* A group home shall not generate any more traffic than typically associated with a single-family or multiple-family dwelling of similar size, nor require more vehicle parking than is available on the adjacent street or parking spaces allowed on the lot on which is located.
- E. *Licensing:* A group home shall be licensed, accredited or sponsored by a local, state or national government agency or other entity which imposes standards or guidelines for the operation and maintenance of the group home.

4.10. LIVESTOCK FACILITIES BUFFER ZONES

4.10.1. Intent.

It is intention of Boone County and the State of Illinois to protect livestock facilities from encroachment and nuisances, as well as to protect residential and commercial uses from possible nuisances by establishing reverse setbacks for new rural residences and new subdivisions next to an existing intensive agricultural use.

4.10.2. Exemptions.

- A. Non-intensive agricultural uses shall be exempt.
- B. Existing intensive agricultural uses within the buffer zone at the time of adoption or amendment of this Code shall be considered legally conforming uses and shall not be required to meet the buffer zone requirements.

4.10.3. Buffer zone.

- A. One-quarter mile setbacks must be maintained between any new intensive agricultural use and any nonfarm dwelling or nonfarm business.
- B. If in the event of a natural disaster an existing home or business within the buffer zone is destroyed the home shall be allowed to be rebuilt and the setbacks shall not apply.
- C. Should two parties agree that a lesser setback would work in a specific instance and have a written agreement so stating, a waiver may be obtained from the zoning board of appeals.
- D. All intensive agricultural uses shall be identified and kept on record by the Boone County Farm Bureau.

4.11. ACCESSORY RELATIVE LIVING QUARTERS

4.11.1. Intent.

The intent of this section is to protect the public health by ensuring that any portion of a structure used for a residence meets building codes and provides adequate facilities for daily living.

4.11.2. Relative living quarters.

These quarters are intended for a member of the family, and shall be accessed thru the primary residence. Said quarters shall not exceed 800 square feet, shall have the same address and share utilities with the primary residence.

4.11.3. Permitted districts.

Relative living quarters accessible only through the primary residence shall be permitted in all residential and agricultural districts. If a separate primary entrance and/or a substantially separate living quarters is proposed a special use shall be required in compliance with section 2.7.

4.12. ADULT ENTERTAINMENT ESTABLISHMENTS

4.12.1. Intent.

Adult entertainment establishments are in a category by themselves and do not fall into the standard special use category. As a use protected by the First Amendment, all regulations must ensure due process and a right to conduct business within the county. Based on the Minnesota Attorney General's "Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Business," and on the findings of several important court cases including, but not limited to, *Renton v. Playtime Theatres, Inc.* 475 US 41 (1986), *City of Los Angeles v. Alameda Books, Inc.*, 535 US 425 (2002), and *RVS, LLC v. City of Rockford*, 361 F.3d 402 (7th Cir. 2004) the following Zoning Code is intended to provide reasonable regulation on the outward appearance and location of adult entertainment establishments.

4.12.2. Definitions.

The following words and terms when used in the interpretation and administration of this section 4.12 shall have the meaning set forth herein except where otherwise specifically indicated.

Adult booth: Shall mean any area of an adult entertainment establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, observe or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

Adult cabaret: Shall mean any commercial establishment that as a substantial or significant portion of its business features or provides any of the following: (1) persons who appear semi-nude or nude; (2) live performances that are distinguished or characterized by any emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities; or, (3) films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

Adult entertainment establishment: Shall mean an adult cabaret, adult store, or adult theater, as defined in this section as defined in this section.

Adult material: Shall mean whether new or used, (1) any books, magazines, periodicals, or other printed matter, or digitally-stored materials; or films, motion pictures, video or audio cassettes, slides computer displays, or other visual representations or recordings of any kind, that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities; or (2) any instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

Adult store: Shall mean any commercial establishment (1) that contains one or more adult booths; (2) that as a substantial or significant portion of its business offers for sale, rental, or viewing any adult materials; or, (3) that has a segment or section devoted to the sale or display of adult materials.

Adult theater: Shall mean any commercial establishment that as a substantial or significant portion of its business features or provides (1) films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities; or (2) live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct of simulation of specified sexual activities.

Nude or state of nudity: Shall mean a state of dress or undress that exposes to view (1) less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

Protected uses: Shall mean (1) a church, synagogue, mosque, or other place of worship; (2) a public or private nursery, elementary, or secondary school; (3) a child care facility or day care center; (4) a public park, playground, playing field, forest preserve, conservation district land, or other recreational area; (5) a public or private cemetery; or, (6) a public housing authority.

Semi-nude: Shall mean a state of dress or undress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

Specified anatomical areas: Shall mean any of the following: (1) less than completely and opaquely covered human genitals; pubic region; buttocks; anus, or female breasts below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or (2) human male genitals in a

discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

Specified sexual activities: Shall mean any of the following: (1) fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; (4) human genitals in a state of sexual stimulation, arousal, or tumescence; (5) excretory functions as part of or in connection with any of the activities set forth in parts (1), (2), (3), or (4) of this definition.

4.12.3. Zoning certificate and project review.

Adult entertainment establishments shall be subject to the project review procedures and requirements set forth in section 2.5, as part of the application for zoning certificate.

4.12.4. Secondary effects.

The regulations pertaining to adult entertainment establishments shall directly address or reduce the unwanted secondary effects of sexually-oriented businesses, such as: high crime rate areas; deteriorated commercial and residential areas; depreciation of appraised property values in the area; dramatic changes in the character of the neighborhood when more than one sexually-oriented business is operating in a given area; reduced sales tax revenues as a result of businesses not wanting to locate near an adult entertainment establishment, or as a result of persons who will shop elsewhere if the shopping area is identified with adult uses; and, litter and trash of a sexually-oriented nature in the public realm, particularly in areas accessible by minors.

4.12.5. Minimum distance requirements.

- A. *From protected uses.* No adult entertainment establishment shall be established, maintained, or operated on any lot that has a property line within 3,000 feet of the property line of any other lot on which a protected use is established, maintained, or operated.
- B. *From other adult entertainment establishments.* No adult entertainment establishment shall be established, maintained, or operated on any lot that has a property line within 1,000 feet of the property line of any other lot on which any other adult entertainment establishment is established, maintained or operated.
- C. *From residential property.* No adult entertainment establishment shall be located, established, maintained or operated on any lot that has a property line within 1,000 feet of the property line of any residential property as defined in section 1.2.3 of the Boone County Zoning Ordinance.
- D. *Measurement.* For the purpose of this section 4.12.4, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the adult entertainment establishment is located to the nearest point on a property line of a lot on which a protected use, residential property, or other adult entertainment is located.

4.12.6. Limited exception for subsequent protected uses.

An adult entertainment establishment lawfully operating under this Code and under the Boone County Adult Use Licensing Ordinance shall not be deemed to be in violation of the location restrictions set forth in this section 4.12.4 solely because a protected use subsequently locates within the minimum required distance of the adult entertainment establishment.

4.12.7. Building materials.

The building housing an adult entertainment establishment shall be constructed of materials substantially similar and in an architectural style substantially similar to the other buildings in the neighborhood to ensure that the character of the neighborhood is not harmed.

4.12.8. Signs.

In addition to the regulations set forth in section 5.5, no adult entertainment establishment shall depict specified anatomical areas or specified sexual activities in its signage.

4.12.9. Location.

The adult entertainment establishment shall not be located on any street within a subdivision, but only on perimeter roads and major thoroughfares.

4.12.10. Trash collection and storage.

Trash receptacles shall be located abundantly and conveniently in the area of the adult entertainment establishment. A dumpster is required and must be located within an enclosure constructed of similar materials to the primary building and shall be locked. Trash collection shall be arranged with a local solid waste hauler on a daily basis, or as frequently as the solid waste hauler can accommodate.

4.12.11. Severability.

This section and any amendment thereto and the various parts, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance or amendment hereto shall not be affected thereby.

4.13. BEER GARDEN

4.13.1. Intent.

Beer gardens are uses that may not always be appropriate at establishments that are licensed for retail sale and/or consumption of alcoholic liquor. In order to ensure proper compatibility of land uses, any special use requested for a beer garden shall be required to comply with certain minimum requirements.

(Ord. No. 09-23, § 1, 5-20-2009)

4.13.2. Minimum requirements.

- A. Beer gardens shall be accessory to a primary use properly licensed for the sale and/or consumption of alcohol.
- B. Beer gardens shall be enclosed with a privacy fence a minimum of six feet in height.
- C. Beer gardens shall be located in a side or rear yard only.
- D. Square footage of the beer gardens shall be included in the calculation for required parking spaces.

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- E. Outdoor music within beer gardens shall not be permitted.
 - F. Beer gardens shall only be accessible from the primary use. Direct access to the beer garden shall not be permitted.
 - G. If smoking is permitted within the beer garden, it shall comply with the Smoke Free Illinois Code.

(Ord. No. 09-23, § 1, 5-20-2009)

4.14. DWELLING UNIT LINKED TO AGRICULTURAL CONSERVATION EASEMENT

The purpose of the dwelling unit linked to agricultural conservation easement special use is to provide a means of obtaining the agricultural goals and objectives of the Boone County Land Use Plan to those properties existing in agricultural easements. This special use exclusively provides for agricultural uses and those uses compatible with agriculture, in addition to allowing additional residential dwellings on the property. The intent in having this special use is to provide incentives to conserve prime agricultural soils, historically farmed soils, and prevent the uncontrolled, uneconomical spread of residential development resulting in excessive costs to the community for the provision of essential public services. Such conservation easements are authorized by 765 ILCS 120/Real Property Conservation Rights Act.

(Ord. No. 09-33, § 1, 6-17-2009; Ord. No. 16-08, § 1, 3-16-2016)

4.14.2. Minimum requirements to be eligible for special use.

- A. An acceptable agricultural conservation easement that is approved by an approved accepting agency as outlined in section 4.14.5. Said easement agreement shall be recorded prior to submittal of the special use application and prior to any building permits being issued.
- B. For each additional dwelling unit permitted, a minimum of 60 contiguous acres must be placed in an agricultural conservation easement (if easement language permits construction).
- C. A minimum distance of 200 feet shall be placed between detached dwelling units.

(Ord. No. 09-33, § 1, 6-17-2009; Ord. No. 16-08, § 1, 3-16-2016)

4.14.3. If the dwelling unit is to be separated from the easement property.

- A. The minimum lot area shall be one acre. (Larger lots may be required due to other codes and ordinances such as setbacks and septic requirements.)
- B. The minimum amount of road frontage shall be 250 feet.
- C. The minimum front yard setback shall be 75 feet from any existing right-of-way.
- D. The minimum rear and side yard setbacks shall be 40 feet.
- E. Corner lots shall have the same minimum front yard requirements on each street side of the lot.

(Ord. No. 09-33, § 1, 6-17-2009; Ord. No. 16-08, § 1, 3-16-2016)

4.14.4. Additional requirements.

- A. Unless specifically stated above, all other A-1 zoning requirements shall be adhered to.

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- B. Only 25 dwelling unit special use petitions will be accepted annually.
 - C. The additional dwelling unit shall be constructed on the property described within the agricultural conservation easement.
 - D. Conditions of approval imposed per the special use shall not conflict with or waive those conditions existing in an established easement document.

(Ord. No. 09-33, § 1, 6-17-2009; Ord. No. 16-08, § 1, 3-16-2016)

4.14.5. Additional information.

- A. The planning department maintains a list of potential organizations with which an easement may be entered.
 - 1. The organization must be a government agency or a tax-exempt, not-for-profit organization qualified under section 501(c) 3 and 170(h) of the Internal Revenue Code of 1986 and the regulations promulgated there under.
 - 2. The organization must have a primary purpose of the preservation, protection, or enhancement of land in its natural, scenic, agricultural, or open space condition and have a stated goal of working towards this purpose in Boone County.
 - 3. The organization must be able to demonstrate the financial ability, technical expertise, and organizational strength to effectively monitor and defend the agricultural easement.
- B. Individual agricultural conservation easement documents will be negotiated with the landowner and the organization accepting the easement; however at a minimum the following subjects must be addressed in the document to the satisfaction of the county board.
 - 1. An agricultural conservation easement document must be recorded with all appropriate agencies prior to any issuance of building permits.
 - 2. The agricultural conservation easement is legally binding to all present and future owners of the property in perpetuity.
 - 3. The primary purpose of the property will remain agricultural in nature. The easement shall not be sold or transferred to any other agency not qualified as stated above or with the intention of converting the property to a non-agricultural use.
 - 4. A site management plan will be prepared designating acceptable uses for each part of the property. At a minimum, the plan will contain a designated area for active agricultural enterprises and a designated area for residences(s) and buildings. At a minimum, the site management plan will be reviewed every ten years by the landowner, easement holder, and the appropriate county committee or agency.
 - 5. The easement holder will make annual visits to the property and prepare a report documenting compliance with the easement and site management plan to the appropriate county committee or agency.
 - 6. If the easement is found to be noncompliant, the enforcement of the agricultural easement is the responsibility of the easement holder.

(Ord. No. 09-33, § 1, 6-17-2009; Ord. No. 16-08, 3-16-2016)

4.15. SECOND DWELLING UNIT FOR LOT OF RECORD LAND EXCHANGE

4.15.1 Intent.

The purpose of the dwelling unit linked to the lot of record land exchange special use is to provide a means of obtaining the agricultural goals and objectives of the Boone County Land Use Plan to those properties with an existing lot of record that for some reason the owner wishes to build on the farm in a different location than the existing lot of record. This special use would allow the land owner of a lot of record to exchange land (not less than two acres with 250 feet of road frontage) on a contiguous farm property (with an existing dwelling unit) to construct a second dwelling. The existing lot of record would then be abandoned. The lot of record shall be located in the A-1 agricultural preservation area district and in lawful existence prior to May 10, 1978.

(Ord. No. 16-08, § 1, 3-16-2016)

4.15.2. Minimum requirements to be eligible for special use.

- A. The existing lot of record shall be abandoned. Documentation of the abandonment shall be provided prior to the issuance of any building permits.
- B. The new dwelling unit site in exchange for the lot of record parcel shall be part of the contiguous farm owned by the applicant.
- C. The exchanged parcel shall not be less than two acres and have a minimum of 250 feet of road frontage.
- D. A minimum distance of 200 feet shall be placed between detached dwelling units.

4.15.3. If the Dwelling Unit is to be separated from the property.

- A. The minimum lot area shall be two acres. (Larger lots may be required due to codes and ordinances such as setbacks and septic requirements.)
- B. The minimum amount of road frontage shall be 250 feet.
- C. The minimum front yard setback shall be 75 feet from any existing right-of-way.
- D. The minimum rear and side yard setbacks shall be 40 feet.
- E. Corner lots shall have the same minimum front yard requirements on each street side of the lot.

(Ord. No. 16-08, § 1, 3-16-2016)

4.15.4. Additional requirements.

- A. Unless specifically stated above, all other A-1 zoning requirements shall apply.
- B. The additional dwelling unit shall be constructed on the contiguous farm property with common ownership of the lot of record.
- C. A special use permit shall be issued for the construction of the dwelling unit according to Section 2.7 of the Boone County Zoning Ordinance.

(Ord. No. 16-08, § 1, 3-16-2016)

4.16. MEDICINAL CANNABIS DISPENSARIES

4.16.1. Purpose.

It is the purpose of this section to establish regulations for medicinal cannabis dispensaries as authorized by Compassionate Use of Medical Cannabis Pilot Program Act 410 ILCS 130/140. To promote the safety and general welfare of the residents of Boone County, the criteria, processes, and regulations enumerated in this section shall apply to any medicinal cannabis dispensary that operates within the county.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.16.2. Where permitted.

Medicinal cannabis dispensaries may be allowed as a special use in any I-1 light industrial district and shall follow the procedure for special uses as specified in section 2.7 of the Boone County Zoning Ordinance, as well as the provisions of this section 4.16.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.16.3. Buffer zone.

Medicinal cannabis dispensaries may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home or part-day child care facility as required under 410 ILCS 130/130(d). Medicinal cannabis dispensaries also may not be located within 1,000 feet of the property line from a religious institution.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.16.4. Compliance with state rules and regulations.

All medicinal cannabis dispensaries shall strictly comply with the requirements outlined in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and any administrative rules promulgated pursuant to the Act. All medicinal cannabis dispensaries must be registered with the Illinois Department of Financial and Professional Regulation and be in good standing.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.16.5. Indemnity.

The county board may condition a special use permit on a requirement that the owners of any dispensary established in the county defend and indemnify the County of Boone, its officers and employees from and against any claim arising from the operation of the dispensary.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.16.6. Hours of operation.

A medicinal cannabis dispensary may operate between the hours of 8:00 a.m. to 6:00 p.m. on any day of the week.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.16.7. Use of medicinal cannabis on premises prohibited.

The use of medicinal cannabis and the ingestion of medicinal cannabis infused products are prohibited on the site of any medicinal cannabis dispensary. A sign (at least 8.5 by 11 inches), shall be posted inside the dispensary in a manner that is readily and conspicuously visible to persons who enter the establishment and shall contain the following language, "Smoking, eating, and other forms of otherwise consuming or ingesting cannabis is prohibited on dispensary property."

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.16.8. Drive-through lanes prohibited.

No medicinal cannabis dispensary may operate a drive-through service, lane, or window.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.16.9. Drug paraphernalia sales.

Medicinal cannabis dispensaries that display or sell drug paraphernalia shall do so in strict compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 et seq.) and the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.16.10. Age and Access Limitations.

It shall be unlawful for any medical cannabis dispensary to allow any person who is not at least eighteen (18) years of age on the premises. Dispensaries shall not employ anyone under the age of eighteen (18). Access shall be limited exclusively to dispensary staff, cardholders, designated caregivers, local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.17. MEDICINAL CANNABIS CULTIVATION CENTERS

4.17.1. Purpose.

It is the purpose of this section to establish regulations for medicinal cannabis cultivation centers as authorized by Compassionate Use of Medical Cannabis Pilot Program Act 410 ILCS 130/140. To promote the safety and general welfare of the residents of Boone County, the criteria, processes, and regulations enumerated in this section shall apply to any medicinal cannabis cultivation center that operates within the county.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.17.2. Where permitted.

Medicinal cannabis cultivation centers may be allowed as a special use in any I-1 light industrial district and shall follow the procedure for special uses as specified in section 2.7 of the Boone County Zoning Ordinance, as well as the provisions of this section 4.17.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.17.3. Buffer zone.

Medicinal cannabis cultivation centers may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home or part-day child care facility as required under 410 ILCS 130/130(d). Medicinal cannabis cultivation centers also may not be located within 2,500 feet of the property line of a religious institution.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.17.4. Compliance with state rules and regulations.

All medicinal cannabis cultivation centers shall strictly comply with the requirements outlined in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and any administrative rules promulgated pursuant to the Act. All medicinal cannabis dispensaries must be registered with the Illinois Department of Agriculture and be in good standing.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.17.5. Indemnity.

The county board may condition a special use permit on a requirement that the owners of any cultivation center established in the county defend and indemnify the County of Boone, its officers and employee from and against any claim arising from the operation of the cultivation center.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.17.6. Hours of operation.

A medicinal cannabis cultivation center may operate between the hours of 8:00 a.m. to 6:00 p.m. on any day of the week.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.17.7. Use of medicinal cannabis on premises prohibited.

The use of medicinal cannabis and the ingestion of medicinal cannabis infused products are prohibited on the site of any medicinal cannabis cultivation center. A sign (at least 8.5 by 11 inches), shall be posted inside the cultivation center in a manner that is readily and conspicuously visible to persons who enter the establishment and shall contain the following language, "Smoking, eating, and other forms of otherwise consuming or ingesting cannabis is prohibited on cultivation property."

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.17.8. Noxious odors.

The county board may condition a special use permit on the condition that it is operated in a manner that prevents odor impacts on neighboring premises and, if necessary the facility shall be ventilated with a system for odor control.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.17.9. Retail sales prohibited.

The retail sale of any medicinal cannabis or medicinal cannabis related inventory by a cultivation center is prohibited. Sales of any products or inventory from a medicinal cannabis cultivation center must strictly comply with 410 ILCS 130/105.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.17.10. Age and access limitations.

It shall be unlawful for any medical cannabis cultivation center to allow any person who is not at least 18 years of age on the premises. Cultivation centers shall not employ anyone under the age of 18. Access shall be limited exclusively to cultivation staff, local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act.

(Ord. No. 14-44, § 2, 9-17-2014; Ord. No. 16-08, § 1, 3-16-2016)

4.18. ANIMAL BOARDING, BREEDING, AND SHELTER FACILITIES

4.18.1. Intent.

The purpose of this section is to provide better tools for monitoring and regulating animal boarding, breeding, and shelter facilities.

(Ord. No. 17-21, § 1, 10-18-2017)

4.18.2. Where permitted.

A special use permit for a kennel, boarding, or breeding facility is only available for property that is zoned A-1, I-1 or I-2. A special use permit for an animal shelter is only available for property that is zoned A-1, A-2, B-2, I-1, or I-2.

(Ord. No. 17-21, § 1, 10-18-2017)

4.18.3. Specific regulations.

All special use permit holders under this section shall be required to permit authorized county personnel entrance onto the premises for inspection during normal business hours, or other hours deemed necessary to enforce the special use permit, state regulations, or state statutes. During inspection, the permit holder shall make all records required to be kept under state statute or state regulations available to the inspector.

(Ord. No. 17-21, § 1, 10-18-2017)

4.18.4. Additional Requirements.

Any special use permit holder under this section must prepare a decommissioning plan that is to be filed with Boone County Animal Services. This document should provide a detailed plan for care for the facility's animals if the permit holder's facility is closed for any reason, either temporarily or permanently. This plan shall be filed with Boone County Animal Services within 30 days of issuance of a special use permit under this section. An updated plan shall be filed with animal services every year thereafter on or before the anniversary date that the special use permit was issued.

(Ord. No. 17-21, § 1, 10-18-2017)

4.19 ADULT USE CANNABIS ESTABLISHMENTS

4.19.1. Purpose.

It is the purpose of this section to establish regulations for adult cannabis establishments as authorized by the Cannabis Regulation and Tax Act, (P.A. 101-0027). To promote the safety and general welfare of the residents of Boone County, the criteria, processes, and regulations enumerated in this Section shall apply to any cannabis craft grower that operates within the County.

(Ord. No. 20-04, § 1, 3-18-2020)

4.19.2 Minimum requirements for cannabis craft grower, cannabis cultivation center, cannabis infuser organization or infuser.

- A. Shall be registered by the Illinois Department of Agriculture.
- B. Shall not be located within 1,500 feet of the property line of a pre-existing church, public or private preschool, elementary school, secondary school, or residential care facility providing addiction recovery services. For the purpose of this section, setbacks shall be measured from the structure of the applicable cannabis facility to the nearest property line of a protected use.
- C. Shall not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes. For the purpose of this section, setbacks shall be measured from the structure of the applicable cannabis facility to the nearest property line of a protected use.
- D. Shall not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- E. All cultivation of cannabis shall take place in an enclosed facility.
- F. Shall provide adequate security measures to prevent unauthorized entrance into areas containing cannabis.
- G. Shall not allow on site consumption.
- H. Shall be the sole use of the tenant space in which it is located, unless approved by county board.

(Ord. No. 20-04, § 1, 3-18-2020)

4.19.3 Minimum requirements for cannabis dispensing organization.

- A. Shall be licensed and registered by the Illinois Department of Financial and Professional Regulation.
- B. Shall not be located within 1,500 feet of the property line of a pre-existing church, public or private preschool, elementary school, secondary school, or residential care facility providing addiction recovery services.
- C. Shall not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- D. Shall provide adequate security measures to prevent unauthorized entrance into areas containing cannabis.
- E. Shall not allow on site consumption.
- F. Shall be the sole use of the tenant space in which it is located, unless approved by county board.

(Ord. No. 20-04, § 1, 3-18-2020)

4.19.4 Minimum requirements for cannabis transporting organization or transporter.

- A. Shall be licensed and registered by the Illinois Department of Financial and Professional Regulation.
- B. Shall not be located within 1,000 feet of the property line of a pre-existing church, public or private preschool, elementary school, secondary school, or residential care facility providing addiction recovery services.
- C. Shall not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- D. Shall provide adequate security measures to prevent unauthorized entrance into areas containing cannabis.
- E. Shall not allow on site consumption.
- F. Shall be the sole use of the tenant space in which it is located, unless approved by county board.

(Ord. No. 20-04, § 1, 3-18-2020)

4.19.5 Measurements to property line.

Unless otherwise noted, distances shall be measured in a straight line without regard to intervening structures or objects from the nearest point on the property line of the lot/parcel on which an applicable Cannabis Business Establishment Facility is located to the nearest point on the property line of the lot/parcel of any protected use as identified in Section 4.19.

(Ord. No. 20-04, § 1, 3-18-2020)

4.20. ACCESSORY DWELLING UNITS

4.20.1 Intent.

The intent of this section is to protect the public health by ensuring that any portion of a structure used for a residence meets building codes and provides adequate facilities for daily living.

(Ord. No. 21-07, § 1, 3-18-2021)

4.20.2 Accessory dwelling units as a special use standards.

- A. A special use permit application shall be filed in compliance with Section 2.7, Special Uses.
- B. The use shall be as defined in section 1.2.3, Definitions.
- C. Must be accessory to the principle structure.
- D. Must be located within an existing structure.
- E. Must meet all building code requirements, as established by the Building and Zoning Department.
- F. Must meet all Boone County Health Department requirements regarding well and septic suitability.
- G. Shall not be more than two bedrooms.
- H. Shall not exceed more than 1,200 square feet.
- I. Must be occupied by a family member, as defined in section 1.2.3, Definitions.
- J. Proof of income generated by family farm must be presented prior to the approval of a special use permit, schedule F, reviewed by the State's Attorney Office.
- K. Only one accessory dwelling unit per parcel.

(Ord. No. 21-07, § 1, 3-18-2021)

CHAPTER 5. DEVELOPMENT AND DESIGN STANDARDS

5.1. GENERAL STANDARDS

5.1.1. Intent.

The intent of zoning and development standards in Boone County is to keep large farms in business, while protecting land values for existing residents and allowing appropriate development in established communities throughout the county. Using the techniques of traditional neighborhood development and cluster developments, the county intends to preserve and promote its agricultural heritage while planning for a sustainable future.

- Large farms, hobby farms and estate development should use the conventional/conservation design regulations.
- New subdivision housing and commercial development should utilize the traditional neighborhood and cluster design regulations.
- All new developments shall be reviewed through the process outlined in the subdivision ordinance.

5.1.2. Product substitution.

Whenever any specific product is required for an improvement hereunder, the zoning administrator or county engineer may authorize installation of another product of equal standard and specification provided that the substitution is compatible with existing county improvements.

5.1.3. Traffic visibility across corner lots.

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within 25 feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.

5.1.4. Easements.

No structure shall be constructed upon or project over any easement.

- A. For the purpose of this section a structure shall include but not be limited to the following: any dwelling, garage, utility shed, carport, patio, deck, porch, retaining wall, antennas
- B. Exceptions may be made on an individual basis if a letter of consent is received from all affected utilities, including the county.
- C. Fences are not to be considered structures for the purpose of this section, but the Zoning Ordinance regulates their installation.
- D. Property owners who install fences, make major grading changes, or provide other improvements in an easement are advised that the utility companies having rights to use an easement have the prerogative to remove or disturb any improvements placed within an easement.

5.1.5. Conversion of dwellings.

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this ordinance and only when resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces and off street parking.

5.1.6. Mobile homes prohibited.

Except as permitted below, recreation vehicles and mobile homes designed for permanent occupancy are permitted only in mobile home parks under the provisions of section 4.6.

- A. One recreational vehicle or mobile home shall be permitted on a lot in an agricultural district for the purpose of temporary, seasonal housing for migrant farm laborers employed by the occupants of a permanent home on the lot.
- B. A one-year mobile home or motor home permit may be issued by the zoning enforcement office for a mobile home or motor home to be used as a temporary shelter during active reconstruction or remodeling of a home on the lot on which the mobile home or motor home is to be placed. Projects requiring the mobile home or motor home to be utilized for more than one year from date of permit issuance shall ask for a one time one-year renewal by staff, further consideration shall file an appeal to the zoning board of appeals for an extension. (See section 2.9)

(Ord. No. 10-28, § 1, 5-19-2010)

5.1.7. Temporary additional home.

An existing residence may be occupied while a new residence is being constructed on the lot on which the existing residence is located. However the existing residence shall be vacated and demolished within 30 days of completion of and issuance of an occupancy permit for the new residence.

(Ord. No. 10-28, § 1, 5-19-2010)

5.1.8. Recreational vehicles and trailer regulations.

- A. Recreational vehicles (as defined in section 1.2.3) not designed for permanent residency, may be parked on lots in residential and agricultural districts provided they are kept behind the building line or in permitted accessory structures. Such vehicles may be parked in front yards for a period of time not to exceed 48 hours only for the purpose of maintenance, packing or unpacking of the vehicles.
- B. Trailers (as defined in section 1.2.3) not considered a recreational vehicle are subject to the same restrictions as recreational vehicles as outlined in section 5.1.8.A. with the exception that a trailer may be used by a building contractor as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located only during the time of said construction or development.

(Ord. No. 10-28, § 1, 5-19-2010)

5.2. ACCESSORY STRUCTURES OR USES

No accessory structure or use, as defined herein shall hereafter be built, moved or remodeled, established altered or enlarged unless such accessory structure or use is permitted by this ordinance. Accessory uses are permitted in any zoning district in connection with any principal use which is permitted within such district.

5.2.1. Accessory use limitations and conditions.

Each accessory structure and use shall comply with the applicable use limitations in the zoning district in which it is located and, in addition:

- A. *Agricultural exemption.* Buildings and structures essential, incidental or customary to the pursuit of agriculture are exempt from the requirements of this section 5.2.
- B. *Secondary construction.* No accessory structure or use shall be constructed, occupied or established on any lot prior to the completion of the principal structure to which it is accessory.
- C. *Easement protection.* No accessory structure or use except fences shall be constructed, occupied or established on any public utility, drainage, or pipeline easement, except with the written permission of all utility companies and the county having rights to use the easement.
- D. *Size.* No detached accessory building or buildings shall occupy more than 50 percent of the area of a required yard.
- E. *Height.* No detached accessory building or structure shall exceed the height of the principle building or structure.
- F. *Residential subdivision restrictions.* An additional smaller accessory structure may be permitted, see section 5.2.4.B.4.

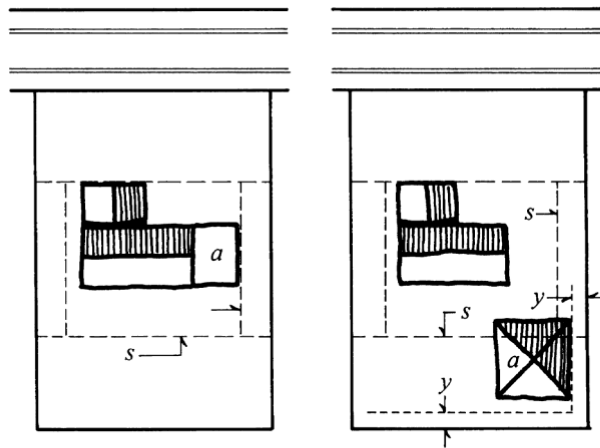
- G. *Commercial/industrial restrictions.* Detached accessory buildings shall not be located in a front or corner side yard

(Ord. No. 09-23, § 1, 5-20-2009; Ord. No. 21-02, § 1, 1-20-2021)

5.2.2. Bulk regulations.

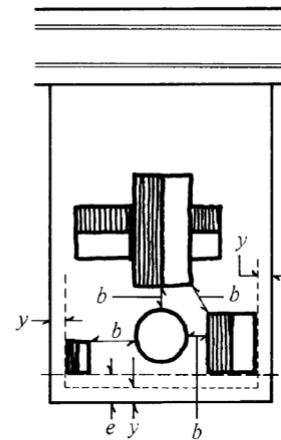
Except as otherwise provided by this ordinance, all accessory structures and uses shall observe the bulk regulations of the district in which they are located, provided that:

- A. *Detached accessory structures, except fences, and walls:*
1. *Minimum rear and side yard:* 15 feet from any lot line, excluding the RC-2 district and the TND district.
 2. *Maximum structure height:* 20 feet.



Yard Requirements for Accessory Structures (a)

Where s = required setback for principle structure, and
 y = required setback for detached accessory structure



**Accessory Structure
Required Setbacks**

Where

- b = principal building separation
- sy = required side yard setback for accessory structures
- ry = required rear yard setback for accessory structures
- e = utility or drainage easement

- B. *Additional bulk regulations:*

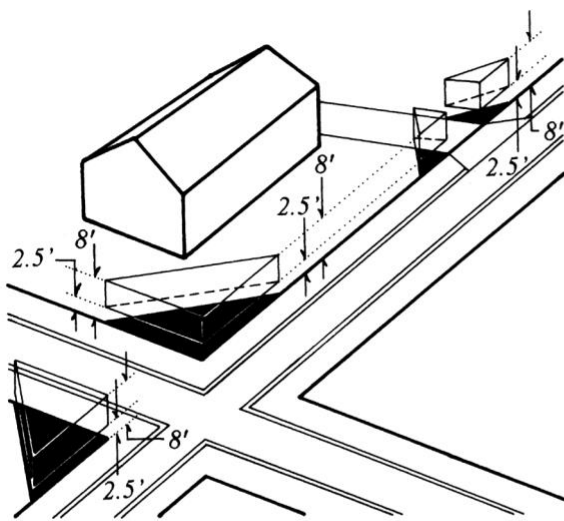
1. Swimming pools, hot tubs, and outdoor spas.
 - a. No swimming pool, hot tubs, and outdoor spas may be located less than 15 feet from any property line.
 - b. All swimming pools, hot tubs, and outdoor spas shall provide adequate enclosure. Said enclosure shall comply with appropriate building codes.
 - c. Planting material shall not be used as a substitute for a required fence or wall.

- d. The maximum area of all unenclosed swimming pools, hot tubs, or outdoor spas located on a lot shall not exceed 800 square feet or five percent of the lot area, whichever is less.

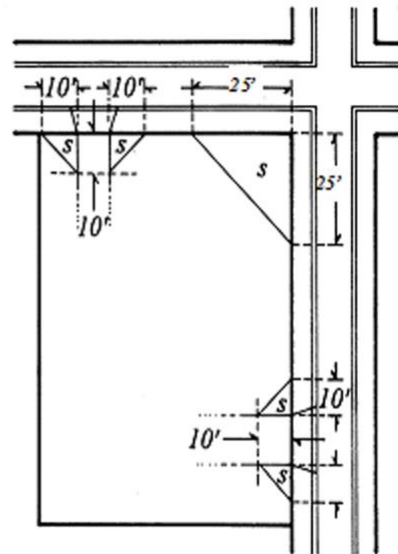
2. *Fences and walls.*

a. *Prohibited fences and walls.*

1. Fences, including walls, and planting material used in the nature of a fence, placed or maintained on any portion of any public right-of-way or in any required yard which, by the nature of the materials used for its construction, its design or location would impair public safety by interfering and obstructing the vision of persons using the streets, sidewalks or driveways on or adjacent to such a yard. No such fence may be located within the sight triangle, the sides of which are formed by the right-of-way lines of two intersecting streets, or a street and a driveway, or a street and an alley. The length of the sides of said triangle shall be 25 feet along the street right-of-way that intersect, and ten feet along the right-of-way and the driveway or an alley when a street intersects with an alley or a driveway.



Sight Triangle



**Sight Triangle (s)
Plan View**

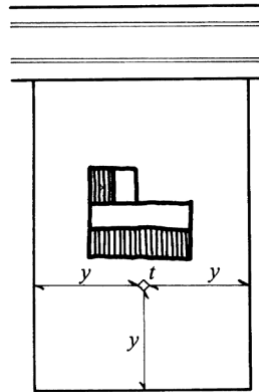
2. Fences or walls constructed in whole or in part of electrically charged wire, barbed wire, spikes, glass, protruding nails, or other sharp or pointed material of any kind.
3. Chain link fences with barbed ends up.
4. Snow fences, except for the exclusive control of wind blown snow between November 1 and March 31 and erected by state or local highway authorities.
5. Fences constructed of less than 9-gauge wire.
6. Exceptions to this section may be granted by petition to the zoning board of appeals.

b. *Fence and wall requirements.*

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1. *Height.* Fences and walls shall not be erected in excess of six feet above ground level on any residential zoning lot or in excess of eight feet on any commercial or industrial zoning lot, unless otherwise specified.
 2. *Location.* Fences and walls shall be located entirely on the lot of the property owner constructing the fence or wall.
 3. *Construction.* The finished side of the fence or wall must face out from the property of property owner constructing the fence or wall.
 4. *Drainage.* No fence or wall shall be constructed or maintained in such a manner as to obstruct, inhibit, impair or otherwise alter overland surface drainage across any adjoining lot.
 5. *Easements.* Fences may be located on public utility or drainage easements, however the county and the public utility companies having rights to use said easement reserve the right to remove said fence to construct, repair or maintain utility facilities with no obligation to replace or restore said fence, unless so stated in the governing easement document. It shall be the obligation of the property owner to locate all utilities prior to construction of a fence.
 6. *Additional regulations for front yard and corner side yard fences and walls in residential zoning districts:*
 - i. *Materials and design.* Permitted fences include picket, post and rail, split rail, chain-link and wrought iron. Fences used or designed to screen or conceal a front yard or corner side yard shall not be permitted.
 - ii. *Maximum height.* Four feet.
- c. *Exemptions.* The provisions of this section shall not apply to the following:
1. Fences constructed for the safety of children on park or school playgrounds.
 2. Planting material used in the nature of a fence, except as otherwise prohibited herein.
 3. Barbed wire or electric may be used on a lot in the agriculture districts when such lot is used for permitted agriculture purposes.
 4. Fences erected in connection with sporting facilities, e.g. baseball fields and tennis courts.
 5. Barbed wire when used as part of security fencing on lots within the industrial districts.
3. *Private antenna towers and satellite stations.* This section is intended for the use of private individuals who are not providing commercial communication service to others. Except for the antennas described in section 5.2.2.B.3.d, antenna towers and satellite dishes shall comply with the following:
- a. *Maximum height:* 50 feet above grade.
 - b. *Minimum yards:*
 1. Freestanding towers or antenna structures and satellite dishes that are unattached to the principal structure shall not be located closer to the lot line than the total height of the tower, satellite stations or antenna structure. All unattached, freestanding towers, satellite dishes or antenna structures shall be

located in the rear yard and must be properly guyed entirely within the limits of the property.

2. Towers, satellite dishes or antenna structures that are directly attached to the principal structure can be located in a side yard or rear yard.
- c. *Screening required:* Satellite dishes shall be screened from view from adjoining lots and adjoining public right-of-way by a solid fence, wall and/or landscaping.
- d. *Exemptions:* Satellite dishes 40 inches or less in diameter or diagonal dimension. Personal wireless communication facilities are exempt from the regulations of this section but subject to 55 ILCS 5/5-12001.1.



***Freestanding
Antenna Tower (t)***

*Where y = yard setback, and
y = height of tower or
antenna*

4. *Tool, garden storage sheds, gazebos, cabanas and other accessory structures, not otherwise specified in this section.*
 - a. *Maximum area:* Two hundred square feet.
 - b. *Maximum number:* One each per lot.
5. *Accessory dwelling units.* When permitted by this ordinance, accessory dwelling units shall comply with the following standards:
 - a. *Maximum area:* The floor area of an accessory dwelling unit shall not exceed 800 square feet.
 - b. *Maximum number:* One each per lot.
 - c. *Design features:*
 1. Each unit shall have its own exterior entrance.
 2. Each unit located shall be located on the second floor of an accessory garage structure.
 3. Accessory dwelling units shall be located only on lots having access to an alley.

(Ord. No. 09-23, § 1, 5-20-2009; Ord. No. 11-45, § 1, 10-19-2011; Ord. No. 21-02, § 1, 1-20-2021); Ord. No. 21-02, § 1, 1-20-2021)

Editor's note(s)—Ord. No. 11-45, § 1, adopted October 19, 2011, deleted § 5.2.2 and renumbered §§ 5.2.3 and 5.2.4 as §§ 5.2.2 and 5.2.3 respectively. Former § 5.2.2 pertained to permitted yard obstructions and derived from Ord. No. 08-20, adopted July 9, 2008.

5.2.3. Table of permitted yard obstructions.

Exceptions to yard setbacks. The minimum setback requirements of each zoning district establishes the minimum required yard for all uses, except those exempted by this section. The following exceptions by buildings and structures are permitted into the specified required yards:

Structure or Use	Front Yard	Rear Yard	Side Yard
Accessory structure (5.2.2.B.4) no closer than five feet from the rear property line and five feet from the side property line.		P	P
Architectural ornamentation, e.g. sills, belt courses, cornices encroaching no more than 30 inches into a required yard.	P	P	P
Awnings and canopies, projecting no more than 48 inches into a required yard.	P	P	
Balconies, projecting no more than 60 inches from the structure	P	P	
Bay windows, having no foundation and projecting no more than 30 inches into a required yard	P	P	P
Chimneys, having no foundation and projecting no more than 30 inches into a required yard	P	P	P
Decks, open to the sky and less than 36 inches above the ground and projecting no more than eight feet into required yard		P	P
Eaves and gutters, projecting no more than 30 inches into a required yard	P	P	P
Fire escapes, open to the elements and projecting no more than five feet into a required yard		P	P
Patio, permanently roofed-over shall be no closer than five feet from the property line	P	P	P
Porches, projecting no more than eight feet from the structure	P	P	P
Porte cochere, projecting no more than five feet from the property line	P	P	P
Solar energy devices, attached, projecting no more than 60 inches into a required yard	P	P	P
Storm shelters and similar structures, attached or detached, above or below grade shall be no closer than five feet from the property line		P	P
Trash receptacles and enclosures		P	P

Where "P" indicates accessory structure or use is a permitted yard obstruction in the indicated yard as defined in this section 5.2.3. Accessory structures not listed in this table shall be considered by the zoning administrator if similar to a listed structure. Accessory structures listed in this table shall conform with the bulk regulations in section 5.2.3 unless otherwise specified in this table.

(Ord. No. 11-45, § 1, 10-19-2011; Ord. No. 21-02, § 1, 1-20-2021)

Editor's note(s)—Formerly § 5.2.4. See editor's note for § 5.2.2.

5.3. TRADITIONAL NEIGHBORHOOD DEVELOPMENT DESIGN GUIDELINES

5.3.1. General guidelines.

In order to achieve the proximity and diversity necessary to make neighborhoods walkable, it is important to mix land uses and uses within buildings. Traditional neighborhood development should consist of the following: a range of residential uses, densities, dwelling and lot sizes, parks and open spaces within a five-minute walk of every residence, and a core area which may consist of: a central park or square serving as a neighborhood focal point; a collection of nonresidential uses providing basic daily shopping and dining needs for the neighborhood; a civic, religious, or social institution or use; or, any combination thereof, all within a five- to ten-minute walk of most residents in the neighborhood.

5.3.2. Density bonuses guidelines.

The base density (the maximum density allowed by the underlying residential traditional neighborhood district) may be adjusted upward by density bonuses awarded for furthering certain public objectives, subject to the following:

- A. *Conditions for calculating residential densities.*
 - 1. Areas used for nonresidential purposes shall not be counted towards the calculation of overall density for the traditional neighborhood development.
 - 2. All dwelling units constructed in mixed-use buildings, that is, buildings having retail, food service and/or office uses on the street level and residential uses on the upper floors, may be permissible *in addition to* the number of dwelling units authorized under this section. However, the total number of dwelling units in a traditional neighborhood development shall not be increased by more than ten dwelling units or ten percent, whichever is greater.
- B. *Residential density bonuses.*
 - 1. *Basic bonus.* Traditional neighborhood development base residential density shall be five percent higher than the maximum residential density for conventional development in the underlying zoning district.
 - 2. *Provision of affordable housing.* A density increase is permitted where the traditional neighborhood development provides housing opportunities for low or moderate income households. For each affordable housing unit provided under this section, one additional dwelling unit shall be permitted, up to a maximum five percent increase in the number of dwelling units.
- C. *Commercial density ratio.* The commercial density of a traditional neighborhood development shall be a minimum of one 125 square feet of commercial floor area per residential dwelling unit. This shall include retail, food service, business and personal service, and office uses.

5.3.3. Lot design guidelines.

A variety of lot sizes and types should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

- A. *[Lot diversity.]* To facilitate lot diversity and an urban structure that is pedestrian friendly, street and lot layouts should provide for perimeter blocks that are generally in the range of 200 to 400 feet deep by 400 to 800 feet long.
- B. *[Single street plane.]* A single street plane should be formed by designing or improving adjacent buildings and lots with uniform setbacks and evenly spaced buildings. Collectively the buildings on each

side of the street should create a continuous alignment. This does not mean, however, that all projections or recesses from the front façade must be prohibited.

- C. *Lot widths should be established similar to surrounding sites.* Create a symmetrical street cross section and repetitive visual rhythm that reinforces the street as a public space and the perception of the street as a simple, unified public space.
- D. *Front setback, mixed or nonresidential uses.* Civic and commercial buildings have no minimum setback, but should be aligned with existing adjacent development where possible, or setback similar distances to buildings in the older parts of the county.
- E. *Front setback, residential uses.* For infill and where possible with new (contiguous) development, establish setbacks for new housing that respond to the existing setbacks on either side of, and across the street from new development. Setbacks should be measured from the curb line and should not differ more than five from adjacent setbacks.
- F. *Side setbacks.* Provision for zero-lot line single-family dwellings should be made, provided that a reciprocal access easement is recorded for both lots, and townhouses or other attached dwellings provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

5.3.4. Architectural guidelines.

The use of a variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character and visual appearance.

- A. *Guidelines for existing structures.*
 - 1. Existing structures, if determined to be historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.
 - 2. The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings shall be used as the criteria for renovating historic or architecturally significant structures. These national standards may be found at www.cr.nps.gov/hps/tps/standards_guidelines.
- B. *Guidelines for new structures.*
 - 1. *Size, scale and mass.*
 - a. New structures within a TND shall be no more than 2½-stories for single-family residential, or 5-stories for commercial, multi-family residential, or mixed use buildings.
 - b. New structures within a TND shall be similar in size, scale and mass to existing structures within the older part of the community.
 - 2. *Architectural style.*
 - a. The architectural style of a building shall be continued in all of its major features on all sides visible from a public street.
 - b. If new structures for retail or other commercial uses exceeding the individual footprint of 50,000 square feet are allowed, then the façades of such buildings shall be articulated to appear as multiple buildings
 - c. New structures may be constructed in any architectural style. However, if such structures are built using elements of Victorian, Craftsman or Bungalow, Prairie School or colonial revival stylistic details, such elements shall be based upon an architectural inventory of the existing older part of Boone County.

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- d. Stylistic details characteristic of other regions of the United States are discouraged.
3. *Entries and facades.*
- a. The front facade of the principal building on any lot in a TND shall face onto a public street.
 - b. The front facade shall not be oriented to face directly toward a parking lot.
 - c. Porches, pent roofs, roof overhangs, hooded front doors or other strong architectural elements shall define the front entrance to all residences.
 - d. For commercial buildings, a minimum of 30 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
- C. *Guidelines for secondary dwelling units.* See section 5.2.3.C.6.
- D. *Guidelines for exterior colors.* Exterior colors for structures and appurtenances, including fixtures and signs, shall be compatible and harmonious with those of existing buildings in the immediate area.
- 1. Fluorescent, day glow and/or neon colors shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used.
 - 2. Color combination schemes shall be limited to no more than three different colors for all structures and appurtenances on a property. Varying shades, tints, or intensities of a color shall count as a different color for this purpose.
 - 3. Color schemes shall be used consistently throughout the property, including on both the upper and lower portions of buildings, and on all façades of a building or structure.
- E. *Guidelines for exterior signage.*
- 1. *Number of signs.* No more than two exterior signs for the same business shall be visible from any single vantage point on or off the subject property.
 - 2. *Area of signage.* No more than one square foot of signage shall be permitted for every 20 square feet of building façade area (not to include roof area) which faces, or fronts on, the right-of-way of a directly adjacent public street. The assignment of permitted sign area to individual businesses within the same building shall be at the discretion of the property owner.
- F. *Guidelines for exterior lighting.*
- 1. Street lights shall be decorative and blend with the architectural style of the TND. Street lights shall provide adequate lighting while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties.
 - 2. In commercial or civic areas and parking lots, decorative lamps a maximum of 16 feet in height shall be placed at regular intervals.
- G. *Guidelines for open space.* The aggregate amount of park and open space in a TND shall be no less than would have resulted from the application of the existing park and open space requirements of the county subdivision regulations.
- H. *Guidelines for review of architectural guidelines.* Prior to issuance of a building permit for any structure in a TND, the zoning administrator shall determine whether the proposed structure complies with the requirements of this section 5.3.4.

5.3.5. Landscaping and screening guidelines.

Overall composition and location of landscaped areas shall complement the scale of the development and its surroundings. In addition to the requirements of section 5.4, landscaping and tree preservation, TND developments shall satisfy the following guidelines:

- A. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.
- B. Where screening is required by this ordinance, it shall be a minimum three feet in height, unless otherwise specified.
- C. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, or a hedge or fraction thereof, shall be required.
- D. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk. Where street trees already exist, any gaps shall be filled.
- E. The corners of parking lots and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- F. Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health, replacing dead materials annually.
- G. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within two years.
- H. Provision shall be made for ownership and maintenance of streets, squares, parks, open space, and other public spaces in a TND by dedication to an appropriate public agency or entity, such as the township, park district, or conservancy.

5.3.6. Stormwater management guidelines.

Site design should use Best Management Practices (BMPs) to minimize off-site stormwater runoff, increase on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be incorporated into stormwater management systems to the maximum extent practicable. Please refer to the Subdivision Code for a full list of BMPs and stormwater treatment requirements. New TND development and redevelopment shall meet the following requirements

- A. No untreated, direct stormwater discharges to wetlands or surface waters are allowed.
- B. Post development annual ground water recharge should approximate pre-development annual recharge conditions.
- C. Developers must remove 80 percent of the average annual load of total suspended solids from new developments. Erosion and sediment controls must be implemented to mitigate impacts during construction or other land disturbing activities.
- D. An approved list of specific stormwater Best Management Practices (BMPs) must be used for critical area discharges or discharges from areas with higher potential pollutant loads.

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- E. Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent possible.
 - F. All treatment systems or BMPs must have operation and maintenance plans to ensure that systems function as designed.

5.3.7. Pedestrian, bicycle, and motor vehicle circulation guidelines.

The circulation system shall be used to organize and define the community, acting as functional and visual links between neighborhoods, the civic and commercial areas and open space. The circulation system shall be based on a defined network interconnected both internally and to existing development that provides adequate traffic capacity, provides connected pedestrian and bicycle routes (especially off-street bicycle or multi-use paths or bicycle lanes on the streets), controls through traffic, limits lot access to streets of lower traffic volumes, and promotes safe and efficient mobility through the community. In addition to the requirements of the subdivision regulations for traffic circulation, the following standards shall be followed:

- A. *General street design.* Traffic calming features such as curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.
- B. *Pedestrian circulation.* Convenient pedestrian circulation systems that minimize conflicts with automobiles shall be provided continuously throughout all development sites that consist of more than one building, and shall connect all buildings to public sidewalks. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced.
 1. *Walkways in residential uses.* Clear and well lighted walkways, a minimum of five feet in width, depending on projected pedestrian traffic, shall connect entrances into multiple-family dwellings to the adjacent public sidewalk and to any parking areas on the site.
 2. *Walkways in civic, mixed and nonresidential uses.* Clear and well lighted walkways shall connect building entrances to the adjacent public sidewalk and to any parking areas located on the site. Such walkways shall be a minimum of five feet in width, and shall be landscaped where feasible with trees, shrubs and other plant material, meeting the requirements of section 5.3.5.
 3. *Transit access.* Where transit service is available or planned, site plans shall provide pleasant and convenient access to transit stops. Where transit shelters are provided, they shall be placed in locations that promote security through natural surveillance and visibility, and shall be well lighted and weather-protected.
 4. *Disabled accessibility.* Sidewalks and pedestrian paths adjacent to and connecting civic and commercial uses shall be accessible to the physically disabled.
 5. *Crosswalks.* Intersections of pedestrian paths with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and defined with contrasting paving materials or striping
- C. *Bicycle circulation.* Convenient bicycle circulation systems that minimize conflicts with automobiles and pedestrians shall be provided continuously throughout all development sites that include new or improved streets. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel can consist of anything from off-street facilities (generally shared with pedestrians and other nonmotorized users) to separate, striped bicycle lanes on streets, to an unstriped curb lane wide enough for a car to pass a cyclist typically 14 feet, or for a car to pass a cyclist and a parked car.
- D. *Motor vehicle circulation.* Motor vehicle circulation shall be designed to minimize conflicts with pedestrian access and circulation and with surrounding residential uses.

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1. *Existing street network.* Site design should maintain the existing street network, where present, and restore any disrupted street grid where feasible.
 2. *Service vehicles.* Access for service vehicles shall be provided that does not conflict with pedestrian use. Access points for such vehicles should provide as direct a route as possible to service and loading dock areas, while avoiding movement through parking areas.
 3. *Snow removal.* Site design shall include areas for snow storage unless applicant provides an acceptable snow removal plan.
 4. *Impervious surfaces.* Reduction of impervious surfaces through the use of porous paving materials and techniques is strongly encouraged for areas that serve low-impact parking needs, such as remote parking lots, parking areas for periodic uses and parking in natural amenity areas.
 5. *Parking requirements.* Parking areas for shared or community use should be encouraged. Additionally
 - i. One off-street parking space per bed and breakfast, inn, or hotel room shall be provided within 200 feet of the establishment.
 - ii. One additional off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit.
 - iii. Individual having more than 50,000 square feet of floor area must provide adequate parking within reasonable walking distance of the establishment.

E. *Thoroughfare layout.*

1. *Thoroughfare classification standards.* Each thoroughfare within a TND shall be classified according to the following:
 - a. *Medium-volume commercial street.* This thoroughfare is designed for a mixed-use center or neighborhood commercial center. The primary function is access to commercial or mixed-use buildings, but it is also part of the major thoroughfares network. On-street parking, whether diagonal or parallel, helps to slow traffic and facilitate pedestrian traffic. Additional parking is provided in lots to the side or rear of buildings. Alleys may be used for deliveries and alternate access.
 - b. *Medium-volume residential street.* This thoroughfare is designed for primary access to individual residential properties, to connect thoroughfares of lower and higher function, and to access the major thoroughfare network. Design speed is 25 mph.
 - c. *Low-volume residential street.* This thoroughfare is designed for primary access to individual residential properties as well as access to adjacent streets. Traffic volumes are relatively low, with a design speed of 20 mph.
 - d. *Residential access lane.* This thoroughfare is designed for primary access to a limited number of residential properties. With minimal traffic volumes, traffic is completely subservient to the residential environment. Access lanes can be constructed as culs-de-sac, loop street, or short connecting lanes, and generally serve ten or fewer homes. Traffic volumes are extremely low, with a design speed of less than 20 mph.
 - e. *Public alley.* These thoroughfares provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also be used to provide delivery access or alternate parking access to commercial properties. Traffic volumes are extremely low, with a design speed of less than 20 mph.

2. *Thoroughfares.* Thoroughfares shall be designed to limit and slow through traffic by narrower roadways, shorter lengths and other geometric configurations. No lot shall be more than 1,000 feet from an intersection.
3. *Intersections.* Intersections shall be at right angles whenever possible, but in no case less than 75 degrees. Low volume thoroughfares should be aligned to form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence) which significantly reduces accidents without the use of traffic controls. A low volume thoroughfare that intersects with a higher order thoroughfare, such as a collector, should be aligned with another street to form a four-way intersection, which can easily be regulated by a stop sign or other traffic control device.
4. *Curb radii.* The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of 15 feet for local streets and 20 feet for intersections involving collector or arterial streets. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of ten feet.
5. *Curb cuts.* Access to individual residential lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily uses.
6. *Clear sight distances.* Clear sight distances shall be maintained at intersections, as specified in the following table, unless controlled by traffic signal devices:

Table of Minimum Clear Sight Distances for Various Intersections	
Intersection of:	Minimum Clear Sight Distance
Local streets and collectors	120 feet
Collectors and collectors	130 feet
Collectors and arterials	150 feet

7. *Street orientation.* Thoroughfares and pedestrian access should enhance open spaces and prominent buildings and provide for the maximum number of lots with southern exposure. All thoroughfares shall terminate at other thoroughfares or at public land, except as specified below
 - a. Access lanes that terminate in culs-de-sac may be permitted only when topography prevents the use of loop streets.
 - b. Local streets may terminate in stub streets when such streets act as connections to future phases of the development.
 - c. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

F. *[Table of street requirements.]* The following table of street requirements for TND development supersedes the requirements of the subdivision regulations:

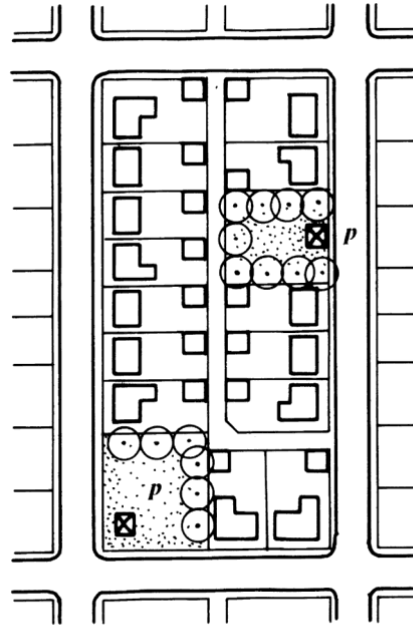
Table of TND/CD Street Design Guidelines					
	Medium Volume Commercial	Medium Volume Residential	Low Volume Residential	Residential Access Lane	Public Alley
ADT	750 or more	750—1500	250—750	Less than 250	Not applicable

R-O-W	70 ft. or more	50—60 feet	45—55 feet	40—55 feet	20 feet
Pavement	40 feet or more, depending on number of lanes	20—34'	20—28'	21—28'	16 ft. for two-way traffic, 12 ft. for one-way
Vehicle travel lanes	Two or three 12 ft. lanes with bike lanes, or two 14 ft. curb lanes without bike lanes,	Two 10 ft. lanes with two 4 ft. bike lanes, or two 14 ft. lanes w/o bike lanes	Two 10 ft. lanes, or one 14 ft. (queing) lane	One 14 foot (queing) lane	Two 8 ft. lanes for two-way traffic, or one 12 ft. lane for one-way traffic
Bicycle lanes	Two 4 ft. lanes, or 14 ft. wide curb lanes for autos and bikes	Two 4 ft. lanes next to 10 ft. auto lanes, or none with 14 ft. auto lanes	Two 4 ft. lanes with two auto travel lanes, or no bike lanes with one 14 ft. auto lane (queing)	None	None
Parking	Both sides	None, one, or both sides	None, one, or both sides	One or both sides	None (access to individual drives and garages outside R-O-W)
Sidewalks	Both sides, 5 ft. minimum	Both sides, 5 ft. minimum	Both sides, 5 ft. minimum'	One side (21 ft. pavement), or both (28 ft. pavement) sides; 5 ft. min.	None
Curb and gutter	Required	Required	Not required, but inverted curb recommended	Not required, inverted curb recommended	None

5.3.8. Traditional neighborhood development open space guidelines.

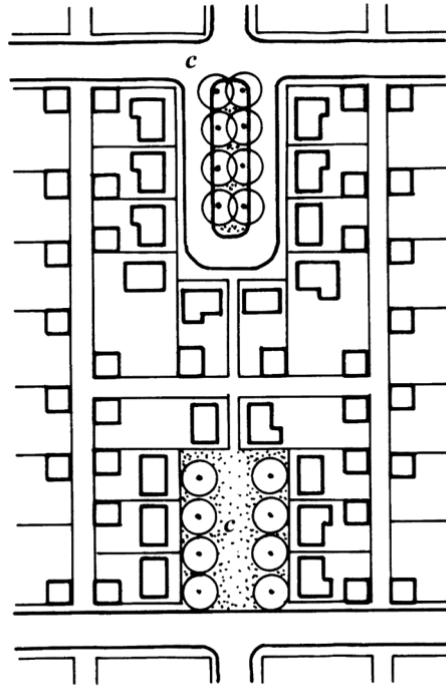
Public open space provides an orientation hierarchy and communal structure to a neighborhood. The series of specialized open spaces described herein are integral to the neighborhood environment. Open space is defined as all areas not covered by buildings or parking lots, streets, required setbacks, easements or golf courses. The following regulations are intended for areas not intended to be served by the Belvedere Park District.

- A. Every neighborhood needs places where people can meet.
- B. Open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean clear of underbrush and debris, graded, landscaped, and may contain one or more of the following improvements: gazebos, benches, walls, fences, fountains, statues, memorials, ball fields, and/or play equipment. Walls and fences shall be made of stone, masonry, wrought iron, or wood and shall not exceed four feet in height, except that fences used in conjunction with ball fields may be of chain link constructions and may exceed four feet in height. Playground equipment, statues, memorials and fountains should be located towards the center of squares and parks.
- C. Except for greenways and parkways, required open space shall be located at or adjacent to the higher residential densities in the neighborhood. Yard sizes and layout will vary with housing types. Lots with small yards should be compensated by being located in close proximity to parks
- D. Parks shall have public street frontage on at least two sides
- E. Open space types/classifications. Except as noted herein, each of the various open space types described in this section may be considered as park land contributions required by the subdivision regulations. The open spaces in the TND fall into eight types that are defined as follows:
 - 1. *Playground.* Playgrounds provide sunny and shaded play areas for children as well as open shelter with benches for adults. Playgrounds may be built within Squares and Parks or may stand alone within a residential block. Playgrounds shall be fenced, securable and illuminated if not part of a Square or Park. The minimum size for a playground shall be 8,000 square feet; the maximum size for a playground shall be 15,000 square feet. There should be a playground within 1,000 feet of every residence. Playgrounds may be covered in sand, crushed stone or other surface approved by the county. Trees shall be planted along the perimeter of a playground. Trees shall be spaced between 15 and 40 feet on center. Trees shall limb up to a minimum of 15 feet at maturity. Tree planting required along the perimeter of a playground is in addition to trees required to be planted in the adjacent public right-of-way.



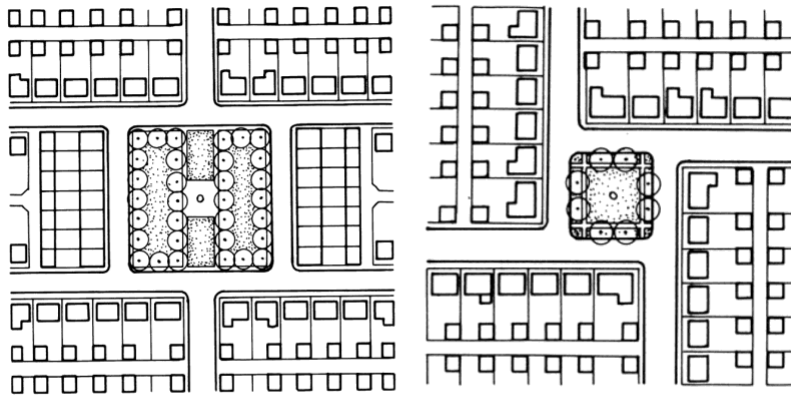
Playground (p)

2. *Close*. A close is a front space for buildings interior to the block. It may be pedestrian or it may have a roadway loop around a green area within the roadway. Its minimum width must coincide with emergency vehicle turning standards. Trees shall be planted along the perimeter of a close. Trees shall be spaced between 15 and 40 feet on center. Trees shall limb up to a minimum of 15 feet at maturity. Tree planting required along the perimeter of a close is in addition to trees required to be planted in the adjacent public right-of-way.



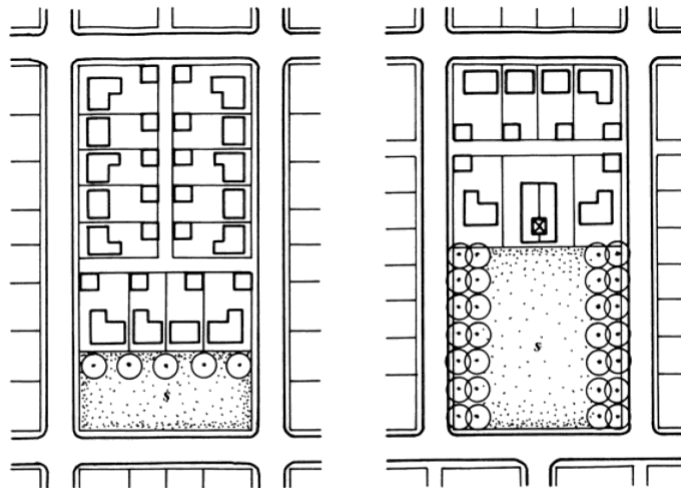
Close (c)

3. **Square.** Squares are green spaces which are inherently civic in nature. They are the setting for civic buildings and monuments, located either at their centers or edges. Formal tree planting maintains spatial definition of the square. Squares should be maintained to a higher standard than playgrounds and parks. Squares are areas for passive recreational use. Attached squares shall be bounded by streets on a minimum of three sides or 75 percent of their perimeter. Detached squares are entirely bounded by streets. The recommended minimum size of a Square shall be 20,000 square feet; the recommended maximum size shall be two acres. Squares may be entirely paved in crushed gravel, brick paver, or similar material, or partially paved. Areas not landscaped shall be landscaped. Squares shall have trees planted parallel to all rights-of-way with not less than two tree species a minimum of ten feet and maximum of 30 feet on center. Trees shall limb up to a minimum of 15 feet at maturity. Tree planting required along the perimeter of a close is in addition to trees required to be planted in the adjacent public right-of-way.



Detached Square

Detached Square

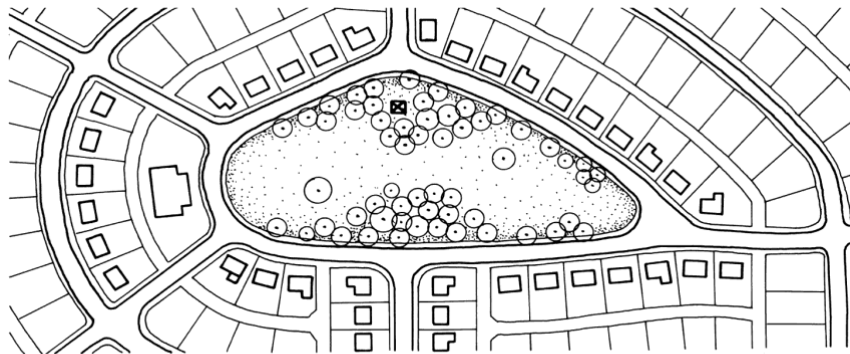


Attached Square (s)

4. **Parkway.** Parkway are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods. Parkway are to be entirely bounded by streets or pedestrian rights-of-way within developed areas. Parkway differ from Parks and Squares in that their detailing is natural, i.e. informally planted, except along rights-of-way, and may contain irregular topography. Parkway may be used for certain active recreational uses such as walking, jogging, or bicycling. Trees shall be planted along all rights-of-way with not less than two tree species a minimum of ten feet and maximum of 30 feet on center. Interior areas shall remain natural and any additional plantings shall be informal in design. Tree planting required along the perimeter of a parkway is in addition to required tree planting in the adjacent public right-of-way. Parkway are encouraged but shall not be considered as park land contributions required in the subdivision regulations.
5. **Greenbelt.** Greenbelts run along a creek or other unnamed waterways, or along the perimeter of a neighborhood, and serve to buffer a neighborhood from surrounding noncompatible uses such as a highway corridor or industrial district, or one neighborhood from another adjacent neighborhood. Generally, greenbelts are left in a natural state and are not for recreational purposes. Agricultural land may be used as a greenbelt. There is no tree planting requirement along the perimeter of greenbelts. Tree planting required in the public right-of-way along

greenbelts shall be provided as required. Greenbelts are encouraged but shall not be considered as park land contributions required in the subdivision regulations.

6. *Parks.* Parks may be designed for passive and/or active recreational use. Parks shall be bounded by public streets on a minimum of 50 percent of their perimeter. Parks are encouraged to be entirely bounded by streets. The minimum size shall be one acre; the maximum size shall be five acres. The maximum park size may exceed five acres if through design, the park creates a central open space which serves an entire neighborhood or group of neighborhoods, or incorporates physical features which are an asset to the community, e.g. lake or river frontage, high ground, significant stand of trees. Trees shall be planted along all rights-of-way with not less than two tree species a minimum of ten feet and maximum of 30 feet on center. Interior areas shall remain natural and any additional plantings shall be informal in design. Tree planting required along the perimeter of a park is in addition to tree planting required in the adjacent public right-of-way. Promenades and esplanades within a park may be formally planted with trees parallel to the walkway. Interior portions of the park are encouraged to be kept free of plantings. Areas for active use and any facilities which accompany such use shall have a tree planting design which integrates the structures into the park and defines the areas set aside for active recreation use from areas of passive use. Plantings in the interior portions of the park are encouraged to follow topographical lines. There shall be no area within a park of undergrowth or limbs lower than 12 feet from the ground.
7. *Green.* Like the square, it is small, civic, and surrounded by buildings. Unlike the square, it is informally planted and may have an irregular topography. Greens are usually landscaped with trees at the edges and sunny lawns at the center. Greens should contain no structures other than benches, pavilions and memorials. Paths are optional. Tree planting required in the public right-of-way along a green shall be provided as required.



Green

8. *Buffer.* The buffer has the basic elements of a green with the added purpose of buffering the impact of traffic from a highway or boulevard. Buffers are encouraged but shall not be considered as park land contributions required in the subdivision regulations.

5.4. LANDSCAPING AND TREE PRESERVATION

5.4.1. Purpose.

This article is established to create uniform landscape, screening and tree preservation standards for development of property in the county and review of plans therefore, in order to ensure that the county remains

attractive, safe and comfortable. Landscaping required by this section shall be a condition to the issuance of a certificate of occupancy for any improvements built on a lot in the county. The landscape standards herein are established:

- A. To promote, protect and preserve the general health and safety of the people of the community and, as part of the general welfare, insure aesthetic compatibility among land uses within the community;
- B. To conserve soil and reduce soil erosion, reduce storm water run-off, to provide oxygen regeneration to enhance air quality, and to reduce the effects of urban heat islands;
- C. To minimize the harmful or nuisance effects resulting from noise, dust, debris, motor exhaust, headlight glare, artificial light intrusions, objectionable sights or activities, or similar incompatible impacts conducted or created by adjoining or nearby land use;
- D. To safeguard the environmental quality and aesthetic character of the community by limiting the removal and insuring replacement of trees upon private property within the county;
- E. To preserve, insofar as practical, existing vegetation and topographical features by limiting unnecessary clearing and modification of land, encouraging the retention of existing mature trees, requiring the replacement of indigenous trees with approved species; and,
- F. To encourage the energy efficient operation of land uses in the public interest.

5.4.2. Landscaping and screening regulations.

A landscape plan prepared in accordance with the standards set forth in this article shall be required for any land development or use permit requiring a site plan review. Landscaping and screening required by this article shall be a condition to the issuance of a certificate of occupancy for any improvements built on a zoning lot in the county.

- A. *Landscape plan required.* A landscape plan shall be completed by an illinois licensed landscape architect. Requests for relief or revisions to these requirements of this section may be submitted to the zoning administrator for his consideration.
- B. *Landscape plan elements.* All final landscape plans shall include or have attached thereto to the following information:
 - 1. The name, address and phone number of the landscape architect or other person who prepared the plan and their signed stamp or seal; scale, north arrow, date of preparation, and identification of the plan as a final landscape plan.
 - 2. The location of existing and proposed improvements; including, but not limited to, buildings, with entry and exit points identified; all utilities, lighting, walls, and fences, parking areas (spaces delineated, including handicapped spaces, curbs); spot elevations and contours; existing and proposed berms; existing (four inch caliper and larger with drip line) and proposed plant material; paved surfaces; sign locations; public rights-of-way and easements, including street widths; refuse disposal areas; property lines; and, other exterior landscape amenities, such as bike paths, plazas, architectural paving, flag poles, foundations, benches, and bicycle racks.
 - 3. The planting schedule listing botanical names, common names, caliper or height, and quantity;
 - 4. The proposed treatment of all ground surfaces (pea gravel, ground covers, sod, seed and/or prairie).
 - 5. Other drawings and information as required; such as irrigation plan, if appropriate, grading and drainage plan, showing spot elevations and/or cross section, or methods to be used to protect plants and planted areas, e.g. curbs, ties, walls.

6. Tree preservation and removal plan depicting existing trees on the property, indicating those to be removed with an "X" through them, tallying the number of trees to be preserved and the number to be removed.
7. Provide elevations, cross sections, samples and/or photographs to indicate; texture of exposed surfaces, landscape material, scale, color of exposed surfaces, planting in relation to buildings, if requested by the zoning administrator.
8. Provide technical information, samples, details, and/or photographs of materials to be used for light standards, benches, fences, walls, signage, safety lighting, and other site details.

C. *General design criteria.*

1. *Selection of plant material.*

- a. Planting materials used in conformance with the provisions of this article shall be:
 1. Of good quality and of a species normally grown in northern Illinois.
 2. Capable of withstanding the extremes of individual site microclimates.
 3. Selected for interest in its structure, texture, and color for its ultimate growth.
 4. Harmonious to the design, and of good appearance.
 5. In conformance with American Standard for nursery stock as approved by American National Standards Institute and issued as ANSI 2601.1986.
- b. Evergreens shall be incorporated into the landscape treatment of a site, particularly in those areas screening parking lots from dedicated public rights-of-way or property zoned for residential use.
- c. Minimum size. Minimum sizes for plant materials at time of installation for all landscape areas shall be as follows:

Plant Type	Minimum Size
Evergreen tree	6 feet in height
Deciduous canopy tree	2½ inch diameter
Small deciduous tree	1½ inch diameter
Ornamental tree	2 inch diameter or 5 feet in height
Evergreen or deciduous shrubs	18—24" in height

Ground cover shall be so planted and spaced that complete coverage can be obtained within two years after date of installation.

- d. Prohibited trees. The following trees shall not be used to satisfy the requirements of this article: Silver Maple (except new hybrids); Box Elder; Red Mulberry; Osage Orange; Poplar (all species); Black Locust; Weeping Willow (except in large, wet areas); Catalpa; Tree of Heaven; White Birch; Elm (except new hybrids); Russian Olive; Mountain Ash; Ash Trees (except those resistant to the Emerald Ash Borer); and, fruit trees.
3. *Installation of plant materials.* Plant materials of all types and species shall be installed in accordance with the minimum technical specifications of the Illinois Landscape Contractors Association, including the provisions for guarantee and replacement.
4. *Maintenance of plant material.* The owner of the premises shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers, including refuse

disposal areas, walls, fences, and other amenities, as may be required by the provisions of this article. A means of irrigating plant material shall be provided. Installation of an automatic underground sprinkling system is recommended. If at any time a tree or shrub dies, the then current owner is responsible for replacing it in kind.

5. *Planting beds.* Planting beds shall be mulched in their entirety with shredded bark or other similar organic material. Lava rock or large diameter (1½" diameter or larger) bark chips ("chunk bark") are not acceptable. Gravel and stone mulches are not permitted, unless specifically approved in writing by the county. Mulch beds at time of planting shall extend a minimum of two feet beyond the center of a shrub.
6. *Walls and fences.*
 - a. Plant materials shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.
 - b. All wood fences proposed to be used to satisfy the screening requirements of this article shall be of red cedar, redwood, cypress, or other approved decay resistant treated wood, at least six feet high, and of solid construction. Wood fences shall be not less than 75 percent opaque, with all supporting posts exposed to the lot interior. Stockade type fences are not permitted.
7. *Detention/retention basins and ponds.* Detention/retention basins and ponds areas shall be planted. Such plantings shall include shade and ornamental trees, evergreens, shrubbery, hedges and/or other live planting materials. Plants must be able to tolerate wet conditions if planted within the basin. Native grasses and tall native vegetation shall be planted along the edges of detention/retention basins as a means to control the local geese population and to reduce erosion around the basin.
8. *Energy conservation.*
 - a. Deciduous trees, shrubs and vines should dominate the south and west sides of buildings and plaza areas to provide shade during the summer and limited shade during winter.
 - b. Evergreens and other plant materials should be concentrated on the north side of buildings in a manner which dissipates the effect of winter winds.
9. *Berms.* Earthen berms and existing topography shall, wherever practical, be incorporated into the landscape treatment of a site. Berms shall not exceed a maximum slope of four horizontal units to one vertical unit (4:1), except in parking islands, where the maximum slope shall not exceed two horizontal units to one vertical unit (2:1).
10. *Topography.* Where natural, existing topographic patterns contribute to the beauty and utility of a development, they shall be preserved and developed. Modification of topography may be allowed where it contributes to the aesthetic quality of the site.
11. *Protection of plant material and/or people.* In locations where plant materials may be susceptible to injury or cause personal injury, appropriate curbs, tree guards, or other devices shall be provided.
12. *Areas where plant material will not prosper.* In areas where general planting will not prosper, other materials such as fences, walls and pavings of wood, brick, stone, and cobbles shall be used. Carefully selected plant material shall be combined with such materials where possible.
13. *Exterior landscape lighting.* Lighting standards and fixtures when used to enhance the building design and the adjoining landscape shall be of a size and design compatible with the building and

adjacent areas. Lighting shall be restrained in design, and excessive brightness and brilliant colors shall be avoided. Electrical service shall be underground.

14. *Amenities.* In business, office and industrial districts seating areas, paved areas, plant enclosures, benches, waste receptacles, lights, and other amenities shall be provided.
15. *Service yard screening.* Service yards, loading docks and other places that tend to be unsightly shall be screened from view. Screening shall be equally effective at all times of the year.
 - a. Trash dumpsters and other waste receptacles or equipment shall be placed on a solid concrete surface and shall be screened on three sides with a solid wall composed of similar materials used on the primary structure on the lot and at least six feet in height, and a solid single or double access gate on the fourth side.
 - b. All utility equipment (meters, transformers, etc.) shall be provided with appropriate planting screens.
 - c. Garage doors and loading areas on nonresidential property shall be concealed from view (at grade) from adjoining residential zoned property.
 - d. All outdoor storage facilities for raw materials and finished products within 500 feet of a residence district shall be effectively screened and enclosed by a solid wall or fence at least eight feet in height. If materials to be stored outdoors are in excess of eight feet in height, then landscape screening shall be provided in addition to the fence or wall installed along the outside perimeter of the fence or wall, equal or exceeding the height of the materials to be stored outdoors.
16. *Innovative landscaping.* Innovative landscaping treatments are encouraged and shall be considered as a positive attribute in connection with any request for a variation from the requirements of this article.
17. *Intersection visibility.* Landscaping must be designed and installed to minimize potential obstruction of critical sight lines. Landscape planting shall be so designed as to avoid obstruction of a motorist's vision at the intersection of parking aisles, driveways, or public or private streets and alleys. Unobstructed visibility between two and one-half feet and eight feet above the height of the pavement must be maintained at all intersections. To maintain this visibility, no berms, shrubs or other landscape material which will reach a mature height greater than two and one-half feet shall be permitted within a sight triangle. Trees are allowed in sight triangles provided the lowest branching begins not less than eight feet above the pavement.
18. *Edging.* Edging is required on commercial, industrial, or institutional properties, and recommended on residential and other properties to separate grass areas from shrubs, ground cover and mulch and shall be a good quality steel, plastic, or weather resistant (redwood, cedar) or treated wood secured with stakes.
19. *Artificial plants.* No artificial plants of any type shall be used to satisfy any requirements of this article.
20. *Ground cover.* All drainage swales and slopes having a slope of three vertical units to one horizontal unit (3:1) or greater shall be sodded. All other ground areas not covered by buildings, parking, sidewalks or other impervious surfaces, or occupied by planting beds shall be graded smooth with a minimum of six inches of black dirt after compacting and removing stumps, rocks and other debris, and shall be seeded or sodded to prevent soil erosion and sedimentation of public drainage systems, creeks, streams, rivers and wetlands.
21. *Water conservation.* Wherever possible landscape designs and plant material which is indigenous and or drought tolerant should be used to reduce the need for irrigation.

22. *Flower beds.* Flower beds are encouraged and shall be planted in masses in acceptable areas to create color, texture and visual interest.

(Ord. No. 09-23, § 1, 5-20-2009)

5.4.3. Additional right-of-way landscaping requirements.

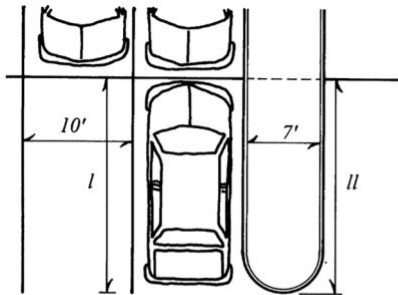
In addition to the general design criteria prescribed in section 5.4.2.C., the following requirements shall also apply to landscaping in rights-of-way.

- A. *Scope.* Where a zoning lot abuts a dedicated public right-of-way, trees shall be provided in accordance with the provisions of this article.
- B. *Street trees.* Street trees shall be planted in all parkways having a width of five feet or more. The county shall have the discretion to require trees be planted outside of the right-of-way if the parkway is less than five feet wide or overhead or buried utilities may conflict with the growth of street trees. Street trees shall be planted not more than 40 feet apart whenever possible, and shall have a minimum trunk diameter of two and one-half inches measured six inches above ground level.

5.4.4. Additional parking lot landscaping requirements.

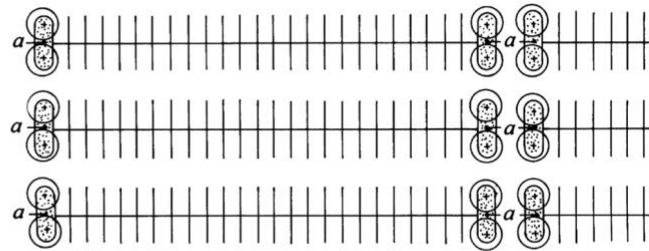
In addition to the general design criteria prescribed in section 5.4.2.C., the following requirements shall also apply to landscaping parking lots.

- A. *Scope.* All parking lots designed for 20 or more parking spaces shall be landscaped in accordance with the provisions of this article.
- B. *Interior parking lot landscaping.* To define circulation within a parking lot and to visually and physically break-up long rows of parking spaces, landscape islands are required to be provided within parking lot areas, as follows:
 - 1. *Parking aisle landscape islands.* A landscaped island shall be provided at the end of each parking row. The island shall be protected by a continuous concrete barrier curb and shall have a minimum width of seven feet, measured back-of-curb to back-of-curb, and shall have a depth equal to the adjoining parking space. Each parking aisle landscape island shall contain two deciduous shade trees.



Parking Space Landscape Island, Detail

Where $l = ll$



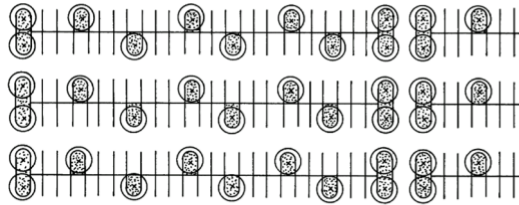
2 Shade Trees per Landscape Island

Landscape Island, Parking Aisle (a)

- 2. *Parking space landscape islands.* In addition to parking aisle landscape islands, one or more of the following alternatives shall be used to divide each row of parking having 20 spaces or more:

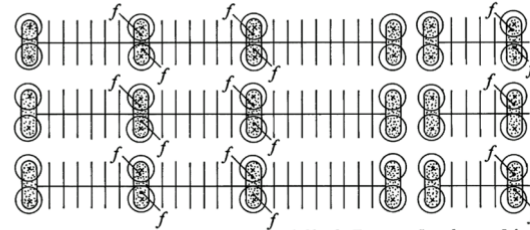
- a. *Full parking space landscape island.* One landscape island protected by a continuous concrete barrier curb and having a minimum width of seven feet, measured back-of-curb to back-of-curb, and a depth equal to the adjoining parking space, may be provided for each 20 parking spaces in the parking row. Said landscape islands shall be dispersed throughout the parking row. Each said landscape island shall contain one shade tree; or,

EXAMPLE 1



1 Shade Tree per Landscape Island

EXAMPLE 2

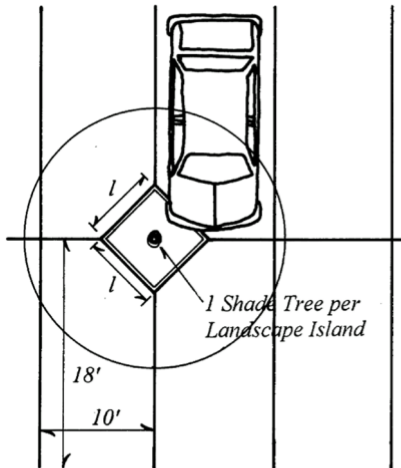


1 Shade Tree per Landscape Island

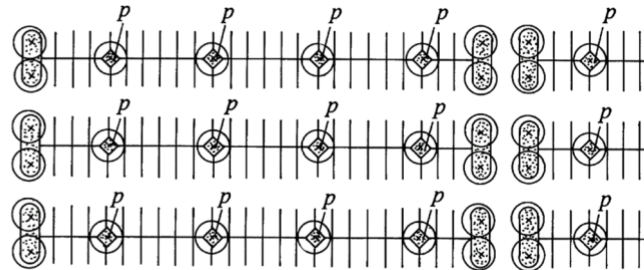
Landscape Island, Full Parking Space (f)

Where Number of Islands =
$$\frac{\text{Number of Parking Spaces in Parking Row}}{20}$$

- b. *Partial parking space landscape island.* One landscape island positioned at the front corner of a parking space, protected by a continuous concrete barrier curb and having minimum dimensions of six and one-half feet square, measured back-of-curb to back-of-curb, may be provided for each ten parking spaces in the parking row. Said landscape islands shall be dispersed throughout the parking row and shall not be used in parking rows along the perimeter of a parking lot. Each said landscape island shall contain one shade tree; or,



1 Shade Tree per Landscape Island



1 Shade Tree per Landscape Island

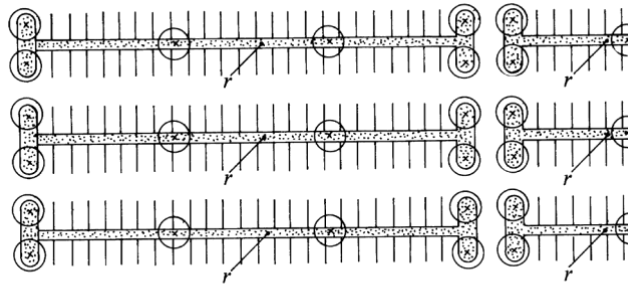
Landscape Island, Partial Parking Space (p)

Where Number of Islands =
$$\frac{\text{Number of Parking Spaces in Parking Row}}{10}$$

Partial Parking Space Landscape Island, Detail

Where $l = 6.5$ feet (measured back-of-curb to back-of-curb)

- c. *Continuous parking row landscape island.* A continuous landscape island protected by a continuous concrete barrier curb and having a minimum depth of seven feet, measured back-of-curb to back-of-curb, may be provided between parking rows. Said landscape island shall not be used in parking rows along the perimeter of a parking lot. Each said landscape island shall contain one shade tree for each 20 parking spaces in the parking row.



Landscape Island, Continuous Parking Row (r)

3. *Additional landscaping standards.* In addition to the shade trees required in this section, each landscape island required herein shall be landscaped with an appropriate number and selection of shrubs, flowers, groundcovers, sod and mulch. Shrubs planted in a parking lot landscape island shall not exceed a mature height of 30 inches above the adjoining pavement. No tree planted in a parking lot landscape island shall have branches maintained at a height less than six feet above the adjoining pavement.
- C. *Parking lot perimeter landscaping.*
1. *Front and corner side yards:*
 - a. Where a parking lot is located in or adjacent a front or corner side yard in a residential district, continuous landscaping shall be provided across not less than 100 percent of the parking lot frontage to a minimum height of three feet. Such landscaping shall consist of any combination of berms, shade and ornamental trees, evergreens, shrubbery, hedges, and/or other live planting material.
 - b. Where a parking lot is located in or adjacent a front or corner side yard not in a residential district, continuous landscaping shall be provided across not less than 60 percent of the parking lot frontage to a minimum height of three feet. Such landscaping shall consist of any combination of berms, shade and ornamental trees, evergreens, shrubbery, hedges, and/or other live planting material. Plantings may be placed in clusters, containing at minimum seven evergreens and/or shrubs per cluster, spaced at intervals of approximately 35 feet along the frontage of the parking lot. However, when a continuous row of shrubs or hedges is chosen, the entire parking lot frontage shall be screened.
 2. *Rear and side yards:*
 - a. Where a parking lot is located in a yard adjacent a residential zoning district, landscaping shall be provided as follows:
 - i. Screening between the parking lot and the residential property line shall be a minimum of six feet in height.
 - ii. Shade trees shall be provided at the equivalent of one for each 50 lineal feet, or fraction thereof, of parking lot frontage and shall not be planted more than 40 feet apart.
 - iii. Other planting material, including ornamental trees, evergreens, shrubbery, hedges, and/or other live planting materials shall be provided in a continuous row covering 100 percent of the frontage of the parking lot adjacent the residential lot(s).

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- iv. Except where occupied by planting beds, all side and rear yard perimeter landscaping area shall be sodded or seeded.
 - b. Where a parking lot is located in a yard adjacent a nonresidential property; landscaping shall be provided across not less than 50 percent of that portion of the parking lot abutting the property line to a minimum height of three feet. Such landscaping shall consist of any combination of berms, shade and ornamental trees, evergreens, shrubbery, hedges, and/or other live planting materials. Plantings may be placed in clusters, containing not less than seven shrubs per cluster, spaced at intervals of approximately 35 feet along the property line.

5.4.5. Additional foundation landscaping requirements.

In addition to the general design criteria prescribed in section 5.4.2.C., the following requirements shall also apply to foundation landscaping.

- A. *[Perimeter landscaping.]* All nonresidential and multiple family development shall provide perimeter landscaping as prescribed herein. Parking lots located on the perimeter of a lot shall comply with the requirements of section 5.4.4.C.
- B. *Setback.* A landscaping area not less than ten feet in width shall be located around the perimeter of all buildings, except where impractical, i.e. loading dock areas, entryways, etc.
- C. *Coverage.* Required foundation landscaping areas shall remain open and free of all paving except where pedestrian sidewalks to buildings and other similar paving are required.
- D. *Landscaping materials.* Foundation landscaping consist of shade and ornamental trees, evergreens, shrubbery, hedges, and/or other live planting materials. Particular attention shall be paid toward screening mechanical equipment, bicycle parking areas, and loading docks; softening large expanses of building walls; and accenting entrances and architectural features of the building(s).

5.4.6. Additional perimeter landscaping requirements.

In addition to the general design criteria prescribed in section 5.4.4.C., the following requirements shall also apply to perimeter landscaping.

- A. *[Perimeter landscaping.]* All nonresidential and multiple family development shall provide perimeter landscaping as prescribed.
- B. *Non-residential property abutting nonresidential property.* Where nonresidential abuts property in a business, office or industrial district, landscaping shall be provided as follows:
 - 1. Shade trees shall be provided at the equivalent of one for each 75 feet, or fraction thereof, of frontage along the abutting property line. Such trees shall be planted no more than 40 feet apart and may be clustered or spaced linearly as determined appropriate.
 - 2. Other landscaping materials, including berms, ornamental trees, evergreens, shrubbery, hedges, and/or other live planting materials shall be provided at appropriate locations along the abutting property line.
- C. *Non-residential property abutting residential property.* Where nonresidential property abuts property in a residential district, landscaping shall be provided as follows:
 - 1. A solid screen six feet in height, shall be provided along the entire length of the abutting property line. Such screen shall consist of a solid wood fence, berms, trees, evergreens, shrubbery, and/or other live planting materials, necessary to provide 100 percent coverage.

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2. Shade trees shall be provided at the equivalent of one for each 75 feet, or fraction thereof, of frontage along the abutting property line. Such trees shall not be planted more than 40 feet apart and may be clustered or spaced linearly as determined appropriate.
- D. *Residential property abutting existing commercial property.* Where any newly classified residential property abuts property in any business or industrial district, landscaping shall be provided as follows:
1. Shade trees shall be provided at the equivalent of not less than one for each 75 feet, or fraction thereof, of frontage along the abutting property line. Such trees shall not be planted more than 40 feet apart and may be clustered or spaced linearly as appropriate.
 2. Other landscaping materials, including berms, if possible, ornamental trees, evergreens, shrubbery, hedges, and/or other live planting materials shall be provided at intermittent locations across 50 percent of the abutting property line. Shrubs shall be placed in clusters containing at least seven per cluster, spaced at intervals of approximately 35 feet along the abutting property line.
- E. *Multiple-family residential property.* Where multiple-family residential property abuts property in any zoning district, landscaping shall be provided as follows:
1. Shade trees shall be provided at the equivalent of not less than one for each 75 feet, or fraction thereof, of frontage along the abutting property line. Such trees shall not be planted more than 40 feet apart and may be clustered or spaced linearly as appropriate.
 2. Other landscaping materials, including berms, if possible, ornamental trees, evergreens, shrubbery, hedges, and/or other live planting materials shall be provided at intermittent locations across 50 percent of the abutting property line. Shrubs shall be placed in clusters containing at least seven per cluster, spaced at intervals of approximately 35 feet along the abutting property line.

(Ord. No. 09-23, § 1, 5-20-2009)

5.5. OFF STREET PARKING AND LOADING REGULATIONS

5.5.1. Purpose.

The purpose of this section is to alleviate or prevent the congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

5.5.2. Scope.

The off-street parking and loading provisions of this ordinance shall apply as follows:

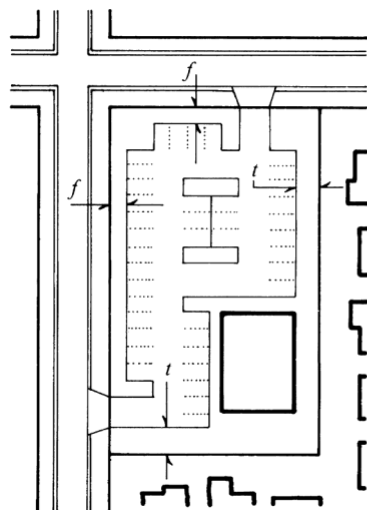
- A. For all building and structures erected and all uses of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the district in which building or uses are located. However, where a permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within one year of such effective date, and diligently prosecuted to completion, parking and loading facilities as required herein need not be provided.
- B. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurements specified

herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

- C. However, no building or structure lawfully erected or use lawfully established prior to the effective date of this ordinance shall be required to provide such additional parking or loading facilities unless and until the expansion equals 50 percent of the units of measurement existing upon the effective date of this ordinance, in which event parking or loading facilities as required herein shall be provided for the total increase.
- D. Whenever the existing use of a building or structure shall be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, additional parking or loading facilities shall be required only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this ordinance.

5.5.3. General off-street parking and loading standards.

- A. *Existing parking and loading facilities.* Accessory off-street parking or loading facilities shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this title for a similar new building or use.
- B. *Permissive parking and loading facilities.* Nothing in this article shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.
- C. *Damage or destruction.* For any conforming or legally nonconforming building for use which is in existence on the effective date of this title, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation, except that when such damage or destruction exceeds more than 50 percent of the value of the building or use, sufficient off-street parking or loading facilities shall be provided as required by this title for equivalent new use on construction.

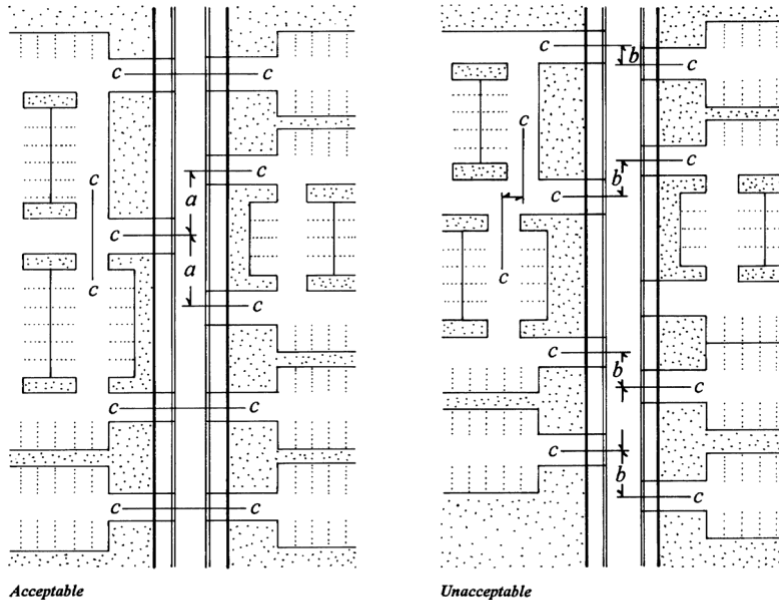


Off-Street Parking and Loading Setbacks
Where, front and corner side yards (f) ≥ 10 feet,
and transition yards (t) ≥ 20 feet

- D. *Computation of required off-street parking spaces and loading berths.* When determination of the number of off-street parking spaces and loading berths required by this article results in a requirement of a fractional

space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space or loading berth.

- E. *Yards.* Off-street parking spaces and loading berths and access thereto in industrial or commercial districts, or for nonresidential uses in residential districts may be located in any required yards, except no parking spaces or loading berths may be located within 20 feet of adjacent residential districts. Off-street parking spaces in any zoning district shall not be located within ten feet of a front or corner side lot line.
- F. *Design and maintenance.*
1. *Open and enclosed parking spaces and loading berths.* Parking spaces and loading berths may be open to the sky or enclosed in a building.
 2. *Screening and landscaping.* All open loading areas and all parking areas providing space for five or more vehicles shall be effectively screened in accordance with the landscaping requirements in section 5.4 herein.
 3. *Illumination.* Lighting used to illuminate off-street parking and loading areas shall be directed away from all adjacent property and roadways and illumination levels shall not exceed one foot-candle at any property line.
 4. *Repair and service.* No motor vehicle repair work of any kind shall be permitted in conjunction with open off-street parking or loading facilities in any district.
 5. *Curbing.* The perimeter of all loading areas and parking areas for Industrial and Commercial uses providing loading berths for one or more vehicles or parking space for five or more vehicles shall provide vehicular barriers around the perimeter of the loading area and parking area. The vehicular barriers of such loading and parking areas shall be continuous concrete barrier curbing, minimum six inches high by 18 inches wide.
 6. *Alternatives to curbing.* Stormwater Best Management Practices (BMPs), including, but not limited to, grassed swales, organic filters, bio-retention, porous pavements and other emerging treatments may be used as an alternative to curbing for stormwater management purposes. BMPs should be designed and implemented by a licensed engineer and should provide a maintenance schedule to the county.
 7. *Striping.* The pavement surface of off-street parking and loading areas shall be striped to define each loading berth and parking space. Striping shall be a minimum of four inches in width for the length of each space and shall be painted white or yellow. All areas designated as fire lanes and/or no parking area shall be painted yellow.
 8. *Circulation and access.* Parking lot driveways on opposite sides of an arterial or collector street shall be either aligned or off-set by no less than 150 feet between the centerlines of each opposing driveway. Parking aisles throughout the parking lot shall align as closely as practical in order to create four-way intersections. Shared driveways and access easements between adjoining lots shall be encouraged to reduce the number of parking lot driveways along public streets.



Parking Lot and Parking Aisle Alignment

Where c = driveway centerline,
 $a \geq 150$ feet and,
 $b \leq 150$ feet

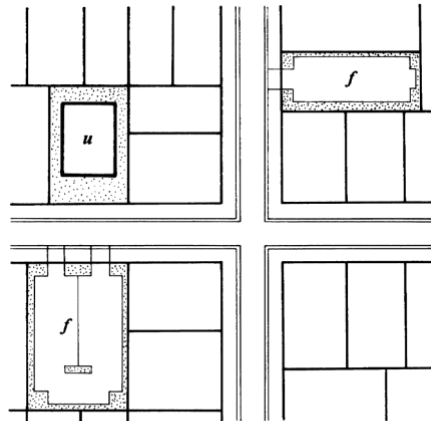
- G. *Submission of land plan.* Any application for an improvement location permit, or certificate of occupancy where no permit is required, shall include therewith a land plan drawn to scale and fully dimensioned showing any parking or loading facilities, lighting, landscaping, signs and other improvements accessory thereto provided in compliance with this title.
- H. *Construction and surfacing.* Except as provided otherwise herein, the construction and design of off-street parking facilities shall be reviewed by the county engineer to determine:
1. That every parking space, including access thereto, shall have an all-weather dust-free surface and shall be so graded and drained as to dispose of surface water accumulation by means of a positive storm water drainage system connected to a public drainage way.
 2. That parking areas shall be constructed in accordance with a minimum structural number of two and one-half and a minimum surface slope of one percent, provided that no parking area shall have less than two and one-half inches of bituminous surface course.
 3. That every driveway approach comply with the following standards. For the purpose of this section a driveway approach shall mean that portion of the driveway located in the right-of-way of a street.
 - a. For residential uses; six inches of concrete with mesh on six inches of compacted crushed gravel or crushed stone.
 - b. For nonresidential uses; six inches of concrete with mesh on eight inches of compacted crushed gravel or crushed stone.
 - c. For sidewalks at driveway crossings; six inches of concrete with mesh on six inches of compacted crushed gravel or crushed stone.

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4. Alternative paving materials and "green" construction methods may be used if the county engineer determines that the minimum requirements for traffic weight, stormwater drainage, and maintenance will be met.

5.5.4. Additional off-street parking standards and requirements.

In addition to the standards and requirements in section 5.5.3, herein, off-street parking facilities shall comply with the following:

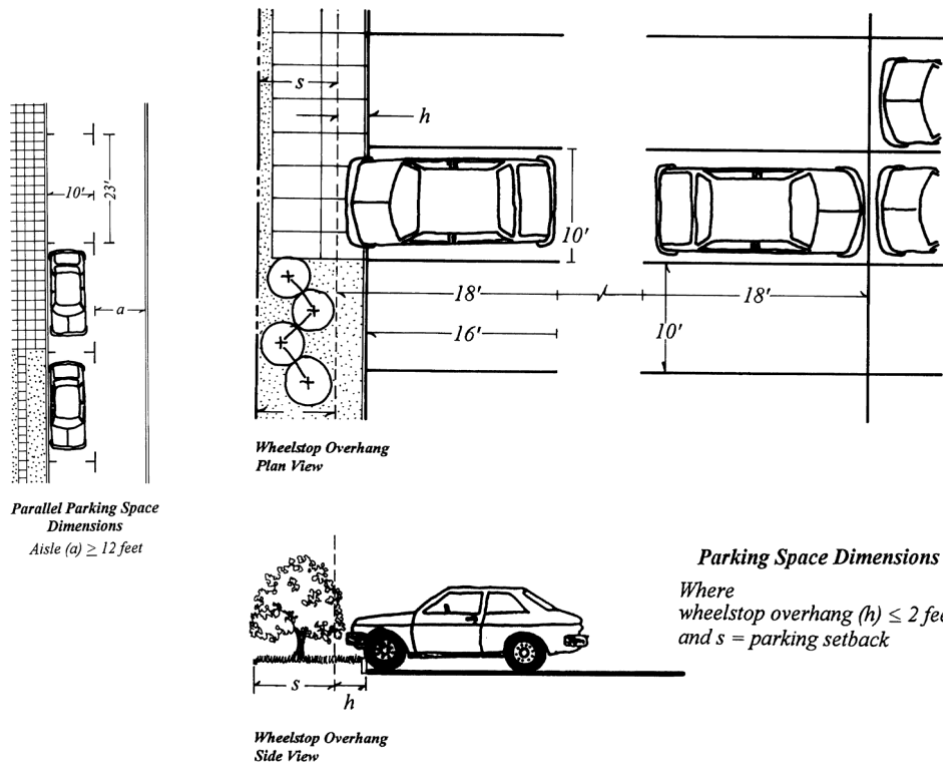
- A. *Control of off-site off-street parking facilities.* When required parking facilities are provided off-site, that is on land other than the zoning lot on which the building or use served by such off-site facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the off-street parking facilities serve.



Off-Site Parking (f)

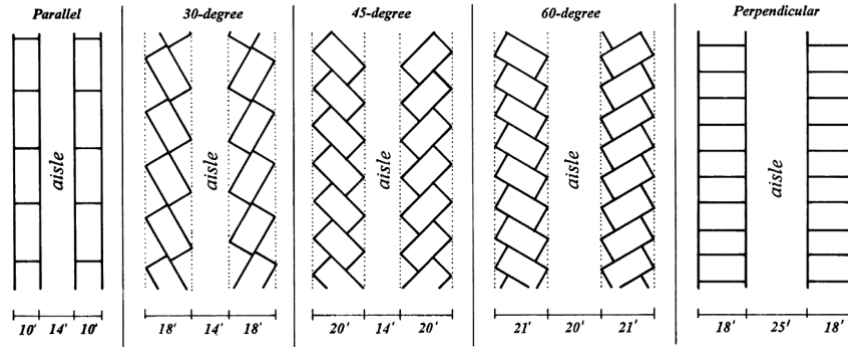
where *f* is required parking for use (*u*)

- B. *Use of parking facilities.* Off-street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwellings to which such facilities are accessory or by guests of said occupants. Required parking facilities accessory to residential structures shall not be used for the storage of commercial vehicles or the parking of automobiles belonging to employees, owners, tenants, visitors, or customers of business, office or manufacturing establishments. For the purpose of this paragraph, storage shall mean a vehicle parked on the zoning lot for more than 48 hours in any 72-hour-period.
- C. *Design and maintenance.*
 1. *Size.* Except for parallel parking spaces and handicap parking spaces, required off-street parking space shall be 180 square feet in area and shall be no less than 20 feet long with a vertical clearance of seven feet, all exclusive of access drives, aisles, ramps, columns, office or work space, provided however that in measuring the length of a parking space the area safely occupied by a vehicle beyond a curb stop, whether paved or unpaved, shall be included. Each off-street parking space parallel to the parking aisle or driveway shall be no less than nine feet wide and 23 feet in length.



2. **Access and on-site circulation.** Off-street parking areas shall be designed so as to require egress from the zoning lot to the street or alley by forward motion of the vehicle.
 - a. **Aisles.** Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. Aisle widths shall not be less than the following: 24 feet for any aisle designed for two-way traffic; 24 feet for each perpendicular parking space; 18 feet for each parking space on a 60° angle to the aisle; 13 feet for each parallel parking space or parking space on a 45° or 30° angle to the aisle; and 12 feet for each parallel parking space.
 - b. **Parking modules.** A parking module shall mean a row of parking spaces, a parking aisle, and another row of parking spaces. Parking module widths shall not be less than the following: Sixty-one feet for perpendicular parking spaces; 60 feet for parking spaces on a 60° angle to the aisle; 53 feet for parking spaces on a 45° angle from the aisle; 49 feet for parking spaces on a 30-degree angle from the aisle; and, 30 feet for parallel parking modules.

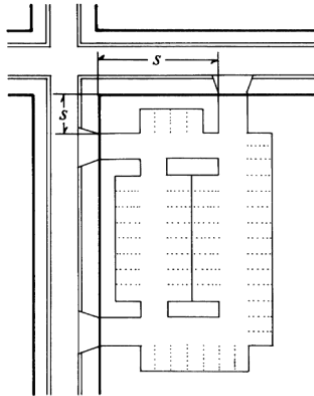
Minimum Parking Module Dimensions



c. **Driveways.** All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements on the public streets:

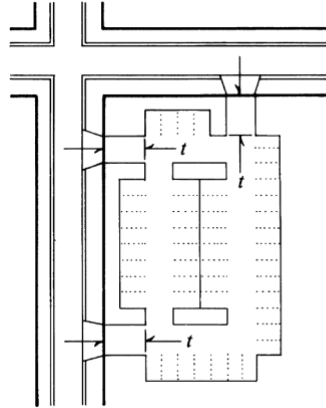
1. **Intersection setbacks.**

- i. Driveways located along an arterial road right-of-way shall not be located less than 60 feet from an intersecting right-of-way.
- ii. Driveways located along a collector road right-of-way shall not be located less than 50 feet from an intersecting right-of-way.
- iii. Driveways located along a local street or cul-de-sac right-of-way shall not be located less than 30 feet from an intersecting right-of-way.



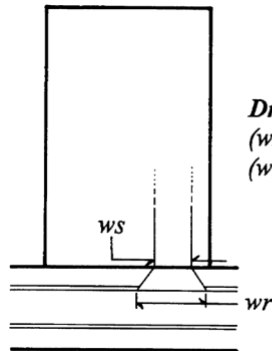
Driveway Intersection Setback (s)

- 2. **Street transition.** All parking facility driveways which lead to or from a public right-of-way shall provide a transition space of not less than 30 feet in length from the public right-of-way to the nearest parking space, an intersecting driveway or parking aisle along said driveway to ensure traffic safety and circulation efficiency.



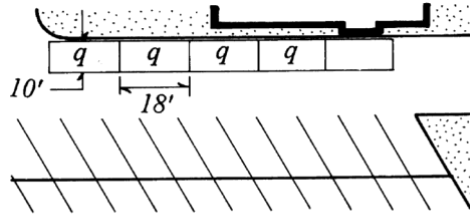
**Parking Facility
Driveway/Street Transition (t)**
Where $t \geq 30$ feet

3. **Width.** All driveways installed, altered, changed, replaced, or extended after the effective date of this title shall meet the following requirements: no driveway for vehicular ingress and egress shall exceed 28 feet in width at the right-of-way and 34 feet in width at the roadway in residential districts; no driveway for vehicular ingress and egress shall exceed 34 feet in width at the right-of-way and 44 feet in width at the roadway in commercial and industrial districts;



Driveway Width:
(ws) width at street line
(wr) width at roadway

4. **Queuing spaces.** Queuing spaces shall be provided accessory to drive-up service facilities in the number prescribed in the table of parking requirements. Queuing spaces shall be located so as to not interfere with parking or pedestrian and vehicular circulation on the zoning lot, or circulation on adjacent public streets. Queuing spaces shall measure ten feet in width and 18 feet in length. Queuing space shall not occupy the same spaces as parking or aisles thereto.



***Queuing Space (q)
for drive-up window facility***

- D. *Location.* The location of off-street parking spaces accessory to the use served shall be prescribed hereinafter:
1. *For uses in residential districts.* Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Parking spaces accessory to uses other than dwellings in a residential district may be located on an adjacent lot or directly across a street or alley from the lot occupied by the use served, but in no case more than 300 feet from such use.
 2. *For uses in commercial and industrial districts.* All required parking spaces shall be not more than 500 feet from the use served, except for spaces accessory to dwelling units which shall be not more than 300 feet from the uses served.
- E. *Handicapped parking.* Any parking area for use by the general public shall provide parking spaces designated and located to accommodate the handicapped. Parking spaces reserved for the handicapped shall be located, designed, identified, and otherwise provided in accordance with the most restrictive requirements of the Illinois Accessibility Code, 71 Illinois Administrative Code, Part 400, and the Americans with Disabilities Act of 1990 (ADA) Guidelines, 28 C.F.R. Part 36, Appendix A as the same are from time to time amended.
1. *Size.* Each parking space reserved for handicapped use shall be at least 16 feet in width by 20 feet in length.
 2. *Enforcement.* The designation of handicapped parking stalls shall constitute consent by the property owner to the enforcement by the county of the restriction of use of such spaces to handicapped motorists.

5.5.5. Schedule of required parking.

For the following uses, off-street parking spaces shall be provided as required hereinafter.

- A. *Other uses.* For uses not listed in section 5.5.5.F., table of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the zoning administrator.
- B. *Parking basis.* Parking spaces required for floor area shall be based on the maximum net floor area, herein defined, devoted to such use. Parking spaces required for employees shall be based on the maximum number of employees on duty, or residing, or both, on the premises at any one time.
- C. *Floor area exemptions.* When two or more nonresidential uses are located on the same zoning lot, only one exemption in terms of floor area, as set forth in section 5.5.5.F., table of parking requirements, may be permitted.
- D. *Shared parking.* When two or more nonresidential uses are located on the same zoning lot and their respective hours of operation do not overlap, the zoning enforcement officer may authorize a reduction in the total number of required parking spaces subject to the following conditions:

1. Not more than 50 percent of the parking spaces required for a building or use may be supplied by the parking facilities required for any other building or use on the same zoning lot.
2. The number of shared parking spaces for two or more distinguishable land uses shall be determined by the following procedure:
 - a. Multiply the minimum parking required for each individual use, as set forth in section 5.5.5.F., table of parking requirements, by the appropriate percentage indicated in section 5.5.5.D.3., schedule of shared parking, for each of the six designated time periods therein.
 - b. Sum the required parking for each of the six columns.
 - c. The minimum parking requirement shall be the largest sum among the six columns resulting from the above calculations.
3. Schedule of shared parking:

Land Use	Weekdays			Weekends		
	Midnight to 7:00 a.m.	7:00 a.m. to 6:00 p.m.	6:00 p.m. to Midnight	Midnight to 7:00 a.m.	7:00 a.m. to 6:00 p.m.	6:00 p.m. to Midnight
Office	5%	100%	5%	0	100%	10%
Industrial	5%	100%	5%	0	100%	10%
Retail	0	100%	80%	0	100%	60%
Restaurant	50%	70%	100%	70%	45%	100%
Hotel	100%	65%	100%	100%	65%	100%

4. If one or all of the land uses for which shared parking facilities is proposed do(es) not conform to one of the general land use classifications in the shared parking schedule as determined by the zoning administrator, then the applicant, owner or developer shall submit sufficient data to indicate that there is not substantial conflict in the principal hours of operation of the uses. The property owner(s) involved in the shared use of off-street parking facilities shall submit a legal agreement, approved by the Boone County State's Attorney, guaranteeing that the parking spaces shall be maintained so long as the uses requiring parking are in existence or unless the required parking spaces are provided elsewhere in accordance with this article. Such instrument shall be recorded by the property owner with the county recorder of deeds, and a copy filed with the zoning administrator.

E. *[Reserved.]*

- F. *Table of parking requirements.* For the purpose of this ordinance the following parking requirements shall apply

Type of Use	Parking Space Required
Airport or Heliport	2 plus one space for each hangar space or tie-down space
Amusement/Water Park	1 per 3 people at maximum capacity plus 1 per employee on largest shift
Animal Shelter, Boarding/Breeding Kennel	1 per 5 animals at maximum capacity
Athletic Fields/Courts (without permanent seating)	10 per field/2 per court
Auction Sales Yard	1 per 2,000 sq. ft. used for sales display
Automobile or Trailer Sales Area (Outdoor)	1 per 20 display spaces plus 1 per employee
Automobile Sales and Repair (Indoor)	1 per 450 sq. ft. of floor area

Banks, Business Offices, Professional Offices, Personal Service Businesses, and Similar Uses	1 per 300 sq. ft. of floor area
Bowling Alley	2 per lane, plus 1 per 6 spectator seats
Churches, Temples, Chapels	1 per 5 seating spaces
Clinics	1 per 2 employees plus 2 per exam room
Country Club or Golf Course	1 per 2 employees plus 3 per golf hole
Daycare Centers	1 per employee, 1 per business vehicle kept on premises plus 1 drop off space per 7 people being cared for
Driving Ranges, Batting Cages	1 per range/cage plus 1 per employee on largest shift
Gas Station	1 per employee plus 1 per 300 square feet of floor area
Gym, Training Studio	1 space per 4 people at maximum capacity plus 1 per employee on largest shift
Funeral Home	1 space per 3 seats at maximum capacity plus 1 per funeral vehicle kept on premises
Home-Based Business	2 in addition to residence requirement
Hospital	1 per bed plus 1 per employee
Lodging Uses:	
Hotel	1 per 3 employees, 1 per sleeping room, plus required parking for bar restaurant, convention center or other affiliated uses
Motel	1 per sleeping room
Bed and Breakfast	1 per sleeping accommodation
Industrial, Manufacturing and Warehouse Uses	1 space per employee on greatest shift
Nursery School	1 per each 4 beds plus 1 per employee on largest work shift
Penal Institution	1 per 3 employees on largest work shift plus 1 per 10 inmates
Police or Fire Station	1 per 2 employees on largest work shift
Post Office	1 per 2 employees plus 1 per 300 square feet of floor area
Railway or Bus Station	1 per 8 seats of waiting space plus 1 per 2 employees
Residential Uses:	
Boarding of Lodging House	1 per 3 occupants plus 1 for manager.
Mobile Home Park	2 per dwelling unit
Multiple-Family	2 per dwelling unit
Single-Family	2 per dwelling unit
Restaurants and Taverns	1 space per 4 seats plus 1 per employee on largest work shift
Retail Uses	1 per 300 square feet of floor area
Riding Stable	1 per each 3 horses
Educational Institutions:	
School, Elementary	2 per 3 employees
School, High School and Jr. High	2 per 3 employees plus 1 per 6 students
School, University or College, Business or Trade	1 per 2 employees plus 1 per 4 students
Stadiums, Arenas and Outdoor Theatres	1 per 4 seats

Theater, Indoor	1 per 3 seats
Freight Terminal	1 per 2 employees
Veterinary Hospital	2 per exam room plus 1 per employee
All other uses shall provide an adequate number of spaces as determined by the zoning administrator	

(Ord. No. 10-28, § 1, 5-19-2010)

5.5.6. Loading requirements.

- A. Every building, structure, or lot used for business and industrial purposes shall be provided with off street loading spaces for the purpose of loading goods on and off vehicles.
- B. All loading berths shall be located on the same zoning lot as the use served. Where the use abuts a residential district, the loading berth shall be screened from the view of said residential district. No loading berth shall be located in a required setback yard.
- C. All loading berths shall have a dustless, all weather surface.
- D. All loading berths shall be at least 12 feet in width by at least 30 feet in length.
- E. The number of loading berths required shall be determined as follows:

Square Feet of Floor Area	Recommended Number of Berths
Under 5,000	1
5,000—14,999	2
15,000—40,000	3
Over 40,000	3, plus 1 space for each additional 40,000 sq. ft. of floor area over and above the first 40,000 sq. ft.

5.6. SIGNS AND OUTDOOR ADVERTISING

5.6.1. Purpose.

The purpose of this section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

5.6.2. General regulations.

- A. Any sign placed on land or on a building for the purposes of identification or protection of the same or for advertising a use conducted thereon or therein shall be deemed to be accessory and incidental to such land, building, or use.
- B. All signs erected for directional purposes shall be confined to those that are of general public interest and such signs shall be limited to the giving of information.

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- C. All other signs, referred to as off-site signs, are deemed by this section to constitute a separate use, and shall be regulated as such. Any widespread display of off-site signs is deemed to be inappropriate to the character and sound development of the county and it is intended by this section that the streets and highways in the county shall not be made available for such display, but that off-site signs shall be confined to locations in types of districts in which it is deemed not to be incongruous with other uses permitted therein.
- D. No sign requiring a permit shall hereafter be erected, re-erected, constructed, or altered until after a permit for the same has been issued by the zoning enforcing officer and the payment of a fee pursuant to a fee schedule adopted by the Boone County Board has been made.
- E. Illuminated signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent districts or into the public right-of-way. All illuminated signs shall have a horizontal cut-off, so that the light source is not visible directly from the side (90 degrees) or from any angle above the light source (91 to 180 degrees). Off-site signs of any type, home occupation signs, and signs of a temporary nature shall not be illuminated.
- F. Signs located on Federal Aid Primary roads and any highway that is part of the National System of Interstate and Defense Highways shall be subject to the rules and regulations of the Department of Transportation of the State of Illinois.
- G. Provisions of this section shall not apply to the following signs:
1. Official traffic, fire and police signs, signals, and devices, and markings of the state, county, or city.
 2. Official signs and notices erected and maintained by public officers or agencies within their territorial jurisdiction for the purpose of carrying out an official duty or responsibility.
 3. Signs permitted by law within the highway right-of-way.
 4. Historic markers not greater than 12 square feet in area and conforming to setback requirements of this ordinance.
 5. Signs erected inside a building.
 6. Signs required by building codes.
 7. Manufactures' labels on farm structures and buildings standard to the assembly of the product.
 8. Signs located on private property not subject to view from other property or from public property.
- H. Prohibited signs. The following signs and advertising devices are prohibited:
1. Any sign erected in or extending into the public right-of-way.
 2. Animated signs and any other sign or advertising device such as pinwheels, streamers, wind-operated devices, or fluttering signs.
 3. Any sign attached to a utility pole, fire hydrant, curb, public sidewalk, or other surface located on public property.
 4. Signs painted or posted directly upon the surface of any rocks, trees, or other natural features.
 5. Any sign erected in any location where, by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device. No sign shall be erected in the sight triangle, as defined in section 5.2, or any other location where it will obstruct the vision of the public right-of-way to a vehicle operator during ingress to or egress from public roadways.
 6. Off-site signs, except as provided in section 5.6.6 and section 5.6.8.

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7. Flashing signs, including, electronic message centers, but not including i) digital time and temperature signs involving only that information and no further or additional information of any advertising nature; and ii) electronic message centers erected on property zoned B-1, B-2, I-1 or I-2.
 8. Signs which contain characters, cartoons, statements, works, or pictures of an obscene, indecent, prurient, or immoral character.
- I. Directional signs for public places owned or operated by federal, state, or local governments or agencies; publicly or privately owned natural, historic, cultural, scientific, educational, or religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be of general public interest shall be permitted in all districts and shall not require a permit. Content of the wording of such signs shall be limited to the name of the attraction, direction, and distance. Each attraction may be permitted a maximum of eight signs, and there shall be no more than two signs for the same attraction on the same side of a given road. Such signs shall not exceed 12 square feet per side, for a total of 24 square feet, and shall not be subject to setback requirements, provided they are located no closer than 50 feet to an existing driveway or intersection.
 - J. Sign maintenance: all signs, together with their supports, braces, guys, and anchors shall be kept in good repair and shall be painted or replaced when necessary to prevent corrosion or to correct peeling or excessive fading.

(Ord. No. 15-19, § 1, 7-15-2015)

5.6.3. Sign mounting requirements.

All signs shall be mounted in one of the following ways:

- A. Attached to a building and not higher than the highest point of any building to which a sign is attached.
- B. Back-to-back so that the back of the sign will be screened from public view, or mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained in a color that blends with the surrounding environment.
- C. The gross sign area shall be the area within the single continuous line enclosing the extreme limits of such sign. It does not include any structural or framing elements. All faces of a sign that bear media elements shall be used in computing total gross area.

5.6.4. Setback requirements.

- A. Signs of six square feet or less in area shall not be subject to setbacks unless otherwise specified. Such signs shall not be located within the public right-of-way.
- B. Unless otherwise specified, signs greater than six square feet shall be set back a minimum of ten feet from the right-of-way and five feet from the side property lines. Signs greater than 100 square feet in area shall be set back a minimum of 20 feet from the right-of-way and five feet from the side property lines.
- C. In any district on any corner lot, no signs shall be erected or maintained so as to interfere with traffic visibility across a corner, or within the sight triangle as defined in section 5.2 of this ordinance.

5.6.5. Requirements in residential districts.

- A. In residential districts, the following signs are exempt under specified conditions:
 1. Nameplates and identification signs not exceeding three square feet per side not to exceed a total of six square feet in area. Such signs shall not exceed one per dwelling unit. Content shall be limited to

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- the occupant's name and address, and to the occupant's business when identifying an approved home occupation in accordance with section 4.3 of this ordinance.
2. Bulletin boards and identification signs for churches, schools, service clubs and other permitted institutions and organizations shall be allowed a maximum of 32 square feet per side, not to exceed a total of 64 square feet.
 3. Signs for garage sales, or the sale, rental, or lease of land, lots, or houses, shall be permitted on the premises of the item being offered. Such a sign shall not exceed six square feet per side. one such sign is permitted for each road frontage on a given lot.
 4. Signs accessory to parking areas designating parking area entrances or exits are limited to one sign per entrance or exit and shall not exceed three square feet in area. Such signs shall not project beyond the property line nor shall they project more than seven feet above street level. A parking area may also include one sign limited to nine square feet which designates conditions for the use of the parking area.
- B. In residential districts (and in subdivision developments established prior to May 10, 1978, in the agriculture districts), a permit is required for the following signs:
1. Signs accessory to roadside stands shall be permitted on lots with roadside stands for the purpose of identifying the stand and the products for sale. There shall not be more than one such sign on each side of the stand. No such sign shall project more than 15 feet above ground.
 2. Residential development or construction signs may be allowed a maximum of 32 square feet per side, not to exceed a total of 64 square feet and shall conform to all setback requirements. Such signs shall be removed when either development or construction is completed.
 3. Subdivision identification signs: each subdivision may be allowed a total of 96 square feet of identification signage. Each individual identification sign must be located on site and shall not exceed 48 square feet per side. Such signs shall be located only at intersections with state, county, or township roads and shall meet all setback requirements of this ordinance.
- C. No freestanding sign in a residential district shall exceed 15 feet in height.

5.6.6. Requirements in agriculture districts.

- A. In the agriculture districts, the following signs shall be exempt under specified conditions:
1. Nameplates and identification signs not exceeding three square feet per side not to exceed a total of six square feet in area. Such signs shall not exceed one per dwelling unit. Content shall be limited to the occupant's name and address and to the occupant's business when identifying an approved home occupation in accordance with section 4.3 of this ordinance.
 2. One identification sign for farm businesses or seasonal tourist attraction not to exceed 32 square feet per side, not exceeding a total of 64 square feet in area, and subject to mounting and setback requirements of this ordinance.
 3. One additional sign, 16 square feet per side, not to exceed 32 square feet total, shall be allowed for each zoning lot in the agriculture districts for the purpose of advertising permitted business practices in these districts. Content of the sign shall be limited to the business, commodity, services, or other activities on the premises, including, but not limited to, the sale of livestock or seed, and the promotion of farm products, such as milk and beef.

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4. Bulletin boards and identification signs for churches, schools, service clubs and other permitted institutions and organizations shall be allowed one sign a maximum of 32 square feet per side, not to exceed a total of 64 square feet in area.
 5. Signs for garage sales or the sale, rental, or lease, of land, lots, or houses, shall be permitted on the premises of the item being offered. Such a sign shall not exceed six square feet per side and shall not be permitted in the public right-of-way. one such sign is permitted for each road frontage on a given lot.
 6. Properties with more than 500 feet of road frontage may be permitted one sign for the sale, rental, or lease of land not to exceed 16 square feet in area.
 7. Signs accessory to parking areas designating parking area entrances or exits are limited to one sign per entrance or exit and shall not exceed three square feet in area. Such signs shall not project beyond the property line nor shall they project more than seven feet above street level. An off-street parking area may also include one sign limited to nine square feet which designates conditions for the use of the parking area.
 8. Crop identification signs, not to exceed six square feet per sign, shall be permitted without limit to number. The duration of these signs shall be limited to the growing season. These signs cannot be located in the public right-of-way.
 9. Temporary off-site directional signs for auctions and horse shows may be posted for up to 24 hours, provided that the signs are posted on private property and not in the public right-of-way and do not exceed six square feet per side for a maximum total of 12 square feet in area.
- B. In the agriculture districts, a permit is required for the following signs:
1. Signs accessory to roadside stands not to exceed 32 square feet in size shall be permitted on lots with roadside stands for the purpose of identifying the stand and the products for sale. There shall not be more than one such sign on each side of the stand. No such sign shall project more than 15 feet above the ground.
 2. Subdivision identification signs for A-1 zoned subdivisions established prior to May 10, 1978 as delineated in section 5.6.5 of this ordinance.
 3. Off-site directional signs shall be permitted in the agriculture districts for seasonal or agricultural businesses and tourist attractions located in these districts, such as farm markets, orchards, greenhouses, antique shops, and bed and breakfasts. These signs are allowed with the intent of providing directional information beyond streets and roads typically listed on road maps. The content of their wording shall be limited to the name of the business or attraction, direction, and distance. Each business or attraction may be permitted a maximum of eight signs, and there shall be no more than two signs for the same attraction on the same side of a given road. Each sign shall be a rectangular shape and shall not exceed 12 square feet per side, for a total of 24 square feet. These signs shall not be placed within the public right-of-way, and shall not be subject to setback requirements, provided they are located no closer than 50 feet to an existing driveway or intersection. Each off-site directional sign shall be located at least 150 feet from another off-site directional sign. Signs for seasonal businesses shall be removed during off-season periods.
 4. Special event signs. Special event signs shall be permitted off-site in the agricultural districts for seasonal businesses, agricultural businesses, and tourist attractions located in said districts subject to the following:
 - a. A temporary sign permit shall be obtained from the Boone County Building Department.

- b. Such special event signage shall be allowed for a maximum period of 14 calendar days. Businesses shall be allowed up to three special event permits in any one calendar year and shall not exceed three signs per event.
- c. Such signs shall not exceed 12 square feet per side and be limited to content to business name, special event, dates of special event, and address of the business, and direction to the business.
- d. Such signage shall comply with all applicable building code requirements and shall not be subject to setback requirements, provided they are located no closer than 50 feet to an existing driveway or intersection.
- e. Such signage shall be limited to one sign per zoning lot and shall be located at least 150 feet from another sign.

5.6.7. Requirements in business and industrial districts.

- A. On-site signs are permitted three per business or industrial establishment. Total square footage of all signs shall not exceed the following number of square feet multiplied by the lineal feet of lot frontage:

	Non-Illuminated	Illuminated
B-1 district	2	2
B-2 district	3	2
I-1 district	4	2
I-2 district	4	2

When calculating sign area, the one side of a lot that abuts on the street that defines the business or industry address shall be considered the entire length of its frontage.

- 1. No individual sign shall exceed one-half of the total sign area allowed.
- 2. No individual sign shall exceed 200 square feet per face, for a maximum of 400 square feet in total area.
- B. All signs of 100 square feet or less shall be set back at least ten feet from the front property line. All signs larger than 100 square feet shall be setback 20 feet from the front property line.
- C. No sign may be higher than the height of the principal building on the zoning lot.
- D. Portable signs shall be allowed in business and industrial districts, not to exceed one per business. Portable signs shall be included in the allowable number of signs in these districts. A permit for a portable sign shall be required for a period not to exceed 90 days, at which time the permit shall either be renewed or the portable sign shall be removed.
- E. Signs for the sale, rental, or lease of land, lots or buildings shall be exempt on the premises of the item being offered. Such a sign shall not exceed 32 square feet per side and shall not be permitted in the public right-of-way. one such sign is permitted for each road frontage on a given lot. Additional signs would require a permit.
- F. *Electronic message center requirements.*
 - 1. Electronic message centers may be established only if approved as a special use in accordance with section 2.7 of this ordinance.
 - 2. Electronic message centers shall be directed away from adjacent residential uses.

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3. The images and messages displayed on an electronic message center shall have a minimum dwell time of at least ten seconds and may not contain any movement, animation, audio, video, pyrotechnic or other special effects.
 4. The transition of change from one message to another shall occur in one second or less and involve no animation or special effects.
 5. Electronic message centers shall be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.
 6. Electronic message centers shall be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
 7. The maximum brightness level of an electronic message center may not exceed 5,000 nits (candelas per square meter) during daylight hours or 250 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness shall be measured from the brightest element of the sign's face. Before the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set so that it will not exceed 5,000 nits (candelas per square meter).
 8. Electronic message centers shall comply with all Illinois Department of Transportation rules and regulations and all Boone County ordinances, rules, and regulations. Applications for electronic message centers shall include appropriate documentation from an Illinois licensed designed professional of the sign structure's ability to accommodate the electronic message center's technology.
 9. Light trespass from any electronic message center may not cause the light level along any residential zoning district, as measured at a height of 60 inches above grade in a place at any angle of inclination, to exceed 0.1 foot candles above ambient light levels at the residential property line.

(Ord. No. 15-19, § 1, 7-15-2015)

5.6.8. Off-site signs.

- A. With the exception of section 5.6.6.A.9, section 5.6.6.B.3, section 5.6.6.B.4, section 5.6.9, off-site signs shall be allowed in only the business and industrial districts.
- B. Off-site signs shall conform to the setback and total square footage requirements of business and industrial districts.
- C. No off-site sign shall be erected or relocated to be read or viewed from the toll highway.
- D. No off-site sign, when viewed from a public park of ten or more acres, shall be erected or relocated within 300 feet of such park.
- E. No off-site sign shall be permitted within 75 feet of any residential district boundary.
- F. The maximum square footage of all off-site signs shall not exceed 32 square feet per side, not to exceed a maximum of 64 square feet.
- G. No off-site sign shall be higher than the height of the principal building on the lot on which it is located nor higher than 30 feet, whichever is less.
- H. The informational content of an off-site sign shall be placed on one device only, and not continued to two or more.
- I. The company placing its off-site sign must do so by permission obtained from the property owner, or by properly leasing or owning such property.

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- J. [Reserved.]
 - K. Only one off-site sign per zoning lot is permitted.

5.6.9. Special event signs.

Special event signs shall be permitted off-site in the A-1 district for seasonal businesses, agricultural businesses, and tourist attractions located within said district. Said signs shall be subject to the following:

- A. A temporary sign permit shall be obtained from the Boone County Building Department.
- B. Such special event signage shall be allowed for a maximum period of 14 calendar days. Businesses shall be allowed up to three special event permits in any one calendar year and shall not exceed three signs per event.
- C. Such signs shall not exceed 12 square feet per side and be limited to content to business name, special event, dates of special event, and address of the business.
- D. Such signage shall comply with all applicable building code requirements and shall not be subject to setback requirements, provided they are located no closer than 50 feet to an existing driveway or intersection.
- E. Such signage shall be limited to one sign per zoning lot and shall be located at least 150 feet from another sign.

5.6.10. Permits.

- A. Application for a sign permit shall be made in writing upon forms furnished by the zoning enforcement officer. Such application shall contain the location of the proposed sign as well as the name and address of the owner of the property and the sign contractor or erector. The zoning enforcement officer may require the filing of plans or other pertinent information such as the method of construction, the method of installation or support, etc.
- B. Before a permit is issued, the applicant shall submit a copy of the contract showing his right to maintain the device on the property for a length of time not to exceed that approved by the zoning enforcement officer.

5.6.11. Temporary signs.

Temporary signs not exceeding 32 square feet in area indicating an event of public interest such as a state or county fair, public or general election, horse show, or other signs of a civic, political or religious nature may be erected, hung, placed, or painted upon securing a permit at no cost from the zoning enforcement officer, provided that such signs shall not interfere with the full view of traffic in all directions. Such signs shall be placed no sooner than 60 days prior to the event and shall be removed not more than ten days after the event. Signs indicating a political or religious event shall not be subject to setback requirements.

5.6.12. Removal of signs.

Every permit for an advertising device shall require the removal of said device within 60 days upon notice by the zoning enforcement officer that the land upon which device is located has been platted or divided for residential use, or lies within 500 feet of a property line of any church, school, hospital, or similar public or semi-public property which is built. The zoning enforcement officer may order the removal of any sign that is not maintained in accordance with the provisions of this section.

5.6.13. Nonconforming signs.

- A. Any sign that is legally nonconforming as to type, location, zoning district, size, setback or for any other reason (except those signs that are related to and located on the same premises as a separate legal nonconforming use recognized under this ordinance) shall be brought into compliance with this sign ordinance when either a new face is to be introduced or a new structure is to be constructed.
- B. All illegal nonconforming signs shall be brought into compliance with the Boone County Zoning Ordinance.

5.6.14. Permit fee.

A sign permit fee shall be charged in accordance with the fee schedule adopted by the Boone County Board.