

CALHOUN COUNTY ZONING
ORDINANCE OF 1971

ARTICLE I

TITLE

~~Section 1. Short Title.~~ This ordinance shall be known and may be cited as the "Calhoun County Zoning Ordinance of 1971".

ARTICLE II

RULES AND DEFINITIONS

~~Section 1. Rules and Definitions.~~ The rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

A. Rules for Construction of Language.

1. Rules Applying to Text. The following rules of construction shall apply to the text.
 - a. The particular shall control the general.
 - b. In case of any difference of meaning or implication between the text and any caption or illustration, the text shall control.
 - c. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
 - d. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - e. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," "occupied for."

B. Definitions.

~~1. Accessory Building or Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. A mobile home shall not be considered permissible as an accessory building.~~

an accessory use includes, but is not limited to the following:

- a. A children's playhouse, garden house, and private greenhouse.
 - b. A civil defense shelter serving not more than two (2) families.
 - c. A garage, shed, or building for domestic storage.
 - d. Incinerators incidental to residential use.
 - e. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
 - f. A nonpaying guest house or rooms for guests within an "accessory building" provided such facilities are used for occasional housing of guests of occupants of the principal building and not for permanent occupancy by others as housekeeping units.
 - g. Off-street motor vehicle parking areas, and loading and unloading facilities.
2. Agriculture. The use of land for agricultural purposes. This includes necessary buildings and structures which shall be used for agriculture including, but not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. ~~Buildings occupied as residences by persons not engaged in agricultural operations shall not be considered to be used for agricultural purposes.~~
 3. Airport. Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any appurtenant areas which are used or intended for use for airport buildings

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- or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.
4. Alley. A narrow service way providing a secondary public means of access to abutting properties, and not more than twenty (20) feet wide.
 5. Alterations. As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, or by change in use from that of one district classification to another.
 6. Alterations, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
 7. Animal Hospital. Any building or portions thereof, designated or used for the care, observation or treatment of domestic animals.
 8. Apartment. A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit, and which contains complete kitchen, bath and toilet facilities, permanently installed.
 9. Apartment House. A building arranged, intended, or designed to be occupied by three or more families living independently of each other.
 10. Area, Building. The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.
 11. Automobile Repair, Major. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.
 12. Automobile Repair, Minor. Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under "Automobile Repair, Major."
 13. Automobile Wrecking Yard. Any area of land where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.
 14. Basement. A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement should be counted as a story for the purposes of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.
 15. Billboard or Signboard. Any structure, or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is, or intended to be, displayed for advertising purposes, other than the name and occupation of the user of, or the nature of, the business conducted on such premises, or the products primarily sold or manufactured thereon. This definition should not be held to include a real estate sign advertising for sale or rent the property upon which it stands.
 16. Block. That property abutting on one side of a street between the two nearest intersecting streets or other natural barriers.
 17. Board. The duly appointed Board of Appeals as established in Article XIV of this report.
 18. Board of Appeals. The duly appointed Board of Appeals as established in Article XIV of this ordinance.
 19. Boarding House. A building or premises where meals are served for compensation for five or more persons, but not exceeding twelve (12) persons. An establishment where meals are served for compensation for more than twelve (12) persons shall be deemed a restaurant.
 20. Building. A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, each portion of such building should be considered a separate structure.

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21. Buildable Area. The space remaining on a lot after the minimum setback and other requirements of the ordinance are complied with.
- ~~22. Building Area. The maximum horizontal projected area of a building and its accessory buildings, excluding open steps, terraces and cornices projecting not more than thirty (30) inches. (Deleted 5 September 1973).~~
23. Building, Front Line of. The line of that face of the building nearest the front line of the lot, This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.
24. Building, Height, The vertical distance measured from the average elevation of the proposed existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs,
25. Building Inspector, The duly appointed or employed officer whose duty- Is to enforce the provisions of any zoning ordinance established by the county as established in Article XVII of this report.
26. Building, Setback Line, A line parallel to the street line at a distance regulated by a front yard requirement as herein established.
27. Cellar. A story having more than one half (1/2) of its height below grade.
28. Commission. The duly appointed County or Regional Planning Commission.
29. Comprehensive Plan. The complete plan, or any of its parts, for the development of the county, or any community covered by the regulations specified herein and, prepared by the corresponding Planning Commission and adopted by the governing body, in accordance with the authority conferred by Division 12, Illinois Municipal Code, as amended.
30. County. The County of Calhoun, State of Illinois,
31. County Board. The duly elected governing board of the county,
32. County Clerk. The Clerk of Calhoun County, Illinois.
33. County Engineer. The Highway Superintendent or Engineer of Calhoun County, Illinois,
34. Coverage, That percentage of the plot or lot area covered by the building area.
35. District. A section of the county for which uniform regulations governing the use, height, area, and intensity of use by buildings and land, and open spaces about buildings, are herein established.
36. Dwelling. A building, but not a trailer (mobile home), designed or used exclusively as the living quarters for one or more families.
37. Dwelling, One-Family, A detached building designed for or occupied exclusively by one family.
38. Dwelling, Two-Family. A detached building designed for or occupied exclusively by two families living independently of each other. May also be referred to as a duplex.
39. Dwelling, Multi-Family. A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities or both,
40. Dwelling, Group. A group of two or more one-family, two-family or multiple dwellings occupying a lot in one ownership and having any yard in common,
41. Dwelling, Row. A dwelling, the walls on two sides of which are in common with the walls of adjoining dwellings and are party or lot line walls.
42. Dwelling Unit. A building or portion thereof providing complete housekeeping facilities for one family.
43. Essential Services, The erection, construction, alteration, or maintenance, by public utilities or

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municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

44. Family. One or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests.
45. Floor Area. The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. In particular, the "floor area" of a building or buildings should include:
 - a. Basement space.
 - b. Elevator shafts and stairwells at each floor.
 - c. Floor space for mechanical equipment, with structural headroom of seven (7) feet, six (6) inches or more.
 - d. Penthouses.
 - e. Attic space (whether or not a floor has actually been laid) providing structural headroom of seven (7) feet, six (6) inches or more.
 - f. Interior balconies and mezzanines.
 - g. Enclosed porches.
 - h. Accessory uses, not including space for accessory off-street parking.

However, the "floor area" of a building shall not include:

- a. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
 - k. Elevator and stair bulkheads, accessory water tanks and cooling towers.
 - c. Floor space used for mechanical equipment, with structural headroom of less than seven (7) feet, six (6) inches.
 - d. Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven (7) feet, six (6) inches.
 - e. Uncovered steps.
 - f. Terraces, breezeways and open spaces.
 - g. Accessory off-street parking spaces.
 - h. Accessory off-street loading berths up to two hundred percent (200%) of the amount required by Article X, Section 3.
46. Flood Plain. Lands which are low-lying, difficult to drain, subject to flood, or are natural drainageways.
 47. Frontage. All the property abutting on one side of a road, street or place between two intersecting roads or places (crossing or terminating) or if the road, street or place is dead ended, then all of property abutting on one side between an intersecting road, street or place and the dead end of the road, street or place.
 48. Garage, Private. An accessory building, housing not to exceed four (4) motor driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.
 49. Garage, Public. Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.
 50. Governing Body. The duly elected governing board of the governmental unit having specific jurisdiction; the county board or the city or village board, whichever has jurisdiction.
 51. Home Occupation. An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary

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use other than a small name plate and in connection therewith there is not involved the keeping of a stock in trade. The office of a physician, surgeon, dentist or other professional person, including an instructor in violin, piano or other individual musical instrument limited to a single pupil at a time who offers skilled services to clients, and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to be Home Occupations; and the occupations of dressmaker, milliner, or seamstress, each with not more than one paid assistant should be deemed to be Home Occupations. Dancing instruction, band instrument instruction in groups, tourist homes, beauty parlors, real estate offices, convalescent homes, mortuary establishments, and stores, trades or business of any kind not herein excepted should not be deemed to be Home Occupations.

52. Hospital. Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, preventorium, clinic, rest home, nursing home, convalescent home or any other place for the diagnosis, treatment or other care of ailments, and should be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.
53. Junk Yard. An open area or fenced enclosure where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, dissembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.
54. Kennel. Any structure or premises where three (3) or more dogs over four (4) months of age are kept.
55. Land Use Plan. The comprehensive long-range plan for the desirable use of land as officially adopted and as amended from time to time by the governing body; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing county needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as roads, parks, schools and other public buildings or public uses.
56. Loading Space. A space within the main building or on the same lot therewith providing for the standing, loading, or unloading of trucks.
57. Lot. A parcel, tract or area of land accessible by means of a road, street or place. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder, or it may include parts of or a combination of such parcels when adjacent to one another and used as one.
58. Lot of Record. A lot which is part of a subdivision, addition or survey, a plat which is recorded or a parcel of land described by metes and bounds consisting of five (5) acres or less, the plat or description of such parcel of land having been recorded in the Office of the Recorder of Deeds of the county prior to the effective date of any new zoning ordinance.
59. Lot, Corner. A lot at the junction of and having frontage on two or more intersecting streets or roads.
60. Lot Coverage. The percentage of the lot area covered by the building area.
61. Lot, Depth of. The mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.
62. Lot, Interior. A lot other than a corner lot or through lot.
63. Lot Line, Front. In the case of an interior lot, a line separating the lot from the road, street or place; and in the case of a corner lot a line separating the narrowest frontage of the lot from the street.
64. Lot, Through. A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.
65. Lot Width. The dimension of a lot, measured between side lot lines on the building line.

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66. Nonconforming Use. A building or use of land that does not conform to the regulations for the district in which it is situated.
67. Parking Lot. Any place, lot, parcel or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conjunction with a dwelling, or other usage permissible in dwelling districts and located on the same tract.
68. Parking Space. An off-street space available for the parking of one motor vehicle, and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.
69. Place. An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.
70. Planning Commission. The duly appointed County or Regional Planning Commission or the Planning of any community covered by the regulations of this ordinance.
71. Service Station. A building, buildings, premises or portions thereof which are used or arranged, designed, or intended to be used for the retail sale of gasoline or other motor vehicle, motor boat or aircraft fuels.
72. Stable. Any building, structure or portion thereof which is used in whole or in part for the shelter or care of horses, cattle or other similar animals, either permanently or transiently.
73. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.
74. Street or Road. A public or private way which affords the principal means of access to abutting properties.
75. Street or Road Grade. The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grades of the street shall be taken as the street grade.
76. Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
- (77) Trailer (Mobile Home). Any vehicle or structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings and which is, has been, or reasonable can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "trailer" shall include camp car and house car. }
- (78) Trailer (Mobile Home) Court. An area of land divided into two or more lots or parking berths, platted and laid out to provide sites for trailers permanently affixed to the land. ~~A trailer shall be deemed to be permanently affixed to the land when its wheels or other transporting device have been removed therefrom or otherwise fixed so as to prevent ready removal or ready mobility of such trailer.~~
79. Trailer (Mobile Home) Park. An area of land containing two or more trailers or providing space where two or more trailers are harbored or parked or intended to be harbored or parked without being permanently affixed to the land either free of charge or for remuneration purposes, and shall include any building, structure, tent, vehicle or enclosure, used or intended for use as a part of the equipment of such park.
80. Use. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
81. Yard. A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided.
82. Yard, Front. A yard extending across the full width of the lot, unoccupied other than by steps,

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walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the front lot line and the building line.

83. Yard, Rear. A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than thirty percent (30%) of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.
84. Yard, Side. A yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at ninety (90) degrees with the side lot line, from the nearest part of the principal building.
85. Zoning District Maps, County. A map, or maps, entitled Calhoun County Zoning District Map, for the corresponding area (county, township, etc.), showing the boundaries of the County Zoning Districts for the entire area of the county outside the limits of the cities, villages and incorporated towns, therein, and dated _____ and any amendments thereto.
86. Zoning District Maps, Municipal. Zoning district maps for each city, village and incorporated town within Calhoun County which does not have a municipal zoning ordinance in effect on the effective date of the Zoning Ordinance and which zoning district map shows the boundaries of the zoning districts for the area inside the limits of each said city, village and incorporated town within the county.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

Section 1. Establishment of Use Districts and Zoning Maps.

- A. The County of Calhoun shall be classified and divided into sixteen (16) districts for all that area outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances and for such cities, villages and incorporated towns within Calhoun County which do not have in effect and do not hereafter adopt municipal zoning ordinances. These districts shall be designated as follows:

Agricultural District

A-1 Agricultural District

Residential Districts

- R-1 One Family Dwelling District
- R-2 One-Family Dwelling District
- R-3 One-Family Dwelling District
- R-4 One-Family Dwelling District
- R-5 One-Family Dwelling District
- R-6 Multiple-Family Dwelling District
- R-7 Mobile Home Dwelling District

Business Districts

- B-1 Neighborhood Business District
- B-2 Central Business District
- B-3 Highway Business District

Industrial Districts

- I-1 Light Industrial District
- I-2 General Industrial District

Special Districts

- S-1 Flood Plain and Drainageway District

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- S-2 Slope District
- S-3 Airport District

B. Zoning District Maps. The boundaries of the districts are shown on the maps for the corresponding area (county, township, municipality, etc.) which accompany this report and which are each designated as the "Calhoun County Zoning District Map, or "Hamburg Community Zoning District Map," "Hardin Community Zoning District Map," "Brussels Community Zoning District Map," "Batchtown Community Zoning District Map," "Kampsville Community Zoning District Map." The district maps and all notations, references and other information shown thereon shall be a part of this Zoning Ordinance and shall have the same force and effect as if the district maps and all the notations, references and other information shown thereon were all fully set forth or described in this ordinance. The original of each district map shall be properly attested to and filed along with the official signed and attested copy of this ordinance, in the Office of the Clerk of the county. No amendment to this ordinance which involves matter portrayed in the Zoning District Maps shall become effective until after such change and entry has been made on said original and official Zoning District Maps.

C. Minimum Size of Zoning Districts. No zoning district established by this zoning ordinance shall be changed or new district established after said ordinance is in effect unless the area being considered for change is of the following minimum size:

- A-1 Agricultural District ^{no minimum} ~~No minimum~~
- R-1 One-Family Dwelling District 15 acres
- R-2 One-Family Dwelling District 10 acres
- R-3 One-Family Dwelling District 2 acres
- R-4 One-Family Dwelling District 1 acre
- R-5 One-Family Dwelling District 1 acre
- R-6 Multiple-Family Dwelling District 1 acre
- R-7 Mobile Home Dwelling District 5 acres
- B-1 Neighborhood Business District 1 acre
- B-2 Central Business District 1/5 acres
- B-3 Highway Business District 5 acres
- I-1 Light Industrial District 10 acres
- I-2 General Industrial District 20 acres
- S-1 Flood Plain and Drainageway district No minimum
- S-2 Slope District No minimum
- S-3 Airport District No minimum

D. All land annexed by any city, village or incorporated town which does not have in effect a municipal zoning ordinance at the time of such annexation shall be classified the same district classification as designated on the County Zoning District Map until such classification is changed by amendment to this ordinance and its appropriate maps.

Section 2. Interpretation of District Boundaries Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning District Maps, the following rules shall apply.

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, township lines, section lines, half section lines, quarter section lines and one-eighth lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning District Maps. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning District Maps.
- D. Where the boundary of a district follows a stream, lake or other body of water, the boundary shall be the limit of the jurisdiction of the County of Calhoun, or municipality involved, unless otherwise indicated.

Section 3. Vacated Areas.

Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, or similar area shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area.

ARTICLE IV

APPLICATION OF REGULATIONS

Section 1. General Regulations.

A. The provisions of this zoning ordinance shall apply to the entire County of Calhoun outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances and to such cities, villages and incorporated towns within Calhoun County which do not have in effect and do not hereafter adopt municipal zoning ordinances.

B. Nothing contained in these regulations shall impose restrictions 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 such buildings or structures for agricultural purposes shall conform to building or setback lines, and a permit with respect to land used for agricultural purposes and buildings thereon may be required but without charge therefore; nor shall these regulations be deemed to specify or regulate the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in the act entitled "an Act Concerning Public Utilities" of Illinois Revised Statutes.

C. Except as hereinafter provided;

1. No building or land shall, after this zoning ordinance is passed, be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No building shall, after this zoning ordinance is passed, be erected or altered:

- a. To exceed the height,
- b. To accommodate or house a greater number of families,
- c. To occupy a greater percentage of lot area, or
- d. To have a narrower or smaller rear yard, front yard, side yard, inner or outer court than is specified herein for the district in which such building is located.

3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of the standards in this ordinance shall be included as a part of a yard or other open space similarly required for another building.

4. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided in this zoning ordinance.

5. No parcel of land described by metes and bounds or any lot shall hereafter be created which does not conform and meet the requirements of this zoning ordinance.

6. No road tractor semi-trailers without a current and valid license plate or metal storage containers may be located on property zoned other than Industrial, S-2 Slope District, Business or Agriculture unless a Special Use permit has been issued for the use of land for Industrial, S-2 Slope District, Business or Agriculture. Road tractor semi-trailers without a current and valid license plate or metal storage containers shall be located on a minimum parcel size of five acres (5) and must comply with zoning ordinance setback requirements. *(Added by Resolution 4 Feb 2010)*

D. *(This paragraph added 11 July 1977)* Those areas of Calhoun County identified by the Department of Housing and Urban Development as Special Flood Hazard Areas shall require land use approval of the Calhoun County Planning Commission. Section 1910.3, Chapter X, Title 24 Housing and Urban Development, Department of Housing and Urban Development program regulations shall be the criteria. *(This paragraph superceded by Calhoun County Flood 2 Sep 2004)*

E. *(This paragraph added 11 July 1977)* Any parcel of land described by metes and bounds or any lot that fronts on any public road or street shall have 20 feet added to the front yard requirement of the district and the setback shall be measured from the center of the road or street.

ARTICLE V

PROVISIONS GOVERNING AGRICULTURAL DISTRICT

Section 1. A-1 Agricultural District.

Within the A-1 Agricultural District, the following regulations shall apply:

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Section 1

A. Permitted Uses.

1. Agriculture and agricultural buildings provided that no livestock is housed closer than four hundred (400) feet from any lot in any "R" District.
2. Any buildings or structures occupied by or used for churches, Sunday schools, parish houses, public and parochial schools, public libraries, museums and similar public cultural uses, located not less than forty (40) feet from any other side lot line in any "R" District.
3. Open air recreational use such as parks and playgrounds.
4. Essential services, as defined in Article II, and public service buildings or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided any building is located not less than forty (40) feet from any other lot in any "R" District.
5. Cemeteries.
6. Existing railroad rights-of-way, not including switching, storage, freight yards or sidings.
7. Home occupations, as defined in Article II, Section I, Paragraph B, of this ordinance.
8. Temporary buildings and uses for construction purposes for a period not to exceed one year.
9. Sale of nursery and green house products where production or growth of products takes place on the premises.
10. Country clubs, golf courses, swimming clubs and similar recreational uses provided that any principal or accessory building in connection therewith shall be located not less than two hundred (200) feet from any other lot in any "R" District.
11. Farm dwellings and single-family nonfarm dwellings.
12. Billboards and sign boards subject to the following restrictions:
 - a. No billboard or sign board shall be located within four hundred (400) feet of any "R" District.
 - b. No billboard or sign board shall be located along any federal or state highway right-of-way or within one hundred (100) feet of any other public road right-of-way.
 - c. No billboard or sign board shall contain more than three hundred (300) square feet of surface area nor be higher than twenty-five (25) feet above the average grade.
 - d. No billboard or sign board shall be located within five hundred (500) feet of an exit or entrance to a controlled access route.
 - e. Billboards or sign boards may have constant or flashing illumination, provided that any such sign located in the direct line of vision of any traffic control signaling device shall not have contrasting or flashing intermittent illumination of red, green, or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not project upon any part of any existing state or federal highway right-of-way, existing residential structure or any "R" District.
13. The following uses shall be permitted in accordance with the provisions and procedures indicated by the governing body upon application in accordance with the provisions and procedures indicated by the governing body upon application in accordance with and after compliance with the procedures set forth in Article X Herein.
 - a. Sanitary landfills, in accordance with other applicable requirements and regulations, provided that no such landfills shall be operated within one thousand three hundred and twenty (1,320) feet of any "R" District.
 - b. Mining, loading of coal, clay, sand, or gravel, including equipment, buildings, or structures for washing, crushing, screening, mixing, or storage subject to the following conditions and restrictions.
 - (1) No open pit or shaft shall be located less than five hundred (500) feet from any residence.
 - (2) No open pit or shaft shall be located less than one thousand three hundred and twenty (1,320) feet from any "R" District.
 - (3) All buildings or structures for washing, crushing, screening, mixing, or storage shall be located not less than five hundred (500) feet from any residence and one thousand three hundred and twenty (1,320) feet from any "R" District.
 - (4) The operator of any open pit mine in complying with "The Open Cut Land Reclamation Act" approved Aug. 10, 1961, as amended, shall notify the Planning Commission at the time the application for permit is made to the Illinois Department of Conservation and shall furnish for review and approval by the Planning Commission, a plan for restoration of such land as required by said Act prior to the submission of such plan to the Department of Conservation, which plan shall detail briefly the steps for restoration of land to productive uses and shall include specific dates for the completion of various steps of such restoration.
 - (5) The operator of an open pit mine shall not be required to obtain a special use permit for any tract or tracts of land estimated to be effected by open cut mining for which a permit

has been issued by the Department of Conservation pursuant to the provisions of the Open Cut Land Reclamation Act and said tract or tracts of land shall be considered an existing special use as set forth in Paragraph C of Article X, Section 1, of this ordinance to which the special use procedure is inapplicable. The procedure set forth in Paragraph B of Article X, Section 1, of this ordinance shall be followed and complied with by the operator of an open pit mine in respect to any tract or tracts of land for which a permit is hereinafter issued by the Department of Conservation for open cut mining pursuant to the provisions of said act prior to the commencement of open cut mining operations in respect to said tract or tracts of land.

- (6) Oil wells and the storage of crude oil, provided that no such operation shall be conducted within two hundred (200) feet of any residence and five hundred (500) feet of any lot in an "R" District.

14. Accessory use or building, as defined in Article II of this ordinance as regulated by Article X, of this ordinance as regulated by Article X, Section 2, of this ordinance including the following accessory use:

- a. Buildings and structures accessory to agricultural uses including roadside stands selling produce grown on the premises, provided that such stands are located not less than fifty (50) feet from a street or highway right-of-way.

15. Signs, defined as follows:

- a. Signs accessory to roadside stands shall be limited to two (2) per lot with no sign larger than ten (10) square feet and set back thirty (30) feet from the right-of-way. Such signs shall be less than fifteen (15) feet in height and pertain to agricultural products offered for sale and identification of such stand.
- b. Real estate sign of a temporary nature, not exceeding two (2) in number per lot nor larger than twelve (12) square feet, set back twenty (20) feet from any highway, street or road right-of-way.
- c. Small announcement or professional signs, not exceeding four (4) square feet in area, except that an announcement sign or bulletin board, not over twelve (12) square feet in area set back twenty (20) feet from any right-of-way may be erected in connection with any of the permitted principal uses of a nonresidential character.
- d. A sign or signs flat against the building appertaining to a nonconforming use on the premises, not exceeding in the aggregate fifty (50) square feet in area, except as may be authorized by the Board of Appeals.

B. Height. There shall be no restriction on the height of buildings in Agricultural Districts.

C. Lot Size.

1. No lot area shall be less than five (5) (1.5) acres in size. *(Changed by resolution 16 Apr 2001 and 7 Jun 2001)*
2. Public school, elementary and high, or private school having a curriculum similar to that ordinarily given in a public elementary school or public high school including religious instruction in parochial schools, hereafter erected, shall conform to the following minimum standards:

Elementary School 5 acres plus 1 acre per 100 student design capacity

Junior High School 10 acres plus 1 acre per 100 student design capacity

Senior High School 15 acres plus 1 acre per 100 student design capacity

D. Yard Areas. No Lot area shall have less than 12 ft. side yards and 20 ft. rear yard and ~~minimum yard areas shall be required for agricultural use except~~ a front yard requirement of eighty (80) feet along Federal and State Highways ~~and a requirement of sixty (60) feet along State and Federal Highways and a requirement of sixty (60) feet along State Aid Highways and other public roads.~~ *(Changed by Resolution 5 Sep 73) (Changed by Resolution 7 Jun 2001)*

E. Off-Street Parking Facilities. Off-street parking facilities shall be provided as required or permitted in Article X, Section 3, of this ordinance.

ARTICLE VI

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Section 1. R-1 One-Family Dwelling District.

Within the R-1 One-Family Dwelling District, the following regulations shall apply:

A. Permitted Uses.

1. One-family detached dwellings
2. Farming, truck gardening and nurseries.
3. Home occupations, as defined in Article II, Section 1, Paragraph B, of this ordinance.
4. Public school, elementary and high, or private school having a curriculum similar to that ordinarily given in a public elementary school or public high school including religious instruction in parochial schools.
5. Churches and similar places of worship.
6. Convents, monasteries, rectories or parish houses to be occupied by not more than ten (10) persons.
7. Temporary buildings and uses for construction purposes for a period not to exceed one year.
8. Accessory use of buildings, as defined in Article II, Section 1, Paragraph B, of this ordinance, and as regulated by Article X, Section 2, of this ordinance.
9. Library.
10. Off-street parking facilities, as required or permitted by Article X, Section 3, of this ordinance.
11. Private swimming pools appurtenant to a one-family dwelling on the same lot, when they meet yard depth and width requirements for principal buildings in the district in which they are located and when the swimming pool or the property on which it is located is adequately fenced to prevent access of small children and meets all applicable health and sanitary requirements.
12. Signs, defined as follows:
 - a. A sign or sign board not exceeding eight (8) square feet in area, appertaining to the sale or lease of the premises or trespassing thereon.
 - b. A name plate, not exceeding one (1) square foot in area.
 - c. A sign or bulletin board not exceeding twenty (20) square feet in area erected upon the premises of a church or other institution for the purpose of displaying the name and activities or services therein provided.

B. Height. The maximum height of buildings permitted shall be as follows:

1. One-family detached dwellings - thirty (30) feet, and not over two and one-half (2 1/2) stories, except as provided in Article X, Section 2, of this ordinance.
2. Churches and similar places of worship - seventy-five (75) feet for towers or steeples and not more than forty-five (45) feet for the principal building.

C. Lot Size.

1. Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than one (1) acre and a width at the established building line of not less than one hundred and fifty (150) feet, except as provided in Article X, Section 2.
2. Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than one (1) acre in area, and a width of not less than one hundred and fifty (150) feet.
3. Public and private schools - same regulations shall apply as required or permitted in the "a-1 Agricultural District."

D. Yard Areas. No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than seventy-five (75) feet along federal and state rights-of-way; fifty (50) feet along all others. Where a lot has double frontage, the required front yard shall be provided on both streets.
2. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each

ARTICLE VI (cont)

Section 1.D

side of not less than forty (40) feet. The combined total of side yards for corner lots shall not be less than eighty-five (85) feet.

On lots, upon which a church or similar place of worship is constructed or extension made to an existing church or a similar place of worship, there shall be a side yard of not less than one hundred (100) feet on each side of the main structure and a combined total of side yards of not less than seventy-five (75) feet.

3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than fifty (50) feet, or twenty percent (20%) of the depth of the lot, whichever amount is larger, but it need not exceed sixty-five (65) feet.

E. Percentage of Lot Coverage. All buildings including accessory buildings shall not cover more than thirty percent (30%) of the area of the lot.

F. Off-Street Parking Facilities. Off-Street parking facilities shall be provided as required or permitted in Article X, Section 3, of this ordinance.

Section 2. R-2 One-Family Dwelling District.

Within the R-2 One-Family Dwelling District, the following regulations shall apply:

A. Permitted Uses. Any use permitted in the "R-1 One-Family Dwelling District," except farming, truck gardening, and nurseries.

B. Height. The same regulations shall apply as required or permitted in the "R-1 One-Family Dwelling District."

C. Lot Size.

1. Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than fifteen thousand (15,000) square feet, and a width at the established building line of not less than one hundred (100) feet, except as provided in Article X, Section 2, of this ordinance.

2. Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than one (1) acre and a width at the building line of not less than one hundred and fifty (150) feet.

3. Public and private schools - same regulations shall apply as required or permitted in the "A-1 Agricultural District."

F. Yard Areas. No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

1. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than seventy-five (75) feet along all federal and state rights-of-way; along all others forty (40) feet.

2. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side of not less than twenty (20) feet. The combined total of the side yards for interior lots shall not be less than twenty-five (25) feet and the combined total of side yards for corner lots should not be less than thirty (30) feet. The side yard on each side of a building on a lot of record which is less than seventy (70) feet in width shall have a width of not less than seven (7) feet.

On lots upon which a church or similar place of worship is constructed or extension made to an existing church or similar place of worship, there shall be a side yard of not less than twenty-five (25) feet on each side of the main structure and a combined total of side yards of not less than fifty (50) feet.

3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than thirty-five (35) feet, or twenty percent (20%) of the depth of the lot, whichever amount is larger, but it need not exceed fifty (50) feet.

E. Percentage of Lot Coverage. All buildings including accessory buildings shall not cover more than thirty percent (30%) of the area of the lot.

F. Off-Street Parking Facilities. Off-street parking facilities shall be provided as required or permitted in Article X, Section 3, of this ordinance.

Section 3. R-3 One-Family Dwelling District.

Within the R-3 One-Family Dwelling District, the following regulations shall apply:

A. Permitted Uses. Any use permitted in the "R-2 One-Family Dwelling District."

B. Height. The same regulations shall apply as required or permitted in the "R-1 One-Family Dwelling District,"

C. Lot Size.

1. Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than ten thousand five hundred (10,500) square feet, and a width at the established building line of not less than eighty (80) feet, except as provided in Article X, Section 2, of this ordinance.
2. Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than one-half (1/2) acre and a width at the building line of not less than eighty-five (85) feet.
3. Public and private schools — same regulations shall apply as required or permitted in the "A-1 Agricultural District."

D. Yard Areas. No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

1. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than seventy-five (75) feet along all federal and state rights-of-way; along - all others thirty

2. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard ~~on each side~~ (*Deleted by resolution 5 Sep 73*) of not less than twenty (20) feet. The combined total of the side yards for interior lots shall not be less than twenty-five (25) feet and the combined total of side yards for corner lots shall not be less than thirty (30) feet. The side yard on each side of a building on a lot of record which is less than seventy (70) feet in width, shall have a width of not less than seven (7) feet.

On lots upon which a church or similar place of worship is constructed or extension made to an existing church or similar place of worship, there shall be a side yard of not less than twenty-five (25) feet on each side of the main structure and a combined total of side yards of not less than (50) feet.

3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than thirty five (35) feet, or twenty percent (20%) of the depth of the lot, whichever amount is larger, but it need not exceed fifty (50) feet.

E. Percentage of Lot Coverage. All buildings, including accessory buildings, shall not cover more than thirty percent (30%) of the area of the lot.

F. Off-Street Parking Facilities. Off-street parking facilities shall be provided as required or permitted in Article X, Section 3, of this ordinance.

Section 4. R-4 One-Family Dwelling District.

Within the R-4 One-Family Dwelling District, the following regulations shall apply:

A. Permitted Uses. Any use permitted in the "R-2 One-Family Dwelling District."

B. Height. The same regulations shall apply as required or permitted in the "R-1 One-Family Dwelling District."

ARTICLE VI (cont)

Section 4.B

C. Lot Size.

1. Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet, and a width at the established building line of not less than seventy (70) feet, except as provided in Article X, Section 2, of this ordinance.
2. Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than one-half (1/2) acre and a width at the building line of not less than eighty-five (85) feet.
3. Public and private schools - same regulations shall apply as required or permitted in the "A-1 Agricultural District."

D. Yard Areas. No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

1. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than thirty (30) feet.
2. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than ten (10) feet. The combined total of the side yards for interior lots shall not be less than twenty (20) feet and the combined total of side yards for corner lots shall not be less than thirty (30) feet. The side yard on each side of a building on a lot of record which is less than seventy (70) feet in width, shall have a width of not less than seven (7) feet.

On lots upon which a church or similar place of worship is constructed or extension made to an existing church or similar place of worship, there shall be a side yard of not less than fifteen (15) feet on each side of the main structure and a combined total of side yards of not less than thirty-five (35) feet.

3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet, or twenty percent (20%) of depth of lot, whichever is larger, but it need not exceed thirty-five (35) feet.

E. Percentage of Lot Coverage. All buildings including accessory buildings shall not cover more than thirty percent (30%) of the area of the lot.

F. Parking Facilities. Parking facilities shall be provided as required or permitted in Article X, Section 3, of this ordinance.

Section 5. R-5 One-Family Dwelling District.

Within the R-5 One-Family Dwelling District, the following regulations shall apply:

A. Permitted Uses. Any use permitted in the "R-2 One-Family Dwelling District."

B. Height. The same regulations shall apply as required or permitted in the "R-1 One-Family Dwelling District."

C. Lot Size.

1. Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than four thousand (4,000) square feet, and a width at the established building line of not less than forty (40) feet, except as provided in Article X, Section 2, of this ordinance.
2. Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than one-half (1/2) acre and a width at the building line of not less than eighty-five (85) feet.
3. Public and private schools - same regulations shall apply as required or permitted in the "A-1 Agricultural District."

ARTICLE VI (cont)

SECTION 5.0

D. Yard Areas. No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

1. Front Yard. Each lot upon which a dwelling is constructed shall have a front yard of not less than thirty (30) feet.
2. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than five (5) feet. The combined total of the side yards for interior lots shall not be less than fifteen (15) feet and the combined total of side yards for corner lots shall not be less than twenty (20) feet. The side yard on each side of a building on a lot of record which is less than forty (40) feet in width shall have a width of not less than five (5) feet.

On lots upon which a church or similar place of worship is constructed or extension made to an existing church or similar place of worship, there shall be a side yard of not less than fifteen (15) feet on each side of the main structure and a combined total of side yards of not less than thirty-five (35) feet.

3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet, or twenty percent (20%) of depth of lot, whichever is larger, but it need not exceed thirty-five (35) feet.

E. Percentage of Lot Coverage. All buildings including accessory buildings shall not cover more than thirty percent (30%) of the area of the lot.

F. Parking Facilities. Parking facilities shall be provided as required or permitted in Article X, Section 3, of this ordinance.

Section 6. R-6 Multiple-Family Dwelling District.

Within the R-6 Multiple-Family Dwelling District, the following regulations shall apply:

A. Permitted Uses.

1. Any use permitted in the "R-2 One-Family Dwelling District."
2. Two-family dwellings and multiple dwellings not to exceed nine (9) dwelling units or apartments per structure.
3. One-Family row dwellings with not more than eight (8) dwelling units in one building.
4. Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service, customarily carried on as a business.
5. Boarding or lodging house.
6. Any uses permitted through the application of subsequent sections of this ordinance.

B. Height. The same regulations should apply as permitted in the "R-1 One-Family Dwelling District," except that multiple-family dwellings shall be not more than three (3) stories or thirty-five (35) feet in height and except as permitted in Article X, Section 2, of this ordinance.

C. Lot Size.

1. One-Family Dwellings, Private Clubs, Fraternities, Sororities and Lodges, Boarding or Lodging House and Any Building for Other Non-Dwelling Uses:

The same regulations shall apply as permitted in the "R-5 One-Family Dwelling District," except that the lot size as specified in Paragraph C-1, of Section 5, shall be five thousand (5,000) square feet.

2. Two-Family Dwellings:

Every two-family dwelling hereafter erected or structurally altered shall be on a lot having an

ARTICLE VI (cont)

Section 6.C.2

area of not less than seven thousand five hundred (7,500) square feet or three thousand seven hundred and fifty (3,750) square feet per dwelling unit, and a width at the building line of no less than forty (40) feet, except as provided in Article X, Section 2, of this ordinance.

3. Multiple-Family Dwellings and Row Houses:

Every building hereafter erected or structurally altered as a multiple-family dwelling or as a row house shall provide a lot area per dwelling unit of not less than thirteen hundred and fifty (1,350) square feet and a width at the building line of not less than fifty (50) feet, except as provided in Article X, Section 2, of this ordinance.

4. Where a lot of record has less area or width than herein required for two-family dwellings, multiple-family dwellings or row houses, such lot may be used for one-family dwelling purposes or for any of the other non-dwelling uses permitted by this section.

5. Churches and Similar Places of Worship, Public and Private Schools:

The same regulations shall apply as required in the "R-5 One-Family Dwelling District."

D. Yard Areas.

1. Front Yard. The same regulations shall apply as required in the "R-5 One-Family Dwelling District."

2. Side Yard.

One-family detached dwellings - the same regulations shall apply as required in the "R-5 One-Family Dwelling District."

Two-family dwellings - the same regulations shall apply as required for one-family detached dwellings.

Multiple-family dwellings and row houses - the same regulations shall apply as required for one-family detached dwellings.

3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than twenty-five (25) feet.

E. Percentage of Lot Coverage. All buildings including accessory buildings shall not cover more than forty percent (40%) of the area of the lot.

F. Off-Street Parking and Loading Facilities. Off-street parking and loading facilities shall be provided as permitted in Article X, Section 3, of this ordinance.

Section 7. R-7 Mobile Home dwelling District.

WHEREAS THE R-7 MOBILE HOME DWELLING DISTRICT, regulations shall apply as outline in the trailer ordinance for the County of Calhoun to be hereinafter enacted and as prescribed in the text that follows:

A. Permitted Uses.

1. Any use permitted through the application of the trailer ordinance of the County of Calhoun.

2. A one-family detached dwelling, for occupancy by the manager or custodian of any mobile home park.

B. Height.

The same regulations shall apply as permitted in the "R-4 One-Family Dwelling District," except as specified through the application of the trailer ordinance.

C. Lot Size. The regulations as specified through the application of the trailer ordinance.

ARTICLE VI (cont)

Section 5.C

- D. Yard Areas. The regulations as specified through the application of the trailer ordinance.
- E. Percentage of Lot Coverage. The regulations as specified through the trailer ordinance.
- F. Off-Street Parking Facilities. Off-street parking facilities shall be provided as specified in the trailer ordinance.

ARTICLE VII

PROVISIONS GOVERNING BUSINESS DISTRICTS

Section 1. B-1 Neighborhood Business District.

Within the B-1 Neighborhood Business District, the following regulations shall apply:

- A. Permitted Uses.
 - 1. Any use permitted in "R-2 One-Family Dwelling District," except single-family dwellings.
 - 2. Art, book, school supply, and stationery stores.
 - 3. Bakery shops, including the baking and processing of food products when prepared for retail use on the premises only.
 - 4. Barber shop, beauty Parlor, massage, or similar personal service shops.
 - 5. Candy and ice cream store.
 - 6. Drugstores.
 - 7. Dying, dry cleaning, and laundry works having a boiler with a steam generating capacity no greater than one thousand five hundred (1,500) pounds of steam per hour, having no more than five (5) employees employed at any one time on the premises, having a portion of the premises devoted to the pickup and delivery to customers of items to be dyed, dry cleaned, or laundered and which does not operate before the hour of 7:00 in the morning nor after the hour of 9:00 in the evening and which utilizes only underwriter approved nonflammable solutions and materials in its operations.
 - 8. Florist shop and conservatory for retail trade on premises only.
 - 9. Food and fruit stores.
 - 10. Gift stores.
 - 11. Launderette, laundromat, or similar self-service laundry or self-service dry cleaning establishment.
 - 12. Meat markets.
 - 13. Newsstands.
 - 14. Restaurant, tea room, cafe when establishment is not of the drive-in type where food is served to customers remaining in motor vehicle.
 - 15. Service stations, excluding any such operation which may include the repair or servicing of motor vehicles, except as defined under "Automobile Repair, Minor."
 - 16. Tobacco stores.
 - 17. Any other similar type retail stores not specifically permitted wherein when authorized by the governing body after receipt of review and recommendations from the Planning Commission.
 - 18. All activities, except for automobile off-street parking facilities and service stations as permitted or required in this B-1 District, should be conducted wholly within an enclosed building.
 - 19. Any accessory use or building customarily incidental to the above-permitted uses and as regulated by subsequent sections of this ordinance.
- B. Height. No building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as permitted in Article X, Section 2, of this ordinance.
- C. Yard Areas. No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.
 - 1. Front Yard. A front yard of twenty-five (25) feet shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in an "R" District, all of which front upon the same street between two intersecting streets, there shall be established the same front yard setback for all the frontage as has been established in the abutting "R" District.
 - 2. Side Yard. No side yard is required, except for a corner lot which abuts upon an "R" District, or upon an alley separating this district from an "R" District. There shall then be provided a

ARTICLE VII (cont)

Section 1.C.2

- side yard equal to one-half (1/2) the front yard required in the abutting "R" District, but in no case, more than twenty (20) feet. The same setback shall apply also if buildings from the intersecting street, commonly referred to as the side street.
3. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet; provided, however, that a one-story accessory building may be located thereon, except for the five (5) feet adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof as provided in Article X, Section 3, of this ordinance.
- D. Off-Street Parking and Loading Facilities shall be provided as required in Article X, Section 3, of this ordinance.

Section 2. B-2 Central Business District.

Within the B-2 Central Business District, the following regulations shall apply:

A. Permitted Uses.

1. Any use permitted in B-1 Neighborhood Business District.
2. Amusement establishments - bowling alleys, dance halls, and other similar places of recreation when conducted wholly within a completely enclosed building.
3. Auto accessory store - where there is no driveway entrance across the sidewalk into the main building.
4. Bakery shop, including the baking and processing of food products when prepared for retail use on the premises only.
5. Banks, financial institutions, savings and loan associations.
6. Bicycle repair, sales and rental.
7. Blueprinting and photostating establishments.
8. Bus passenger terminal.
9. Camera and photographic supply shops for retail sales.
10. Clubs and fraternal organizations, catering establishments.
11. Custom dressmaking, millinery, tailoring or shoe repair when conducted for retail sales on the premises only.
12. Department stores.
13. Dry cleaning and pressing establishments, when employing facilities for the cleaning and pressing of dry goods received on the premises from retail trade only and not including any wholesale cleaning or pressing business, and when using carbon tetrachloride, perchlorethylene, or other similar nonflammable solvents approved by the Fire Department.
14. Dry goods store, haberdashery, and wearing apparel stores.
15. Electrical appliance store and repair, but not including appliance assembly or manufacturing.
16. Frozen food lockers.
17. Funeral homes and mortuaries.
18. Furniture store and upholstery.
19. Furrier, when conducted for retail trade on the premises only.
20. Garden supplies and seed stores.
21. Gift shops.
22. Hardware stores.
23. Hobby stores.
24. Hotels, including dining and meeting rooms, when business uses occupy the street frontage except for an entranceway to the hotel lobby.
25. Household appliance store and repair shops.
26. Interior decorating shops, including upholstery and making of draperies, slipcovers, and other similar articles, when conducted as part of the retail operations and secondary to the main use.
27. Jewelry store and watch repair.
28. Leather goods and luggage store.
29. Liquor store, package goods only.
30. Medical clinics.
31. Messenger or telegraph service station.
32. Offices, business and professional.
33. Off-street parking facilities in an open lot or a covered building.
34. Paint and wall paper store.
35. Photography studio, art gallery or studio, including the developing of film and pictures when conducted as part of the retail business on the premises.
36. Plumbing showroom, without shop or repair facilities.

ARTICLE VII (cont)

Section 2.A.36

37. Post Office.
 38. Public utility collection offices.
 39. Service stations, public garages, and other motor vehicle services provided no major work is performed out of doors; provided all pumps, underground storage tanks, lubricating, and other devices are located at least thirty (30) feet from any street right-of-way; provided all fuel, oil, or similar substances are stored inside or underground, and provided all automobile parts, dismantled vehicles, and similar articles are stored within a building.
 40. Shoe store.
 41. Sporting goods store.
 42. Tailor shop.
 43. Theaters, indoor.
 44. Typewriter and office equipment sales and services.
 45. Variety store.
 46. Wearing apparel shop.
 47. Any other similar type retail store not specifically listed herein, when authorized by the governing body after receipt of review and recommendations from the Planning Commission.
- B. Condition of Use. All activities, except for automobile off-street parking, which are permitted or required in this B-2 District, shall be conducted wholly within an enclosed building.
- C. Height of Building. The height of all buildings or structures shall be no more than three (3) stories or thirty-five (35) feet in height except as permitted in Article X, Section 2, of this ordinance.
- D. Yard Areas. No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.
1. Front Yard. No front yard shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots within this district are adjacent to and adjoining lots in an "R" District, all of which front upon the same street between two intersecting streets, there shall be established the same front yard setback for all of the frontage as has been established in the abutting "R" District.

Exception: When existing buildings located in this district have already established a building line at the street line at a depth less than required above, then all new buildings may conform to the same building line, except for the first fifty (50) feet of the B-2 District frontage adjacent to the "R" District, whereupon there shall be provided a front setback of not less than ten (10) feet.
 2. Side Yard. No side yard is required except for a corner lot which abuts upon an "R" District, or upon an alley separating this district from an "R" District. There shall then be provided a side yard equal to one-half (1/2) the front yard required in the abutting "R" District, but in no case more than ten (10) feet. The same setback shall apply also if business buildings front the intersecting street, commonly referred to as the side streets.
 3. Rear Yard. There shall be a rear yard of not less than twenty (20) feet; provided, however, that a one-story accessory building may be relocated thereon, except for the five (5) feet adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof as provided in Article X, Section 3, of this ordinance.
- E. Off-Street Parking and Loading Facilities shall be provided as required in Article X, Section 3, of this ordinance.

Section 3. B-3 Highway Business District.

Within the B-3 Highway Business District, the following regulations shall apply:

- A. Permitted Uses.
1. Air conditioning and heating sales and service.
 2. Automobile motor repair, sales and service shop, including automobile body repair and rebuilding, and painting of automobiles.
 3. Automobile washing, including the use of mechanical conveyors, blowers, and steam cleaning.
 4. Battery and tire service stations.
 5. Beverage, non-alcoholic, bottling and distributing.

ARTICLE VII (cont)

section 3.A.5.

6. Boat display, sales and service.
 7. Farm implement display, sales and service.
 8. Feed and seed store.
 9. Kennel.
 10. Motel.
 11. Plumbing, heating, and roofing supply shops when conducted wholly within a building.
 12. Pet shop or animal hospital when conducted wholly within an enclosed building.
 13. Recreation places, including bowling alley, dance halls, gymnasium, skating rink, archery range, miniature golf course, or other similar places of amusement or entertainment when operated for pecuniary profit.
 14. Restaurant, non-drive-in, drive-in car service.
 15. Trailer sales or rental (house trailers) on an open lot or within a building.
 16. Uses customarily incidental to any of the above uses and accessory buildings when located on the same premises.
 17. Any other similar type retail use not specifically listed herein, when authorized by the governing body after receipt of review and recommendations from the Planning Commission.
- B. Height. No building or structure shall exceed three(3) stories or thirty-five (35) feet in height except as permitted in Article X, Section 2, of this ordinance.
- C. Lot Size. Every building hereafter erected shall be on a lot having an area of not less than ten thousand (10,000) square feet and a width at the established building line of not less than eighty (80) feet, except as provided in subsequent sections of this ordinance.
- D. Yard Areas. No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.
1. Front Yard. Each lot upon which a building is constructed shall have a front yard of not less than seventy-five (75) feet along all federal and state rights-of-way; along all others, fifty (50) feet.
 2. Side Yard. No side yard is required, except for a lot which abuts upon an "R" District, or upon an alley separating this district from an "R" District. There shall be then provided a side yard equal to one-half (1/2) the front yard required in the abutting "R" District, but in no case less than twenty (20) feet.
 3. Rear Yard. There shall be a rear yard of not less than twenty (20) feet; provided however, that a one-store accessory building may be located thereon, except for the five (5) feet adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof.
- E. Buffer Area. On lots abutting an "R" District there shall be provided a twenty (20) foot wide planting strip extending the length of the lot adjoining the "R" District planted with trees and shrubs to provide a dense screen at maturity.
- F. Off-Street Parking and Loading Facilities shall be provided as required in Article X, Section 3, of this ordinance.

ARTICLE VIII

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

Section 1. 1-1 Light Industrial District.

Within the 1-1 Light Industrial District the following regulations shall apply:

A. Permitted Uses.

A light industrial use is one which creates a minimum amount of nuisance outside the plant; is conducted entirely within enclosed buildings, does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose other than transporting goods between buildings; provides for enclosed loading and unloading berths; and which is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noises or vibrations beyond the confines of the building.

ARTICLE VIII (cont)

Section 1.A

1. Any Agricultural use.
2. Wholesale businesses.
3. Storage firms.
4. Research and development organizations.
5. Contractors' yards.
6. Sheet metal shops.
7. Welding shops.
8. Machine shops.
9. Fruit canning and packing establishments.
10. Animal hospitals.
11. Bakeries.
12. Bottling works.
13. Building material yards where no mill work is done.
14. Cabinet making establishments and carpenter shops which use no motors larger than ten (10) horsepower.
15. Clothing factories.
16. Dairies.
17. Ice plants.
18. Milk distribution stations.
19. Laundries.
20. Optical goods factories.
21. Paper box factories.
22. Pencil factories.
23. Printing, publication, and engraving plants.
24. Dyeing plants.
25. Dry cleaning plants.
26. Feed Processing & Distributing facilities.
27. Trucking Terminals.

B. Conditions of Use. The above permitted uses shall be subject to the following:

1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties.
2. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified within one hundred and fifty (150) feet of the nearest point of any residential "R" District, all storage shall be in completely enclosed buildings or structures and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid wall or fence, including solid doors or gates thereto, at least eight (8) feet high but in no case lower than the enclosed storage. However, open off-street loading facilities and open off-street parking facilities for the storage of motor vehicles may be unenclosed throughout the district except for such screening of parking and loading facilities as may be required.

C. Height. No building or structure shall exceed three (3) stories or thirty-five (35) feet in height, except as permitted in Article X, Section 2, of this ordinance.

D. Yard Areas.

1. Front Yard. All buildings and structures shall have a front yard depth of at least fifty (50) feet. Buildings and structures placed on corner lots shall observe front yard requirements on both streets.
2. Side Yard. All buildings and structures shall have side yard widths of at least fifty (50) feet.
3. Rear Yard. All buildings and structures shall have a rear yard depth of at least fifty (50) feet.
4. Yards Adjacent to Residential Districts. All buildings and structures on lots adjacent to residential districts shall be located so as to provide side yard widths or rear yard depths of at least one hundred (100) feet adjacent to such residential districts.
5. Railroad Siding Frontage. No yards shall be required for those portions of lots which front on railroad sidings.

ARTICLE VIII (cont)

~~Section 1.0.5~~

E. Performance Standards. The following requirements shall apply:

1. Noise: The sound pressure level, to be measured as described below, shall not exceed the following decibel levels in the designated octave bands when adjacent to the designated types of use districts.

| OCTAVE BAND CYCLES PER SECOND | SOUND LEVEL IN DECIBELS | SOUND LEVEL IN DECIBELS |
|----------------------------------|------------------------------|----------------------------|
| | All Residential Districts | B1, B2, B3 |
| 0 to 75 | 58 | 73 |
| 75 to 150 | 54 | 69 |
| 150 to 300 | 50 | 65 |
| 300 to 600 | 46 | 61 |
| 300 to 1200 | 40 | 55 |
| 1200 to 2400 | 33 | 48 |
| 2400 to 4800 | 26 | 41 |
| Over 4800 | 20 | 35 |

Objectionable sounds of an intermittent nature which are not easily measured shall be controlled so as not to become a nuisance to adjacent uses.

Measurement is to be made at the nearest boundary of the nearest residential area or at any other point along the boundary where the level is higher. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association.

2. Smoke and Particulate Matter: The emission of smoke or dusts by manufacturing plants in an amount sufficient to create a general nuisance to adjoining properties shall be prohibited. Total emission of smoke and particulate matter shall be limited to the following:

Ringelmann Requirements: All smoke and the emission of all other particulate matter in quantities sufficient to produce an opacity at any point greater than Ringelmann 3 shall be prohibited. The only exception shall be a plume consisting entirely of condensed steam. A ringelmann 1 unit is defined as twenty percent (20%) density for one minute. No more than fifteen (15) units of Ringelmann smoke shall be permitted per hour and no smoke more intense than Ringelmann 2 except that during one hour of a 24-hour day, thirty (30) units of smoke may be emitted but with no smoke more intense than Ringelmann 3. The total quantity of emitted solids shall not exceed one pound per hour, per acre of lot area.

3. Odors: No odor shall be emitted by any use permitted in this district in such quantities as to be readily detectable by an average observer at any point on the boundary line of the premises or beyond.
4. Noxious Gases: Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere must be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.
5. Glare and Heat: Operation producing intense light or heat shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
6. Vibrations: No uses shall be located and no equipment shall be installed in such a way to produce intense, earth-shaking vibrations which are noticeable at the property lines of the subject premises.

F. Off-Street Parking and Loading Facilities shall be provided as required in Article X, Section 3, of this ordinance.

G. Planting Areas.

1. Landscape development shall be required to include an area of at least twenty (20) feet in width

ARTICLE VIII (cont)

Section 1.G.1

along all streets, with the exception of approved entrances, which border the proposed development, to be planted and maintained with trees and shrubbery to serve as a screen for the parking and storage areas.

2. A planting screen, consisting of suitable shrubbery, maintained at ten (10) foot height by ten (10) foot width, shall be planted wherever the industrial use abuts a residential district. }

Section 2. 1-2 General Industrial District.

Within the 1-2 General Industrial District, the following regulations shall apply:

A. Uses Permitted.

Any use permitted in the 1-1 Light Industrial District.

Any industrial or manufacturing activity not in conflict with any other ordinance of the county; provided, however, that the following uses shall be considered Special Use Exceptions and an applicant for such Special Use Exceptions shall follow the procedure outlined in Article X, Section 1, of this Ordinance.

1. Bag Cleaning plants.
2. Billboards.
3. Boiler and tank works.
4. Central mixing plants for cement, mortar, plaster or paving materials.
5. Coke ovens.
6. Establishments which cure, tan or store raw hides and skins.
7. Distillation plants for bones, coal, wood or tar.
8. Fat rendering plants.
9. Forge plants.
10. Foundries and metal fabrication plants.
11. Above ground storage facilities for gasoline, oil and alcohol in excess of five hundred (500) gallons.
12. Slaughterhouses and stockyards.
13. Smelting plants.
14. Plants for the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta, tile, candles, disinfectants, dye-stuffs, fertilizer, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products.
15. Any other industrial or manufacturing activity which in the opinion of the Planning Commission will not emit detrimental or obnoxious noise, vibrations, smoke, odor, dust, heat or light or create other objectionable conditions beyond the limits of the General Industrial District in which it is located.

B. Conditions of Use. The above permitted uses are subject to the same conditions as in 1-1 Light Industrial District.

C. Height. No building or structure shall exceed six (6) stories or seventy-five (75) feet in height, except as permitted in Article X, Section 2, of this ordinance.

D. Yard Areas.

1. Front Yard. All buildings and structures shall have a front yard depth of at least two hundred (200) feet.

Front Yards on Corner Lots. Buildings and structures placed on corner lots shall observe front yard requirements on both streets.

2. Side Yard. All buildings and structures shall have side yard widths of at least one hundred (100) feet.
3. Rear Yard. All buildings and structures shall have rear yard depths of at least three hundred (300) feet.
4. Yards Adjacent to Residential Districts. All buildings and structures on lots adjacent to residential districts shall be located so as to provide side yard widths or rear yard depths of at least five hundred (500) feet adjacent to such residential districts.

5. Railroad Siding Frontage. No yards shall be required for those portions of lots which front on railroad sidings.

E. Performance Standards. The same requirement as in I-1 Light Industrial District shall apply.

F. Off-Street Parking and Loading Facilities. Parking and loading facilities shall be provided as required or permitted in Article X, Section 3, of this ordinance.

G. Planting Areas.

1. Landscape development shall be required to include an area of at least fifty (50) feet in width along all streets, with the exception of approved entrances which border the proposed development, shall be planted and maintained with trees and shrubbery to serve as a screen for the parking and storage areas.
2. A planting screen, consisting of suitable shrubbery and trees maintained at a twenty (20) foot height by thirty (30) foot width, shall be planted wherever the industrial use abuts any other use district.

ARTICLE IX

PROVISIONS GOVERNING SPECIAL DISTRICTS

Section 1. S-1 Flood Plain and Drainageway District.

The S-1 Flood Plain and Drainageway District is designed to meet the needs of storm water channels to carry abnormal flows of water in time of flood; to prevent encroachment into the district which will unduly increase flood heights and damage; and to prevent the loss of life and excessive damage to property in the area of greatest flood hazard. Within the S-1 Flood Plain and Drainageway District, the following Regulations shall apply.

A. Uses Permitted.

1. Agriculture, including customary agricultural buildings, and structures and one-family detached dwellings only when located above flood stage levels. ~~but not including permanent dwellings; nurseries and greenhouses, provided that any greenhouse heating plant, or any building or enclosure in which animals are kept shall comply with the distance requirement in Paragraph B below. (Changed by resolution 7 Mar 1973)~~
2. Commercial poultry farms and feeding facilities, kennels, riding stables and dairies, provided that any building or enclosure in which animals or fowl are kept shall comply with the distance requirement in Paragraph B below.
3. Outdoor advertising signs and billboards set back from the established right-of-way of any highway or thoroughfare at least as far as the required front yard depth for a principal building.
4. The following uses may be permitted when authorized by the governing body upon application in accordance with and offer compliance with the procedures set forth in Article X, Section 1, Paragraph B, in this ordinance.
 - a. Public parks, playgrounds and community centers; private recreation areas and facilities, including country clubs, golf courses, fishing lakes and boat docks.
 - b. Baseball, football stadium, or sports arena, provided that the location of any structure used for such purposes shall comply with two (2) times the distance requirements in Paragraph B below.
 - c. Drive-In theaters and other similar commercial recreation establishments, provided that those are located on premises abutting on a highway or primary thoroughfare, and so as to comply with (2) times the distance requirement in Paragraph B below.
 - d. Outdoor rifle or skeet shooting ranges; on premises so located as to comply with three (3) times the distance requirement in Paragraph B below, and which premises, in addition, are deemed suitable by the governing body for such use, for reasons, among others, of topography, screening by trees, or other features, and also in consideration of the present and potential use of adjacent properties.

- e. Equipment and materials storage yards, and junk yards, provided these are enclosed on all sides by a solid fence or wall not less than eight (8) feet high; petroleum or Inflammable liquids storage. Provided, further, that any of the foregoing uses shall be authorized only on premises adjoining and within one thousand (1,000) feet of a railroad or highway or primary thoroughfare, and so located as to comply with three (3) times the distance requirement in Paragraph B below, and which premises, in addition, are deemed suitable by the governing body for the intended use, for reasons, among others, of topography, screening potential use of adjacent properties.
- f. Commercial mines, quarries and gravel pits, temporary sawmills: provided that any lot or tract of land for such use, other than for temporary sawmill, shall be not less than ten (10) acres in area, and provided that the location of any such mine quarries and gravel pits be subject to the provisions of the "A-1 Agricultural District" and any power-driven or power-producing machinery or equipment in connection with a temporary sawmill should comply with four (4) times the distance requirement in Paragraph B below.
- g. Disposal of refuse or garbage by the municipality, county, or agents thereof providing the disposal operation meets the regulations and standards for sanitary landfills set by the Illinois Department of Public Health.
- h. Any other use which, in the judgment of the governing body will not, when located, constructed and operated as proposed, be inconsistent with the purposes intended to be served by the provisions prescribed in this Section for the "S-1" District - among others, of protecting human life, preventing material losses and reducing the cost to the public of relief or rescue efforts occasioned by the unwise occupancy of areas subject to floods; and which use, at the same time, will not impair the present or potential use of adjacent properties.

5. Accessory Uses:

- a. Accessory uses and structures customarily incidental to a permitted principal use in the "S-1" District.
- b. Any other accessory use that is determined by the Board of Appeals to be necessary and incidental to any aforesaid permitted principal use and located on the same lot therewith, but not including any permanent residence except for a watchman or caretaker employed on the premises.

B. Required Conditions.

- 1. All uses, buildings or premises, for which compliance with the distance requirement in this sub-section is stipulated in the foregoing subsections of this Article, shall be distant at least two hundred (200) feet, from any lot in any "R" District, or any lot occupied by a dwelling or by any school, church, or institution for human care.

C. Height Regulations.

No nonagricultural principal structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed one (1) story or fifteen (15) feet in height, except as provided in Article X, Section 2, of this ordinance.

D, Lot Area. Frontage and Yard Requirements.

The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Article X, Section 3, inclusive.

| | Lot Area | Lot Width | Front Yard Depth | Side Yard Width Each | Rear Yard Depth |
|---|-----------|-----------|------------------|----------------------|-----------------|
| Nonresidential uses or structures other than agricultural | None | None | 50 ft. | 20 ft. | 50 ft. |
| Nonagricultural residences | 1.5 acres | None | 60 ft. | 20 ft. | 50 ft. |

Section 2. S-2 Slope District.

The S-2 Slope District is designed to allow proper use of land having a cross-slope which exceeds twelve percent (12%) and to prevent encroachment into the district which will unduly increase storm water runoff and damage. Within the S-2 Slope District, the following regulations shall apply:

1. Any Slope Area, the average cross-slope of which exceeds eighteen percent (18%), shall be subject to a Special Use Exception which shall be in conformity with the applicable Comprehensive County or Community Plan.
2. Any Slope Area, the average cross-slope of which is less than twelve percent (12%), shall be considered suitable for any uses permitted in an S-1 Flood Plain and Drainage District.
3. Any Slope Area, the average cross-slope of which exceeds twelve percent (12%), shall be considered to be extremely rugged and the development of this terrain shall be limited to compatible uses as follows:
 - a. Building lots for one-family detached dwelling of a minimum of ~~3~~ 1.5 acres. *(Changed by resolution 16 Apr 2001)*
 - b. Utility easements. No lot area shall have less than 12 ft. side yards and 20 ft. rear yard. *(Changed by resolution 7 Jun 2001)*
 - c. Pedestrian easements.
 - d. Parks, playgrounds, and general community open space.
 - e. Agricultural uses as limited and defined in Article IX, Section 1, Paragraph A-1, of this ordinance.

Section 3. S-3 Airport District.

In district S-3 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, moved or altered, except for one or more of the following uses:

1. Aviation fields, airports, landing strips or landing areas, provided that the following conditions have been met:
 - a. Permission of the respective owners, in the form of easements or other suitable assignment to the owner of the airport or landing strip, of air rights over all land in separate ownership and within the approach zones of all runways or landing strips shall be required. Copies of such easements or assignments of rights and an aeronautical evaluation of the proposed facility by the Federal Aviation Agency, as required by law, shall be submitted to the Planning Commission before a permit for establishing or enlarging a runway, landing strip or landing area is authorized. Heliports may be permitted after an aeronautical evaluation of the proposed facility by the Federal Aviation Agency, as required by law, has been reviewed by the Planning Commission.

2. Permits.

The governing body or duly authorized representative shall have the power to enforce provisions of this ordinance. No open, vacant, or unimproved land shall be used for any purpose other than agricultural without first obtaining a Land Use Permit from the governing body to be issued in accordance with the terms of this ordinance. Land Use Permits shall be required, but not limited to, the following uses:

- a. Airports landing strips, heliports, or other landing areas.
- b. It shall be unlawful to erect, construct, reconstruct or establish such a structure or to plant or replant any tree or other object of natural growth on a landing area or within fifteen thousand (15,000) feet of the nearest boundary of landing area which will have or attain a height greater

ARTICLE IX (cont)

than five (5) feet above ground level for each five hundred (500) feet or fraction thereof, of the distance that such structure or growth is or will be situated from the nearest boundary of landing area without first obtaining a permit from the Building Inspector, the application for which permit shall include a written statement of approval from the Federal Aviation Agency obtained by the applicant after due notice to that agency.

ARTICLE X SUPPLEMENTARY REGULATIONS

Section 1. Special Use Exceptions, Requirements, and Procedure.

- A. The special Exceptions listed in Figure 1 and their Accessory Buildings and Uses may be permitted by the Planning Commission and County Board in the Districts indicated therein, in accordance with the procedure set forth in this Section and the requirements listed in Figure 1.
- B. Upon an application for a permit for a Special Use Exception by the Building Inspector it shall be referred to the Planning Commission for investigation as to the manner in which the proposed location and character of the Special Use Exception will affect the applicable Comprehensive Land Use Plan and how the standards in Figure 1 are applied. The Planning Commission shall report the results of its study to the County Board within sixty (60) days following receipt of the application. If no such report has been filed with the County Board within this time period, the County Board shall be permitted to proceed to process the application.

The party filing a request for a Special Use Exception shall pay a fee of \$150.00 to the Building Inspector at the time of application. The party requesting a Special Use Exception shall also pay for the costs of publication of a public notice of the date of the hearing to be held on the Special Use Exemption. The fee shall be paid to the Newspaper, who shall give receipt, and a copy of the receipt shall be presented to the Building Inspector prior to the hearing, as evidence that the newspaper fees required have been paid. Within sixty (60) days of the receipt of an application for a permit for a Special Use Exception, or upon receipt of the report of the Planning Commission the County Board shall cause a public hearing to be held before the Planning Commission in relation thereto after fifteen (15) days notice thereof has been given in a newspaper of general circulation. The notice shall contain:

- (1) The particular location and ownership of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, highway, road or thoroughfare or intersection.
- (2) Whether or not the petitioner or applicant is acting for himself or in the capacity of an agent or representative of a principal and stating the name and address of the actual and true principal.
- (3) Whether the petitioner or applicant is a corporation, and if a corporation, the correct names and address of all officers and directors and all of the share holders or stockholders owning any interest in excess of 20% of all outstanding stock of such corporation.
- (4) Whether the petitioner or applicant is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity.
- (5) Whether the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint ventures, syndicate members or members of the unincorporated association.
- (6) A brief statement of what the proposed variation consists. The applicant in writing shall provide the Board of Appeals with the information required by Items 1 through 5 above, and shall include a photocopy of the applicant's recorded deed to the premises which shall be attached to each application for variation and made a part thereof by reference.

The hearing shall be held at a regular meeting of the Planning Commission. Within ten (10) days following the hearing, the Planning Commission shall file a report of said hearing, and its recommendations relative to said application with the County Board. *(Paragraph B Changed by Resolution 4 Feb 2010)*

On receipt of the Planning Commission's report and recommendations or after the lapse of sixty (60) days from the date of application, the County Board shall conduct a hearing at their next regular meeting, and, upon an affirmative finding of the Planning Commission's recommendations and that:

1. The proposed Special Use Exception is to be located in a District wherein such use may be permitted, and
2. The requirements set forth in Figure 1 for such Special Use Exception will be met, and
3. The Special Use Exception Is consistent with the spirit, purpose, and intent of the applicable Land Use Plan, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare.
4. The County may order the Building Inspector to issue a Zoning Certificate for the Special Use Exception.

C. An existing lawful use which is listed herein as a Special Use Exception, and which is located in a district in which such Special Use Exception may be permitted, shall be considered a Conforming Use, and shall not be required to apply for a permit as Special Use Exception.

D. Any expansion of such Special Use Exception involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this section.

E. If the nature of the Special Use Exception involves more than one of those listed in Figure 1, the applicant may apply for a permit for the Special Use Exception which is most closely related to the primary use; provided that the requirements of all related uses are met.

F. The Planning Commission shall have no powers to grant variations to the Zoning Ordinance or provide relief to the Zoning Ordinance other than Special Use Exemptions. *(Changed by Resolution 4 Feb 2010)*

ARTICLE X (cont)

Figure 1

SPECIAL USE EXCEPTIONS AND REQUIREMENTS

| | <u>District(s) in Which Use May Be Permitted</u> | <u>Requirement Designation</u> |
|--|--|--|
| Airport, Heliport | A-1, S-3 | b6, g, h2, j1, k1, l2, n2, i2, p, r1, s, t, u2, v, w |
| Artificial Lakes of 1 or more acres | All Districts | i1, j2, p, r1, u1, w |
| Billboards | A-1, B-3, I-1, I-2 | p |
| Crematory of Cemetery | A-1 All R Districts, I-1 | b11, c2, p, q, r1, v, w |
| Fire Station | All R Districts, B-1, B-2, B-3 | b4, c12, r1, s, t, v |
| Greenhouse, commercial | A-1, R-1, I-1 | b4, c6, f2, h1, k7, m4, n1, r1, v, w |
| Hospital or Sanatorium | A-1, All R Districts | b7, c6, g, h5, j1, k9, l2, m5, n1, p, s, t, v |
| Industrial Park | I-1, I-2 | a1, b10, c7, d3, g, h3, j2, k10, l2, m6, n2, o, p, q, r1, s, t, v, w |
| Kindergarten or Day Nursery | A-1, All R Districts | b3, c8, f3, h1, i3, j1, k12 r1, v |
| Library | All R Districts, B-2 | b6, c6, k29, l2, m1, r1, v |
| Other Public Buildings, Village or City Hall, Courthouse | B-2 | b6, c6, h1, k30, m1, r1, s, t |

ARTICLE (cont)

| | <u>District(s) in Which Use May Be Permitted</u> | <u>Requirement Designation</u> |
|---|--|--|
| Outdoor Theater | A-1, B-3, I-1 | c6, i6, k11, p, r1, s, t, v, w |
| Outdoor Commercial Recrea- tional Enterprise | A-1, B-3, I-1, S-1 | c4, d1, g, h1, i1, j3, k14, l2, n1, p, r2, s, t, v, w |
| Power Transmission Line | All Districts | p |
| Practice Golf-Driving Range | A-1, I-1, S-1 | c6, i7, j3, k16, l2, r1, v |
| Private Recreational Development | A-1, All R Districts, S-1, S-2, B-3 | c4, g, h1, j3, k2, l2, r1, v, w |
| Produce or Stockyard Terminal, Wholesale | A-1, B-3, I-1, I-2 | b10, c7, d3, e, h1, i8, j1, k11, l4, m3, n2, p, r1, s, t, v, w |
| Public or Commercial Sewage or Garbage Disposal Plant | I-1, I-2, S-1 | (b11) (c11) e, k19, r1, u1, v, w |
| Public or Employee Off- Street Parking Areas | All Districts | b2, p, r1, s, t, v, x, y |
| Public Park or Public Recreational Facilities | All Districts | c4, g, h1, j2, k21, l2, t, v, w |
| Public Utility Substation or Exchange, including Tele- phone Exchange | All Districts | c1, g, j4, k18, r1, v |
| Radio or Television Tower | A-1, I-1, I-2, S-1 | k19, p, r1, v |
| Railroad Right-of-Way and Uses Essential to Railroad Operations | All Districts | h1, k20, r1, v |

ARTICLE X (cont)

| | <u>District(s) in Which Use May Be Permitted</u> | <u>Requirement Designation</u> |
|---|--|--|
| Riding Stable | A-1, R-1, I-1, I-2 | b5, c10, h1, j1, k21, m1, r1, v, w |
| Service Station | A-1, B-3, I-1 | a1, b4, e, r2, s, t |
| Shopping Center | B-3 | a2, b7, g, j1, k23, i3, m3, n1, o, p, s, t, u1, v |
| <u>Storage and Distribution Facilities, Inflammable Liquids and Gases, Chemicals and Liq- uid Fertilizers</u> | A-1, B-3, I-1, I-2 | a1, b6, e, r1, s, t |
| Trailer (Mobile Home) Park or Court | A-1, B-3 | p, u3 |
| Truck Freight Terminal | B-3, I-1, I-2 | c1, e, j1, k25, l4, n2, p, r1, s, t, v, w |

ARTICLE X (cont)

NOTE: Use of # symbol in the Figure indicates that the requirements of the District apply to the District where located.

a. CLASSIFICATION OF USE PERMITTED

- 1. Light Industrial
- 2. Local Business

b. MINIMUM LOT AREA

- 1. #
- 2. 1,500 sq. ft.
- 3. 170 sq. ft. per child
- 4. 25,000 sq. ft.
- 5. 20,000 sq. ft. plus 5,000 sq. ft. per horse over four (4) horses
- 6. One acre
- 7. 5 acres
- 8. 5 acres including 2,500 sq. ft. per mobile home stand
- 9. 6 acres
- 10. 20 acres
- 11. 40 acres
- 12. 80 acres
- 13. 320 acres
- 14. Two times requirement for single-family dwelling
- 15. 2 acres

c. MINIMUM YARDS (Feet)

| | Front | Side (each) | Rear |
|-----------|-------|------------------------|------|
| 1. # | # | # | # |
| 2. # | # | 50 | 50 |
| 3. # | # | 10 | 30 |
| 4. # | # | 40 | 40 |
| 5. # | # | -- | -- |
| 6. 100 | 100 | 40 | 40 |
| 7. 100 | 100 | Abutting Residential = | 75 |
| | | Abutting Other Use = | 35 |
| 8. # | # | 20 | # |
| 9. 150 | 150 | 150 | 150 |
| 10. 100 | 100 | 100 | 100 |
| - 11. 300 | 300 | 300 | 300 |

d. BUILDING SETBACK FROM CENTER LINE OF INTERIOR ROAD

- 1. 40 feet
- 2. 50 feet
- 3. 85 feet

-e. USE PERMITTED NOT CLOSER THAN 300 FEET TO A RESIDENTIAL USE

f. MINIMUM GROSS FLOOR AREA OF PRINCIPAL BUILDINGS

(Square Feet)

- 1. #
- 2. Over 1,000
- 3. Determined by number of children to be accommodated
- 4. 400
- 5. Two times single-family dwelling
- 6. 672

g. PLAN OF LANDSCAPE DEVELOPMENT TO BE SUBMITTED WITH APPLICATION

h. MAXIMUM HEIGHT OF STRUCTURE (Feet)

- 1. #
- 2. As required by appropriate state or federal agency
- 3. Same as Light Industrial
- 4. 45
- 5. 70
- 6. 25

i. FENCE

- 1. 6-foot wire mesh where accessible to the public
- 2. 6-foot wire mesh when located at ground level
- 3. 4-foot wire mesh around play area
- 4. Solid wall or solid painted fence 8 feet high

- i. FENCE (Continued)
5. 4-foot wire mesh abutting residential use
 6. Painted board fence 8 feet high
 7. Adequate to protect abutting use
 8. 6-foot wire mesh
 9. 6-foot solid painted for refuse dump
 10. 6-foot wire mesh abutting residential use
- j. SCREEN PLANTING WHERE ABUTTING RESIDENTIAL USE
(Tight screen, effective at all times)
1. 6-foot height by 6-foot width
 2. 25 feet abutting residential district or use
 3. 8-foot height by 6-foot width
 4. Adequate to screen power substation from street view
 5. 7-foot high along streets for refuse dump
- k. PARKING SPACES
1. 1 per 2 employees plus 1 per 4 seats in waiting room
 2. 1 per 2 customers or members
 3. 1 per 2 employees plus 3 per doctor
 4. 1 per 3 employees plus 1 per 6 students
 5. 30
 6. 1 per 3 employees per shift
 7. 1 per 3 employees plus 1 per 125 sq. ft. of sales area
 8. 1 additional
 9. 1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle
 10. 1 per 2 employees on largest shift
 11. 1 per 2 employees
 12. 1 per 2 employees plus 1 per 5 children to be accommodated
- k. PARKING SPACES (Continued)
13. 1 per 2 employees plus 1 per mobile home stand
 14. 1 per 3 employees plus 1 per 500 sq. ft. of use area
 15. 1 per 3 employees plus 1 per 10 inmates at estimated capacity
 16. 1 per 3 employees plus 1 per driving tee
 17. 1 per camp site and 1 per cabin
 18. Telephone exchange - 1 per employee
 19. 1 per employee per shift
 20. 1 per 2 employees where headquartered
 21. 1 per 5,000 square feet
 22. One
 23. 1 per 60 sq. ft. of sales area
 24. 3 per 4 employees plus 1 per 4 seats
 25. 1 per 2 employees plus 4 for customers
 26. 1 per employee plus 1 per sleeping accommodation
 27. Two
 28. 1 per employee plus 1 for each 6 seats in main auditorium
 29. 1 per 30 sq. ft. of use area
 30. 1 per 3 employees plus 1 per 150 sq. ft.
- l. DISTANCE OF PARKING AREA FROM RESIDENTIAL USE (Feet)
1. 10
 2. 25
 3. 50
 4. 100
 5. 300
- m. NUMBER OF LOADING AND UNLOADING BERTHS (Should not face on bordering highway)
1. 1
 2. 2
 3. Per development plan
 4. 15,000 sq. ft. - 1; Over 15,000 ft. - 2.

- m. NUMBER OF LOADING AND UNLOADING BERTHS (Continued)
 - 5. Up to 200 beds - 1; 200 to 500 beds - 2; Over 500 beds - 3.
 - 6. 15,000 sq. ft. or less - 1; 15,001 - 40,000 sq. ft. - 2; 40,001 - 100,000 sq. ft. - 3; each additional 40,000 sq. ft. - 1 additional
- n. DISTANCE OF LOADING AND UNLOADING BERTH FROM RESIDENTIAL USE (Feet)
 - 1. 50
 - 2. 100
 - 3. 300
- o. PLAT APPROVED BY THE COMMISSION TO BE SUBMITTED WITH APPLICATION
- p. DEVELOPMENT PLAN TO BE SUBMITTED WITH APPLICATION
- q. COVENANT BY OWNERS TO PERPETUATE MAINTENANCE AND APPROVE FUTURE IMPROVEMENTS
- r. MAXIMUM NUMBER OF PRINCIPAL ENTRANCES FROM MAJOR THOROUGHFARE
 - 1. 1
 - 2. 2
- s. ACCEPTABLE RELATIONSHIP TO MAJOR THOROUGHFARE
- t. THOROUGHFARES MUST BE ADEQUATE TO CARRY ADDITIONAL TRAFFIC ENGENDERED BY USE
- u. OTHER AUTHORITY APPROVAL REQUIRED
 - 1. State Board of Health
 - 2. Aeronautics Commission
 - 3. Special Ordinance of Governing Body
- v. OUTDOOR ARTIFICIAL LIGHTING SHOULD BE APPROVED BY THE COMMISSION
- w. DISPOSAL OF LIQUID AND OTHER WASTES SHOULD MEET THE APPROVAL OF THE PERTINENT HEALTH AUTHORITIES
- x. NO SALES, DEAD STORAGE, REPAIR WORK OR DISMANTLING ON THE LOT
- y. EXCEPT FOR APPROVED EXITS AND ENTRANCES, A MASONRY WALL 4- FEET IN HEIGHT AND 6-INCHES THICK ERECTED AT REQUIRED FRONT LINE OF BUILDING AND MAY BE REQUIRED ALONG BOUNDARIES OF PARKING AREA AS DETERMINED BY THE COMMISSION FOR THE PROTECTION OF RESIDENTIALLY ZONED OR USED PROPERTY

ARTICLE X (cont)

Section 2. Additional Height, Area, and Yard Regulations.

The district regulations hereinafter set forth in this section shall qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

A. Additional Height Regulations.

1. Single-family dwellings and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet each, but they shall not exceed three (3) stories in height.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, radio towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or future ordinances of the governing body.

B. Additional Area Regulations.

1. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes unless the main building on the lot is also being used for dwelling purposes.
2. More than one industrial, commercial, multiple dwelling or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, nor shall there be any change in the intensity of use requirements.
3. When more than one (1) multiple dwelling building is erected upon a single lot or tract, the minimum distances between main buildings shall be the following:
 - a. Front to front, seventy (70) feet; front to rear, sixty (60) feet.
 - b. Side to side, one-half (1/2) the height of the taller building but not less than twenty (20) feet.
 - c. Front to side or rear to side, the height of the taller building but not less than thirty (30) feet.
 - d. Rear to rear, fifty (50) feet.
3. Where an open space is more than fifty per cent (50%) surrounded by buildings the minimum width of the open space shall be thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings and fifty (50) feet for three-story buildings.
4. All distance requirements and buffer area or screening requirements established for the protection of "R" Districts shall be applicable to any trailer (mobile home) court existing or hereinafter established.

C. Additional Yard Regulations.

1. In computing the depth of a rear yard, where such yard opens onto an alley, one-half, (1/2) of the alley width may be included as a portion of the rear yard.
2. No accessory buildings which are not a part of the main building may be built in any yard but a rear yard and shall be at least five (5) feet from the rear lot line. An accessory building which is not a part of the main building shall not occupy more than thirty percent (30%) of the required rear yard.
3. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches. This requirement shall not prevent the construction of fences not exceeding eight (8) feet in height, except on that portion of lots within thirty (30) feet of the intersection of two or more streets.

ARTICLE X (cont)

Section 2.0.3.

4. Open, or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet and the ordinary projections of chimneys and flues may be permitted by the Building Inspector.
5. For the purposes of side yard requirements, a two-family dwelling shall be considered as one building occupying a single lot.
6. An open unenclosed porch not more than one story in height or paved terraces may project into the required front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into the required front yard for a distance not to exceed four (4) feet.
7. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the first (ground) story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.
8. When forty percent (40%) of a frontage is developed with two or more buildings, then the depth of the front yards heretofore established shall be adjusted in the following manner:
 - a. When the building furthest from the street provides a front yard no more than ten (10) feet deeper than the building closest to the street, then the average depth of the front yard for such frontage shall be the minimum depth of front yard for new buildings in such block.
 - b. When the above is not the case and the lot is within one hundred (100) feet of an existing building on each side, excluding, however, buildings on corner lots which front upon the intersecting street, then the depth of the front yard is determined by a line drawn from the closest front corners of these two adjacent buildings.
 - c. When neither paragraph (a) or (b) is the case and the lot is within one hundred (100) feet of an existing building on one side only, excluding, however, buildings on corner lots which front upon the intersecting street, then the depth of the front yard is the same as that of the existing adjacent building.
9. In all districts a triangular space must be maintained at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the intersection of the property lines or the property lines extended on the corner of the lot using each of the street right-of-way lines.
10. In single-family dwelling districts, when eighty percent (80%) of the frontage of a block on both sides of the street between two intersecting streets or between an intersecting street and a cul-de-sac has been developed with main buildings and accessory buildings with side yards less than that required by the dwelling district in which said property is situated, then the side yard requirement for any main buildings or accessory buildings in said block shall be the average side yard of all parcels of property in said block rather than the side yard set forth in the dwelling district in which said parcel of property is situated. In determining the existing side yard of any developed parcel, in order to compute the average herein required, the side yard of the main building on any developed parcel shall be used except that when an accessory building exists with a smaller side yard than the main building has, the side yard shall be taken as being the average between the side yard of the main building and the side yard of the accessory building.

Section 3. Off-Street Parking and Loading Requirements.

A. General Provisions.

1. Procedure. An application for a building permit for a new or enlarged building, structure, or use, shall include therewith a plot plan, drawn to scale, and fully dimensioned showing any off-street parking or loading facilities to be provided in compliance with the requirements of this ordinance.

ARTICLE X (cont)

Section 3.A.1.

2. Extent of Control. The off-street parking and loading requirements of this ordinance shall apply as follows:

a. All buildings and structures erected and all land uses should provide accessory off-street parking or loading facilities as required herein-after for the use thereof.

b. When a building or structure erected or enlarged prior to or after the effective date of this ordinance shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required off-street parking or loading facilities, and further, when said decrease would result in a requirement for fewer total off-street parking or loading spaces through application of the provisions of this ordinance, off-street parking and loading facilities may be reduced accordingly, provided that existing off-street parking or loading facilities are so decreased only when the facilities remaining shall at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this ordinance to the entire building or structure as modified.

c. When a building or structure undergoes any increase in number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required off-street parking or loading facilities, and further, when said increase would result in a requirement for additional off-street parking or loading spaces through application of the provisions of this ordinance, parking and loading facilities shall be increased so that the facilities would at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this ordinance to the entire building or structure as modified.

3. Existing Off-Street Parking and Loading Spaces. Accessory off-street parking and loading spaces in existence on the effective date of this zoning Ordinance may not be reduced in number unless already exceeding the requirements of this Section for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

4. Schedule of Requirements.

a. Tables for required off-street parking and loading. Requirements governing the number and location of off-street parking, off-street loading facilities in relation to the use of property are established hereinafter in subsections of this ordinance. The off-street parking and loading requirements for any use not specified therein shall be the same as for similar specified use, as determined below.

b. Floor Area. The term "floor area" as employed in this off-street parking and loading section in the case of office, merchandising, or service types of use shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients, or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise.

"Floor area" for the purposes of this section shall not include any area used for:

- (1) Storage accessory to the principal use of a building.
- (2) Incidental repairs.
- (3) Stairways and elevators.
- (4) Show windows.
- (5) Restrooms.
- (6) Utilities.
- (7) Dressing, fitting or alteration rooms.

B. Additional Regulations - Parking.

1. Use of Off-Street Parking Facilities. Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles or commercial vehicles of not more than five (5) ton GVW owned by occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants.

ARTICLE X (cont)

Section 3.B.1.

2. Joint Parking Facilities. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate off-street parking facilities for each constituent use will be permitted, provided that the total number of spaces so located together are not less than the sum of the separate requirements for each use and not more than three hundred (300) feet from the lot on which the main building or use to be served is located.

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereto assuring their retention for such purposes, shall be properly drawn and executed by the State's Attorney or appointed legal advisor, and shall be filed with the application for a building permit.

3. Not more than fifty percent (50%) of the parking spaces required for (a) theaters, and places of amusement, and up to one hundred percent (100%) of the parking spaces required for a church or school may be provided and used jointly by (b) banks, office, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that written agreement, assuring the retention for such purpose, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the State's Attorney and shall be filed with the application for a building permit.
4. Control of Off-Site Facilities. When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants filed of record in the office of the County Clerk, requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of the principal use.
5. Permitted Districts for Accessory Parking. Accessory parking facilities provided elsewhere than on the same zoning lot with the principal use served in accordance with the requirements below, may be located in any zoning district except as follows.
 - a. No parking facilities accessory to a business or manufacturing use shall be located in a Residential District where authorized by the County Board as prescribed hereinafter.
6. Nonresidential Parking in Residential Districts. Accessory off-street parking facilities serving nonresidential uses of property may be permitted in any "R" District, when authorized by the County Board after review and study by the Planning Commission, subject to the following requirements in addition to all other relevant requirements.
 - a. The parking lot shall be accessory to, and for use in connection with, one or more nonresidential establishments located in adjoining districts or in connection with one or more existing professional or institutional office buildings or institutions, if the parking lot proposed is within three hundred (300) feet of the nonresidential use which it is to serve.
 - b. The parking lot shall be used solely for the parking of passenger automobiles or commercial vehicles of not more than five (5) ton GVW.
 - c. No commercial repair work or service of any kind shall be conducted on the parking lot.
 - d. No sign of any kind other than signs designating entrances, exits and conditions of use, shall be maintained on the parking lot, and shall not exceed twenty (20) square feet in area.
 - e. The parking lot may be open from 7:00 A. M. to 9:00 P. M. and shall be closed at all other times; provided, however, that when supervised by one or more full-time attendants, the parking lot may be kept open until 12:00 midnight. Parking lot lights shall be turned off when the lot closes.
 - f. Each entrance to and exit from the parking lot shall be at least twenty (20) feet distant from any adjacent property located in any residential district, except where ingress and egress to the parking lot is provided from a public alley or public way separating the residential areas from the proposed parking lot.
 - g. In addition to the foregoing requirements, such parking lots should conform to any further requirements and conditions as may be prescribed by the County Board for the protection of properties adjacent to and in the vicinity of the proposed parking lot.

ARTICLE X (cont)

Section 3.B.6.g.

7. Design and Maintenance.

- a. **Parking Space - Description.** A required off-street parking space shall be an area of not less than one hundred and eighty (180) square feet nor less than nine (9) feet wide by twenty (20) feet long measured perpendicularly to the sides of the parking space exclusive of access drives or aisles, ramps, columns, or office and work areas, accessible from streets or alleys or from private driveways or aisles leading to streets or alleys and to be used for the storage or parking of passenger automobiles or commercial vehicles under one and one-half ton capacity. Aisles between vehicular parking spaces shall be not less than twelve (12) feet in width when serving automobiles parked at a forty-five (45) degrees angle in one direction nor less than twenty-five (25) feet in width when serving automobiles parked perpendicularly.
- b. **Measurement of Space.** When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall be interpreted as one parking space.
- c. **Access.** Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic and so designed as to permit adequate maneuvering area for vehicles to turn around where only one entry or exit is provided in order that no backing of vehicles into the street is required. No driveway or curb cut in any district shall exceed twenty-five (25) feet in width.
- d. **Signs.** No signs shall be displayed in any parking area within any residential district, except such as may be necessary for the orderly use of the parking facilities.
- e. **Striping.** All parking spaces shall be properly marked by durabel paint in stripes a minimum of four (4) inches wide and extending the length of the parking space.
- f. **Required Setbacks.** No parking space nor portion thereof established on the same zoning lot with a building shall be located within a required front yard. No parking spaces nor portion thereof established on a zoning lot without a building shall be located closer to any street line than the established building line on adjacent properties nor closer than the front yard setback requirements of this ordinance in the same manner as a building or structure.
- g. **Surfacing.** All open off-street parking areas, except those accessory to single-family dwellings shall be improved with a compacted macadam base, not less than four (4) inches thick, surfaced with not less than one and one-half (1 1/2) inches of asphaltic concrete or some other comparable all-weather dustless material.
- h. **Lighting.** Any lighting used to illuminate an off-street parking area shall be so arranged as as to reflect the light away from all adjoining properties.
- i. **Storm Water.** Adequate storm water drainage facilities shall be installed in order to insure that storm water does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk will be detrimentally affected or inconvenienced. The County Engineer shall approve all such facilities.

8. Location of Parking Areas.

1. **Extent of Control.** Off-street automobile parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that the parking area is required to serve.
 - a. For one and two family dwellings - on the same lot with the building they are required to serve.
 - b. For clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes, and for other similar uses - the off-street parking facilities required shall be on the same lot or parcel of land as the main building or buildings being served, or upon properties contiguous to the zoning lot upon which is located the building or buildings they are intended to serve.
 - c. For uses other than those specified above, off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land not over one thousand (1,000) feet from any entrance of the main building measured from

ARTICLE X (cont)

Section 3.0.1.c.

the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.

D. Schedule of Off-street Parking Requirements.

1. One and Two-Family Dwellings. One parking space for each family dwelling unit, behind the building line.
2. Bowling Alleys, Recreation Centers, Swimming Pools, Skating Rinks and Other Recreation and Amusement Facilities. One parking space for every five (5) customers computed on the basis of maximum servicing capacity at any one time plus one (1) additional space for every two (2) persons regularly employed on the premises.
3. Club Houses and Permanent Meeting Places of Veterans, Business, Civic, Fraternal, Labor and Similar Organizations. One (1) parking space for every fifty (50) square feet of aggregate floor area in the auditorium, assembly hall and dining room of such building plus one (1) additional space for every two (2) persons regularly employed on the premises.
4. Funeral Homes and Undertaking Establishments. Parking or storage space for all vehicles used directly in the conduct of the business plus one (1) parking space for every two (2) persons regularly employed on the premises and one (1) space for every four (4) seats in the auditorium or chapel of such establishment.
5. Hospitals. One (1) parking space for each bed intended for patients, excluding bassinets, plus one (1) per doctor plus one (1) per three (3) employees plus one (1) for hospital vehicle.
6. House Trailers (Mobile Homes). One (1) parking space for each trailer used for dwelling or sleeping purposes.
7. Indoor Retail Businesses. Parking or storage space for all vehicles used directly in the conduct of such business plus three (3) parking spaces for the first one thousand (1,000) square feet of total area and one (1) additional space for every additional two hundred (200) square feet of floor area.
8. Industrial Plants and Facilities. Parking or storage space for all vehicles used directly in the conduct of such industrial use plus one (1) parking space for every two (2) employees on the premises at maximum employment on a single shift.
9. Junior and Senior High Schools. One (1) parking space for every eight (8) seats available at maximum capacity in the assembly hall, auditorium, stadium or gymnasium, one (1) parking space shall be provided for each person regularly employed at such school plus two (2) additional spaces for each classroom.
10. Libraries, Museums, Post Offices, and Similar Establishments. Parking or storage space for all vehicles used directly in the operation of such establishments plus three (3) parking spaces for the first one thousand (1,000) square feet of total floor area and one (1) additional space for every additional two hundred (200) square feet of floor area.
11. Medical and Dental Clinics. Three (3) parking spaces for each doctor plus one (1) additional space for every two (2) regular employees.
12. Nursing Homes. One (1) parking space for every two (2) beds occupied at maximum capacity, plus one (1) space for every two (2) regular employees. This requirement is in addition to the parking space requirements for hospitals set forth in Article X, Section 1.
13. Offices. One (1) parking space for every three hundred (300) square feet of office space.
14. Outdoor Retail Businesses. Parking or storage space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person employed on the premises based on maximum seasonal employment and such additional space as may be required by the Planning Commission based on the nature of the business and other relevant factors.

ARTICLE X (cont)

Section 3.D.14.

15. Public and Private Elementary Schools. One (1) parking space for every twelve (12) seats available at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the school grounds or campus. If the institution has no assembly hall, auditorium, stadium, or gymnasium then one (1) parking space shall be provided for each person regularly employed at such school plus one (1) additional space for each classroom.
 16. Public Garages. Indoor or outdoor parking or storage space for all vehicles used directly in the conduct of such business plus three (3) parking spaces for each person regularly employed on the premises.
 17. Repair Shops, Plumbing Shops, Electrical Shops, Roofing Shops, and Other Service Establishments. Parking or storage space for all vehicles used directly in the conduct of the business plus two (2) parking spaces for each person regularly employed on the premises.
 18. Restaurants and Other Eating and Drinking Establishments. One (1) parking space for every two hundred (200) square feet of total floor area.
 19. Self-Service Laundries. One (1) parking space for every two (2) washing machines.
 20. Service Stations. Parking or storage space for all vehicles used directly in the conduct of the business plus one (1) parking space for each gas pump, three (3) spaces for each grease rack or similar facility, and one (1) space for every two (2) persons employed on the premises at maximum employment on a single shift.
 21. Theaters, Auditoriums, Churches, Stadiums, Civic Centers and other Places of Public Assembly. One (1) parking space for every six (6) seats available at maximum capacity.
 22. Transportation Terminals. One (1) parking space for every one hundred (100) square feet of waiting room space.
 23. Motels and Hotels. One and one-half (1 1/2) parking spaces for each sleeping room offered for tourist accommodation plus one (1) space for each dwelling unit on the premises.
 24. Universities, Colleges, Junior Colleges, Academies, Technical Schools and Similar Institutions of Higher Learning. One (1) parking space for every six (6) seats occupied at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the campus. If the institution has no assembly hall, auditorium, stadium or gymnasium, one (1) parking space shall be provided for each person regularly employed at such institution plus five (5) additional spaces for each classroom.
 25. Warehouses, Freight Terminals and Trucking Terminals. Parking or storage space for all space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person regularly employed on the premises.
 26. Wholesale Businesses. Parking or storage space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person employed on the premises based on maximum seasonal employment.
- E. Design and Schedule of Off-Street Loading and Unloading Space.
1. Design.
 - a. Loading Berth - Description. An off-street loading berth shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys.
 - b. Location. No permitted or required loading berth shall be closer than fifty (50) feet to any property in a residential district unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof not less than six (6) feet in height. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets. Loading berths open to the sky may be located in any required yards.

ARTICLE X (cont)

Section 3.E.1.b.

- c. Measurement of Berth. When determination of the number of required off-street loading berths results in a requirement of a fractional berth, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half (1/2) shall be interpreted as one (1) loading berth.
 - d. Surfacing. All open off-street loading berths shall be improved with a compacted gravel base, not less than seven (7) inches thick, surfaced with not less than one (1) inch of asphaltic concrete or some comparable all weather dustless material.
2. Every building or structure used for business, trade or industry shall provide adequate space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. At least the following off-street loading and unloading space requirements for specific uses shall be provided.
- a. Retail Businesses and Service Establishments. One (1) off-street loading and unloading space at least twelve (12) feet by thirty-five (35) feet for every three thousand (3,000) square feet of total floor area.
 - b. Industrial Plants. One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every ten thousand (10,000) square feet of total floor area.
 - c. Warehouses and Wholesale Storage Facilities. One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every seventy-five hundred (7,500) square feet of total floor area.
 - d. Freight Terminals and Trucking Terminals. One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every five thousand (5,000) square feet of total floor area.

ARTICLE XI

NONCONFORMING USES AND BUILDINGS

Section 1. Nonconforming Uses and Buildings.

- A. The lawful use of land for storage purposes except for agriculture uses or where such use is an adjunct of any structure, and advertising signs and bulletin boards which do not conform to the provisions of this ordinance shall be discontinued within one (1) year from the date of the approval of this Zoning Ordinance and the lawful use of land for storage purposes except for agriculture uses or where such use is an adjunct of any structure, and signs and bulletin boards which become nonconforming by reason of a subsequent change in this ordinance shall also be discontinued within one (1) year from the date of the change.
- B. The lawful use of a building or structure existing at the time of the effective date of this Zoning Ordinance may be continued, although such use does not conform to the provisions of this ordinance. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever such nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- C. Whenever the lawful use of a building becomes nonconforming through a change in zoning requirements or district boundaries, such use may be continued and if no structural alterations are made, it may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification. Whenever such nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- D. The lawful use of land as a trailer court which does not conform to the provisions of this Zoning Ordinance shall not be extended beyond the area actually so used at the date of approval of this Zoning Ordinance and no new parking spaces or berths for additional trailers shall be added thereto.

ARTICLE XI (CONT)

- E. Whenever a nonconforming use of a nonagricultural building or structure, or part thereof, has been discontinued for a period of twelve (12) consecutive months, or for a continuous period of eighteen (18) months if the building was originally designed and constructed for a nonresidential use, such use shall not after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the district.
- F. Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment.
- G. No existing nonagricultural building or structure devoted to a use not permitted in the district in which such building or premises is located, except when required to do so by law, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building or structure is located, provided, however, any building containing a residential nonconforming use may be altered in any way to improve livability but no structural alteration shall be made which would increase the number of dwelling units therein or the bulk of the building. Any existing building or structure devoted to a use permitted in the district in which such building or structure is situated, but failing to comply with the yard or building setback line requirements of this Zoning Ordinance, may be enlarged, extended, reconstructed or structurally altered in any manner which does not further encroach upon the required open yard space or building setback line which is not complied with.
- H. Any nonagricultural building or structure containing a nonconforming use which is damaged by explosion, fire, flood, wind or other Act of God or man to the extent of fifty percent (50%) or more of its fair market (sales) value immediately prior to damage shall not be repaired or reconstructed except in conformity with the provisions of this ordinance. In the event that the Building Inspector's estimate of the extent of damage or fair market value is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Board of Appeals.
- I. No nonagricultural building or structure designed or intended to be utilized for a nonconforming use shall be constructed or allowed unless substantial construction is underway at the time of the enactment or subsequent amendment of this Zoning Ordinance and is being diligently prosecuted so that such building or structure will be completed within eighteen (18) months from the time of the enactment or subsequent amendment of this Zoning Ordinance. All outstanding building permits for construction which do not meet these requirements shall be rendered null and void by the enactment or subsequent amendment of this Zoning Ordinance.
- J. When adjacent lots of record are in single ownership and fronting on the same street or place, even though such lots are smaller in area and width than permitted in the use district where located, no building or structure shall be erected or structurally altered on such lots, except in conformity with the provisions of this ordinance.
- K. A plot of land of a size smaller than that required by the land use regulations of the Calhoun County Zoning Ordinance of 1971, as amended, that existed by an instrument recorded prior to 25 March, 1971, that lies outside of the Village Limits of the incorporated Villages of the County, may be developed in compliance with the District in which located, even though the size of the lot does not meet the requirements of the District. *(Paragraph K Added by resolution 5 Sep 73)*

ARTICLE XII ADMINISTRATION

Section I. Building Permit.

- A. No nonagricultural building or structure exceeding \$500.00 or 70 sq. ft. *(Changed by resolution 7 Jun 2001)* shall be erected, added to, or structurally altered until a permit has been issued by the Building Inspector. Except upon a written order of the Board of Appeals no such building permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Zoning Ordinance. No building or structure used exclusively for agricultural purposes and exceeding ~~\$500.00~~ \$1,500.00 *(Changed by proclamation 16 Apr 2001)* in cost shall be erected, added to, or structurally altered until a permit has been issued by the Building Inspector without charge.

Such permit shall be issued upon compliance by the applicant with the building setback line.

1. A building permit fee will be charged for each non-agricultural structure that is erected, added to, or structurally altered.
 2. The building permit fee for erection of a new home or mobile home, elevation of buildings, communications towers, electric producing windmills or non-agricultural buildings shall be \$200.00.
 3. The building permit fee for construction of building additions, decks, gazebos, or any other structure not specifically listed elsewhere in Article XII shall be \$100.00 unless the building addition, deck, gazebo, or any other structure not specifically listed elsewhere in Article XII is 100 square feet or less. The building permit fee for a building addition, deck, gazebo, or any other structure not specifically listed elsewhere in Article XII, of 100 square feet or less, shall be \$60.00.
 4. A building permit fee of \$100.00 will be charged for non-agricultural portable buildings, structures, road tractor semi-trailers without a current and valid license plate or metal storage containers. Portable buildings and structures of 100 square feet or less, shall be exempt.
 5. All fees received by the Building Inspector will be deposited in the Calhoun County General Revenue Fund." *(Sub-paragraphs A1 through A5 Changed by Resolution (4 Feb 2010)*
- B. There shall be submitted with all applications for building permits of nonagricultural buildings or structures two (2) copies of a layout or plot plan drawn to scale showing actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.
- C. One copy of such layout or plot plan shall be returned when approved by the Building Inspector together with such permit to the applicant.

ARTICLE XII (cont)

Section 2. *(Deleted by Resolution 4 Feb 2010)*

ARTICLE XIII INTERPRETATION

Section .1. Interpretation of Ordinance.

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety, or the general welfare. Whenever the requirement of this Zoning Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

ARTICLE XIV BOARD OF APPEALS

Section 1. Creation, Appointment and Organization. *(Previously Changed by Resolution 11 July 1977 which was superceded by Ordinance 86-2)*

- A. The presiding Officer of the County Board shall with the advice and consent of the County Board, appoint a board of appeals consisting of five (5) members to serve respectively for the following terms: One for one year, one for two years, one for three years, one for four years and one for five years, the successor to each member so appointed to serve for a term of five (5) years. One of the members so appointed shall be named as chairman at the time of his appointment, and in case of a vacancy, the appointing power, i.e. the presiding officer of the County Board, shall designate a chairman. All members of the board of appeals shall be residents of separate congressional townships within the county. The appointing authority shall have the power to remove any member of the board of appeals for cause, after a public hearing. Failure of a member of the board of appeals to maintain his residence in the proper township shall constitute reason to be removed from office by the appointing power. Vacancies to the Board of Appeals shall be made by the appointing power for the un-expired term of any member whose office has been vacated for any reason. Members of the board of appeals shall be compensated on a per diem basis with a mileage allowance for travel, as determined by the county board. The board of appeals shall elect their own secretary and vice-chairman to serve in the absence of the appointed designated chairman. All meetings of the board of appeals shall be held at the call of the chairman and at such times and places within the County as the board may determine. The chairman, or vice-chairman, in his absence, shall administer oaths and compel the attendance of all witnesses. All meetings of the board of appeals shall be open to the public. The board shall keep minutes of its proceedings showing the votes of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every requirement decision or determination of the board shall immediately be filed in the office of the board, to-wit, the County Clerk's Office, and shall be a public record. The board of appeals shall set fees and determine the amount to be charged by the building inspector for the issuance of building permits. *(Changed by Resolution 4 Feb 2010)*
- B. The concurring vote of (4) members of a board consisting of (5) members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or resolution, or to effect any variation such ordinance or resolution or to recommend any variation or modification in such ordinance or resolution to the County Board. The Chairman or Vice-chairman shall serve as the Hearing Officer for all Board of Appeals hearings. *(Changed by Resolution (4 Feb 2010)*
- C. Upon an appeal, request for a variance or exception, the board shall fix a reasonable time for a hearing. Upon an appeal from any decision of the Building Inspector, request for a variance or exception, the Board shall give not less than fifteen (15) days public notice of a hearing thereon in a newspaper of general circulation in the County where such property is located. The notice shall contain:
- (1) the particular location and ownership of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, highway, road or thoroughfare or intersection;

- (2) whether or not the petitioner or applicant is acting for himself or in the capacity of agent or representative of a principal and stating the name and address of the actual and true principal;
- (3) whether the petitioner or applicant is a corporation, and if a corporation, the correct names and address of all officers and directors and all of the share holders or stockholders owning any interest in excess of 20% of all outstanding stock of such corporation;
- (4) whether the petitioner or applicant is a business or entity doing business under an assumed name and if so, the name and residence of all true and actual owners of such business or entity;
- (5) whether the petitioner or applicant is a partnership, joint venture, syndicate or and unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated association; and
- (6) a brief statement of what the proposes variation consists. The applicant in writing shall provided the Board of Appeals with the information required by Items 1 through 6 above, and shall include a photo-copy of the applicant's recorded deed to the premises which shall be attached to each application for variation and made a part thereof by reference.

The costs or charges of the publication notice required by this section shall be paid by the petitioner or applicant. The Applicant at or prior to the hearing before the Board of Appeals shall submit proof that the costs of the publication of the notice required by this paragraph have been paid in full. Said notice shall also be sent to the property owners of record in the Office of the County Recorder of Deeds of all adjoining property owners for which the appeal or variation is requested. Upon the hearing, any party may appear in person or by agent or by attorney. *(Changed by Resolution 4 Feb 2010)*

The party filing a notice of appeal to the Board shall pay at the time of filing a fee of one hundred fifty dollars (\$ 150.00). The party requesting a variance or exception shall pay for the costs of publication of a public notice of the date of the hearing to be held on the appeal or request for variance or exception. The fees shall be paid to the newspaper, who shall give receipt therefor, and a copy of the receipt shall be presented to the Board with the notice of appeal, as evidence that the fees required in the case have been paid. The fees thus collected by the Building Inspector shall be paid to the credit of the General Revenue Fund of the County. *(This paragraph changed by resolution 7 Jun 2001 and 2009.) (Changed by Resolution 4 Feb 2010)*

D. Where a variation is to be made by ordinance or resolution, upon the report of Board of Appeals the County Board may by ordinance or resolution without further public hearing adopt any proposed variation or may refer it back to the Board of Appeals for further consideration and any proposed variation which fails to receive the approval of the Board of Appeals shall not be passed except by the favorable vote of 2/3 of all the members of the County Board. Every such variation, whether made by the Board of Appeals directly or by ordinance or resolution after a hearing before the Board of Appeals shall be accompanied by a finding of fact specifying the reason for making such variation. *(Paragraph Added by Resolution 4 Feb 2010)*

Section 2. Power, Duties and Procedure.

- A. Powers Relative to Errors. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this Zoning Ordinance.
- B. Powers Relative to Variation. The Board of Appeals may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of such regulations relating to the use, construction or alteration of buildings or structures or the use of land; or the regulations of Division 5 ILCS authorized may provide that the County Board may, by ordinance or resolution determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any such regulations relating to the use, construction or alterations of buildings or structures or the use of land; however no such variation shall be made by such County Board without a hearing before the Board of Appeals unless the variation sought is a variation of ten percent or less of the regulations of Division 5 ILCS authorized as to location of structures or as to bulk requirements under such regulations, in which case no public hearing is required and such variation may be granted by the administrative official charged with the enforcement of any ordinance or resolution adopted pursuant to Division 5 ILCS. *(Paragraph Changed by Resolution 4 Feb 2010)*

- C. Powers Relative to Exceptions. Upon application for appeal the Board shall be empowered to permit the following exceptions:
1. To permit the extension of a district where the boundary line of a district divides a lot of record in single ownership.
 2. To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, Act of God, or the public enemy to the extent of more than fifty percent (50%) of its assessed value when the Board finds some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.
 3. To interpret the provision of this Zoning Ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts
 4. To vary parking regulations whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or when such regulations will impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
 5. To vary setback requirements when variation of setback requirements do not impose unusual hardship on adjoining property owners.
 6. To vary minimum parcel size when variation of the minimum parcel size does not impose unusual hardship on adjoining property owners. *(Sub-paragraphs 5 & 6 Added by Resolution 19 Jan 2010)*
- D. In exercising the above powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals or applications for variations or exceptions the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change, including a variation in use, in the district map and will not impair an adequate supply of light and air to adjacent property, or increase congestion in public streets, or increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the County. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variation is allowed.
- E. The concurring vote of (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant, on any matter upon which it is required to pass or to effect any variations in this Ordinance.

Section 3. Procedure.

- A. Appeals to the Board of any matter over which the Board is specifically granted jurisdiction may be taken by any person aggrieved, or by an officer, department, any board, or bureau of the County affected by any decision of the Building Inspector. Such appeal shall be taken within sixty (60) days of such decision by filing with the Building Inspector and with the Board a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- B. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by proper legal action.

C. Upon an appeal, request for a variation or exception, the Board shall fix a reasonable time for a hearing. Upon an appeal from any decision of the Building Inspector, request for variation or exception, the Board shall give not less than fifteen (15) days public notice of a hearing thereon in a newspaper of general circulation. The notice shall contain the particular location of the property affected by the decision appealed from or the variation or exception requested, as well as a brief statement of the nature of the appeal or of what the proposed variation or exception consists.

D. The Secretary of the Board or the County Building Inspector shall give due notice of the place and time for hearing of the appeal application, request for variation or exception to the parties concerned by certified mail, return receipt requested, not less than fifteen (15) days prior to the hearing. *(Changed by Resolution 4 Feb 2010)*

**ARTICLE XV
AMENDMENTS**

Section 1. Amendments *(Previously Changed by Ordinance 86-1)*

The County Board may from time to time, on its own motion or petition, amend, supplement, change, modify or repeal by Ordinance the boundaries of districts, regulations or restrictions established herein.

However, no such amendments shall be made without a hearing before the board of appeals. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation published in such county. Hearing on text amendments shall be held in the court house of the County.

Hearings on map amendments shall be held in the township or road district affected by the terms of such proposed amendment or in the court house of the county in which the township or road district is located. Provided, that if the owners of any property affected by such proposed map amendment so request in writing, such hearing shall be held in the township, precinct or road district affected by the terms of such amendment. Text amendments may be passed at a county board meeting by a simple majority of the elected county board members, unless written protests against the proposed text amendments are signed by 5% of the land owners of the county, in which such case, the amendment shall not be passed except by a favorable vote of 2/3 of all the members of the county board. Map amendments may be passed at a county board meeting by a simple majority of the elected county board members, except that in case of written protest against such map amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed, to be altered, or in cases where the land affected lies within 1 and 1/2 miles of the limits of a zoned municipality, or in the case of a proposed text amendment to the Zoning Ordinance, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the County Clerk, such amendment shall not be passed except by a favorable vote of 2/3 of all of the members of the county board. In such cases, a copy of the written protest shall be served by the protestor on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address shown on the application for such proposed amendment.

The Board of Appeals shall present a report to the county board of its hearing on such amendment proposal within 10 days of said hearing.

The party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit a fee in the amount of \$150.00 with the County Building Inspector at the time the application is filed. The costs or charges of the publication notice required by this section shall be paid by the petitioner or applicant. The Applicant at or prior to the hearing before the Board of Appeals shall submit proof that the costs of the publication of the notice required by this paragraph have been paid in full. All fees received hereunder shall forthwith be paid over to the credit of the General Revenue Fund of the County. Under no circumstances shall the fees be returned or refunded in the event of a failure to adopt such proposed changes. *(Paragraph Changed by Resolution 4 Feb 2010)*

Nothing in this amendment shall apply to the assessment of such fees for modifications, amendments or changes made on or by the motion of the County Board.

**ARTICLE XVI
SEPARABILITY**

Section 1. Separability

If any section, subsection, sentence, clause or phrase is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this Zoning Ordinance as a whole or any part thereof other than the part so declared to be invalid.

**ARTICLE XVII
ENFORCEMENT**

Section 1. Enforcement

The County Board shall appoint a Building Inspector whose duty it shall be to enforce the provisions of this Zoning Ordinance. Appeal from the decision of the Building Inspector may be made to the Board of Appeals as provided in Article XIV, of this ordinance.

~~OMITTED~~ **ARTICLE XVIII**
Violations and Penalties

Section 1. (Penalty for Failure to Obtain a Building Permit)

The owner of any structure requiring a building permit as defined by this ordinance shall be expected to obtain a valid building permit prior to the initiation of construction. Any owner identified as being in non-compliance with this requirement will be notified in writing by the Building Inspector that a building permit is required and that the non-compliance penalty is \$500.00 plus the cost of the building permit, if paid within (30) days of notification. After (30) days, non-compliance will be reported to the Calhoun County State's Attorney office for collection. It is incumbent upon contractors to determine if an owner has a building permit before commencing work. Failure of the contractor to verify the existence of a building permit will cause the contractor to be fined \$500.00 if work is started without a valid building permit. The fine must be paid within (30) days. After (30) days, failure to pay the fine will be reported to the Calhoun County State's Attorney office for collection. *(Paragraph Changed by Resolution 4 Feb 2010)*

ARTICLE XIX
CONFLICTING ORDINANCES REPEALED

Section 1. Conflicting Ordinances Repealed.

All conflicting ordinances, all amendments thereto, and any ordinances or parts of ordinances in conflict herewith are hereby repealed.

ARTICLE XX
PUBLICATION

Section 1. Publication.

This Zoning Ordinance shall be published in pamphlet form and made available to the public.

ARTICLE XXI
EFFECTIVE DATE

Section 1. Effective Date.

This Ordinance shall be in full force and effect from and after its passage and publication.
PASSED this 16th day of February, 1971.

Steve Fortschneider
Chairman, County Board of
Commissioners

ATTEST: Orville H. Johnes
County Clerk

(e) Secretary

The Secretary shall see that all notices are duly given in accordance with the provisions of these by-laws or as required by law. The Secretary shall have the authority to certify the by-laws, resolutions of the Commission, and other documents as true and correct copies. The Secretary shall perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the Chairperson or by the Commission.

(f) Planning and Development Officer

The Planning Commission is aided in its advisory capacity by a Planning and Development Officer (Building Inspector). This officer will be appointed by the Board of County Commissioners and will work closely with the Chairperson of the Planning Commission. The Planning and Development Officer is not a voting member of the Commission, but is expected to attend when possible. The job description and supporting budget of the Planning and Development Officer shall be made available annually to the Planning Commission by the County Board of Commissioners.

Section 10. Committees

(a) The Chairperson may create one or more committees and appoint Commission members or such other persons as considered appropriate. Each committee shall have two (2) or more members, a majority of its membership shall be Commission members, and all committee members shall serve at the pleasure of the full Commission.

(b) A majority of any committee shall constitute a quorum, and a majority of committee members present and voting at a meeting at which a quorum is present is necessary for committee action. A committee may act by unanimous consent in writing without a meeting.

(c) The Executive Committee is the only standing committee of the Commission. It shall consist of the Officers of the Commission. The Executive Committee may hold meetings in the interim of regular meetings of the full Commission and shall have all the powers of the Commission, except that it shall not reverse any action of the Commission, nor spend any money which has not been voted by the Commission. Its actions shall be subject to review and ratification by the Commission at its next regular meeting.

Section 11. Conflict of Interest

Whenever there is an issue before the Commission that causes a conflict of interest, or the appearance of a conflict of interest, with a member, it is the responsibility of that member to notify the Commission and to abstain from voting on such issues.

ARTICLE III. FISCAL YEAR

The fiscal year of the Commission shall begin on the first day of January and end on the last day of December in each year.

ARTICLE IV. AMENDMENTS TO THE BY-LAWS

Proposed changes to these by-laws may be made by a majority of the members of the Planning Commission at any regular meeting of the Planning Commission, provided that notice for the meeting and proposed changes in the by-laws be given to the members in writing not less than 30 days prior to the meeting. All recommendations for amendments to the by-laws are subject to approval by the County Board.

This revision approved by the County Board, this 11 day of February, 1994.

Chairman, County Board of Commissioners County Treasurer
County Superintendent of Highways County Building Inspector
County Superintendents of Schools States Attorney

Section 2. General Qualifications of Appointed Members

Candidates for Planning Commission membership shall possess the following qualifications:

- (a) commitment to the county and to the purpose of the Planning Commission.
- (b) ability and willingness to attend meetings of the Commission on a regular basis..
- (c) ability and willingness to speak up and actively participate in the deliberations of the Commission.
- (d) ability and willingness to help the Commission make effective decisions by sharing ideas and opinions when appropriate, actively listening to the ideas and opinions of others, and by keeping an open minded approach when dealing with differences and controversy.
- (e) ability and willingness to serve on at least one committee of the Commission if needed.
- (f) must be a resident of Calhoun County.

Section 3. Appointment, Number, & Resignation of Members

(a) Appointment of Members

The Chairman of the Board of Commissioners shall appoint, subject to confirmation by the County Board, all members of the Planning Commission. Members so appointed shall hold no public office and shall include no less than three (3) owners and operators of farms.

(b) Number

The total number of members shall be 15.

(c) Term of Office

Regular term of office for appointed members is three years.

(c) The Commission may hold a special public meeting once each year to report on the status of its planning activity to the community. Such meeting shall be in lieu of a regular monthly meeting.

Section 7. Compensation

All members of the Commission shall serve without compensation.

Section 8. Removal of Members

(a) A member of the Commission, once qualified, shall not be removed during his term of office except for cause and after a hearing held before the Planning Commission, followed by a recommendation to the County Board. Removals will be made only by action of the Board.

(b) Absence from two (2) regular Commission meetings in succession for which no sufficient reason is presented is presumed to be cause.

Section 9. Officers

(a) Election and Term of Office

The officers of the Commission shall be elected annually by the full Commission at its first regular scheduled meeting in each new year. Vacancies may be filled or new offices created and filled at any meeting of the Commission. Each officer shall hold office for one (1) year or until his successor shall have been duly elected and shall have been qualified.

(b) The officers of the Commission shall be a Chairperson, a Vice-chairperson and a Secretary elected by the Commission. Two officers at large may be appointed by the Chairperson as needed.

(c) Chairperson

The Chairperson shall preside at all meetings of the members and of the executive committee. The Chairperson may sign, with any other designated officer, documents, contracts, grants or other actions which the Commission has authorized to be executed.

(d) Vice-chairperson

In the absence of the Chairperson, or in the event of the Chairperson's inability or refusal to act, the Vice-chairperson shall perform the duties of the Chairperson, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairperson. The Vice-chairperson shall perform such other duties as from time to time may be assigned by the Chairperson or by the Commission.

(e) Shall advise and consult with units of government concerning the relationship of any plans, projects, proposals, and policies adopted or under consideration by any such unit of government to other plans, projects, proposals and policies applicable to the Regional Planning Area.

(f) Shall prepare an annual budget in the same manner as other departments of the County. Any moneys received as gifts, donations or grants from private sources for planning purposes shall be deposited in a special non-reverting fund to be available for expenditure by the Regional Planning Commission. The County Treasurer shall draw warrants against such special non-reverting fund only upon vouchers signed by officers of the Regional Planning Commission.

(g) Shall have the authority, with the concurrence of the County Board, to accept, receive and expend funds, grants and services from the federal government, or its agencies, and from departments, agencies and instrumentalities of state and local governments.

(h) Shall have authority to provide such information and reports as may be necessary to secure financial aid.

(i) Shall have authority to contract with respect to any funds, grants, or services from whatever source derived.

(j) Shall have authority, if funds are allocated by the County Board for that purpose, to engage consultants as it may require.

(k) Shall prepare an annual report and prepare and publish studies, reports, and plans in connection with its work.

(l) May acquire equipment and materials for its use and incur necessary expense within the limits of its budgets.

(m) May, by formal and affirmative vote, pay, within the Commission's budget, the reasonable travel expenses for members or employees of the Commission, when duly authorized by the Commission, to attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and meetings of the Planning Commission or its Executive Committee.

ARTICLE II. MEMBERS

Section 1. Ex-Officio Members

The following shall be ex-officio members and their terms shall be continuous with their terms of elected or appointed office, and said members shall be entitled to vote on all matters:

Members shall hold office until the end of the fiscal year or until his/her successor is duly appointed and qualified. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term in the same manner as the original appointment

(d) Classes of Members

One-third (1/3) of the entire membership of the Commission, exclusive of ex-officio members, shall be appointed annually.

(e) Resignations

A member may resign at any time by written notice delivered to the Commission or to its Chairman. A resignation is effective when the notice is delivered, unless the notice specifies a future date. The pending vacancy may be filled before the effective date, but the successor shall not take office until the effective date.

Section 4. Quorum

Eight (8) regular and/or ex-officio members shall constitute a quorum.

Section 5. Manner of Acting

(a) The act of a majority of the Commission members present at a meeting at which a quorum is declared shall be the act of the full Commission. Once an action is taken at any duly constituted meeting, all Commission members are expected to support the action.

(b) Robert's Rules of Order, Newly Revised, shall be the authority for conducting all meetings except for instances in which the organization has established rules applicable to specific actions.

Section 6. Notice of Commission Meetings

(a) The Commission shall meet at a time and place determined by resolution, no less than twelve (12) times per year. Notice of time and place of regular monthly meetings shall be given by mail to each member, not less than three (3) days prior to the date of such meetings.

(b) Special meetings of the Commission may be called by or at the request of the Chairman or any three (3) members. Notice of any special meeting shall be given by mail to each member not less than two (2) days prior to the date of such meeting and shall state the time, place and purpose.

CALHOUN REGIONAL PLANNING COMMISSION BY-LAWS

ARTICLE I. PURPOSES & POWERS

A. Purposes

The purpose of the Calhoun Regional Planning Commission is to guide land use and development within the county by means of such ordinances and their revisions as the Planning Commission itself formulates and advises the Board of County Commissioners to enact.

In addition to the general purpose stated above, the Calhoun Regional Planning Commission has as its objectives to keep agricultural land in agriculture, to consider conservation of land values as well as the land itself as a planning guide, and to stimulate off-farm employment in Calhoun when that action is compatible with agriculture.

B. General Powers

The Calhoun Regional Planning Commission serves in a general advisory capacity to the Calhoun County Board of Commissioners and shall have the powers, duties, and functions as provided in the Illinois Regional Planning Act and to further the means and methods of operation and functioning of the Commission:

(a) Shall prepare and recommend to the County Board a Regional Plan, or functional segments thereof, looking to the present and future development of the Region. Such Regional Plan may include recommendations for land use, circulation, future locations of planned major streets in un-subdivided land, general location of public works, urban renewal, storm or floodwater runoff channels and basins, and other such problems and development relevant to Regional Planning. Such plan shall be known as the Official Regional Plan of Calhoun County. The Regional Planning Commission may thereafter, from time to time, recommend changes in such Regional Plan.

(b) Shall prepare and recommend to the County Board, from time to time, plans for specific improvements to promote realization of the Regional Plan.

(c) Shall have access to information, reports, and data relating to planning in possession of departments of the County Government.

(d) May request for its information all municipal or other governmental agency plans, zoning ordinances, official maps, building codes, subdivision regulations, or amendments or revisions of any of them, as well as copies of their special reports dealing in whole or in part with planning matters.

Exhibit C

RESOLUTION ADOPTING BY-LAWS OF CALHOUN COUNTY PLANNING COMMISSION

WHEREAS, the Calhoun County Planning Commission has presented its proposed By-Laws for the operation of said Planning Commission to this County Board for review and approval; and

WHEREAS, the Board of Commissions of Calhoun County, Illinois has reviewed said By-Laws and finds it necessary they be adopted, for the proper operation of said Planning Commission;

NOW THEREFORE, BE IT RESOLVED that the proposed By-Laws heretofore presented to this Board by the Calhoun County Planning Commission, be, and they are hereby adopted as the By-Laws of the Calhoun County Planning Commission.

Said Resolution having been read before the Board, Commissioner Wieneke moved that the same be adopted as read and Commissioner McKinnon seconded the Motion.

A vote being taken upon passage of the foregoing Resolution was as follows:

Commissioner Wieneke voted aye

Commissioner McKinnon voted aye

Commissioner Tepen voted aye

The Chairman thereupon declared the same to have passed and said Resolution adopted.

DATED: February 4, 1994.

[Signature]
Chairman, Board of County Commissioners

ATTEST:

[Signature]
County Clerk