

**CASS
COUNTY
SOLAR ENERGY SYSTEMS
ZONING ORDINANCE**

ADOPTED DATE :

**CASS COUNTY, ILLINIOS ZONING
SOLAR ENERGY SYSTEMS
SECTION 16.5**

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SECTION 16.5

CASS COUNTY SOLAR ENERGY SYSTEMS ORDINANCE

CASS 16.5-1 (a) Purpose.

The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems (SES) in CASS County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding material adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this ordinance to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

CASS 16.5-2 (b) Definitions.

ACCESSORY: As applied to a building, structure, or use, one which is on the same lot with, incidental to and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEMS: A solar energy system that consists of integrating photovoltaic modules into the building structure as the roof or façade and which does not alter the relief of the roof.

COLLECTIVE SOLAR: Solar installations owned collectively through subdivision homeowner associations, college student groups, or other similar arrangements.

COMMERCIAL/LARGE SCALE SOLAR ENERGY SYSTEM (CSES): A utility scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity. **A Commercial/Large Scale solar system may be either an accessory or principal use.**

COMMUNITY SOLAR GARDEN: A community solar-electric (photovoltaic) array, and is owned by multiple community members that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. . **A community solar system may be either an accessory or principal use.**

GROUND MOUNT SOLAR ENERGY SYSTEM: A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

NET METERING: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

OPERATING COMPANY: The entity that develops, owns or operates a SES and its successors and assigns.

PHOTOVOLTAIC SYSTEM: A solar energy system that produces electricity by the use of semiconductor devices calls photovoltaic cells that generate electricity whenever light strikes them.

QUALIFIED SOLAR INSTALLER: A trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

ROOF MOUNT: A solar energy system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

SOLAR ACCESS: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR COLLECTOR: A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM (SES): The components and subsystems required to convert solar energy into electric or thermal energy suitable for use and transmittal of this energy to the end user or electric grid. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic systems, solar thermal systems and solar hot water systems.

SOLAR STORAGE BATTERY/UNIT: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

SOLAR THERMAL SYSTEMS: Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

CASS 16.5-3 (c) Ground Mount and Roof Mount (SES) Permitted as an Accessory Use.

Ground Mount and Roof Mount (SES) except for CSES shall be permitted by a building permit in all zoning districts where there is a principal structure. An application shall be submitted to the County Zoning Administrator demonstrating compliance with the Cass County Zoning Ordinances in addition to the following requirements below:

(1) Height:

- i. Building or roof mounted solar energy systems shall not exceed the maximum allowed height for principal structures in any zoning district.
- ii. Ground or pole-mounted solar energy systems shall not exceed 20 feet in height which oriented at maximum tilt.
- iii. Ground mounted solar energy systems may be placed in the front yard, but shall not exceed 30 inches above grade.

(2) Setbacks:

- i. Ground mounted solar energy systems shall meet the accessory structure setbacks for the zoning district in which the unit is located.

- ii. Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt.
 - iii. In addition to building setbacks the collector surface and mounting devices for roof mounted systems shall not extend beyond the exterior perimeter of the building on which the systems is mounted or built, unless the collector or mounting system has been engineered to safely extend beyond the edge, and setback requirements are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
- (3) Reflection Angles. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
- (4) Aviation Protection.
- i. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- (5) Visibility:
- i. Solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the North while still providing adequate solar access for collectors.
- (6) Safety:
- i. Roof or building mounted solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to the south facing or flat roof upon which the panels are mounted.
 - ii. Roof or building mounted solar energy systems shall meet the requirements of all Cass County Building and Property Maintenance Codes.
 - ii. All solar energy systems shall be performed by a qualified solar installer.
 - iii. Any connection to the public utility grid shall be inspected by the appropriate public utility.
 - iv. All solar energy systems shall be maintained and kept in good working order. If it is determined by the Community Development Administrator that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended use for 6 consecutive months, the property owner shall be given 30 day notice for removal of the unit and all equipment. If the solar energy system is not removed within 30 days the Zoning Administrator shall issue a Notice of Violation.
- (7) Approved Solar Components:

- i. Electric Solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have an SRCC rating.
- (8) Restrictions on Solar Energy Systems Limited. Consistent with 765 ILCS 165/ no homeowner’s agreement, covenant, common interest community or other contracts between multiple property owners within a subdivision of unincorporated Cass County shall prohibit or restrict homeowners from installing solar energy systems.

CASS 16.5-4 (d) Building Integrated Systems. Building Integrated Systems shall be permitted outright in all Zoning Districts but shall meet the requirements of all Cass County Building and Property Maintenance Codes.

CASS 16.5-5 (e) Community Solar Gardens Development of Community Solar Gardens is permitted by Special Use in all zoning districts and shall also comply with the application submittal detailed in CASS 16.5-6(f) in addition to the following requirements:

- (1) Rooftop Gardens Permitted. Rooftop gardens are permitted in all zoning districts where buildings are permitted.
- (2) Ground Mount Gardens. Ground mount community solar energy systems require a Special Use in all districts.
- (3) Interconnection. An interconnection agreement must be completed with the electric utility in whose service the territory the system is located.
- (4) Dimensional Standards.
 - i. All solar garden related structures in newly platted and existing platted subdivisions shall comply with the principal structure setback, height, and coverage limitations for the district in which the system is located.
- (5) Aviation Protection.
 - i. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- (6) Other Standards.
 - i. Ground Mount Systems shall comply with all required standards for structures in the district in which the system is located.
 - ii. All solar gardens shall comply with the all Cass County Building and Maintenance Codes.
 - iii. All solar gardens shall comply with the Special Use provisions of the Cass County Zoning Code.
 - iv. All solar gardens shall also comply with all other State and Local requirements.

CASS 16.5-6 (f) Commercial/Large Scale Solar System (CSES). Ground Mount solar energy systems that are not Community Solar Gardens designed for providing energy to off-site uses or export to the wholesale market require a Special Use in the Agriculture Districts, the Conservation District and Industrial Districts and shall comply with all applicable provisions of the Cass County Zoning Code. In addition to any fees charged to apply for a Special Use under the Cass County Zoning Code, the applicant will pay a non-refundable \$1,000 hearing fee and reimburse the cost of a court reporter at the hearing on the Special Use. The following information shall also be submitted as part of the application for Special Use:

- (1) A site plan with existing conditions showing the following;
 - i. Ownership information for the proposed development, existing property lines and property lines extending one hundred feet from the exterior boundaries including the names of adjacent property owners and the current use of those properties.
 - ii. Existing public and private roads, showing widths of the road and any associated easements.
 - iii. Location and size of any abandoned wells, sewage treatment systems.
 - iv. Existing buildings and impervious surfaces.
 - v. A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
 - vi. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas, etc.)
 - vii. Any delineated wetland boundaries.
 - viii. A copy of the current FEMA FIRM maps that shows the subject property including the one-hundred-year floor elevation and any regulated flood protection elevation, if available.
 - ix. Surface water drainage patterns.
 - x. The location of any subsurface drainage tiles to the extent known.
- (2). A conceptual site plan of proposed conditions showing the following which will not be significantly altered prior to submitting for a building permit:
 - i. Location and spacing of the solar panels
 - ii. Location of access roads.
 - iii. Location of underground or overhead electric lines connecting the CSES to a building, substation or other electric load
 - iv. New electrical equipment other than at the existing building or substation that is to be the connection point for the CSES
 - v. A statement as to the tax parcels impacted by the development and the projected responsibility for payment of ad valorem real property taxes during the life of the project.

- (3) Fencing and Weed/Grass Control
 - i. The applicant shall submit an acceptable weed/grass control, pollinator friendly plan for property inside and outside the fenced area for the entire property impacted by SES construction (“Vegetation Plan”). The Operating Company during the operation of the CSES shall adhere to this Vegetation Plan.
 - ii. Perimeter fencing having a maximum height of eight (8) feet shall be installed around the boundary of the CSES. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the property.
 - iii. The Operating Company shall maintain the fence and adhere to the Vegetation Plan. If the Operating Company does not adhere to the proposed plan a fine of \$500 per week will be assessed until the Operating Company complies with the Vegetation Plan and fencing requirements of the Ordinance and as approved as a part of the special use permit.
- (4) Manufacturer’s Specifications
 1. The manufacturer’s specifications ratings and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and racks. If the specific manufacturer for any of the foregoing has not been decided, multiple manufacturer specifications being considered for the project may be submitted as alternatives.,
- (5) Connection and Interconnection
 - i. A description of the method of connecting the SES to a building or substation.
 - ii. Utility interconnection details that are available to the applicant and can be publicly released (such as the queue number) and a copy of written notification to the utility company requesting the proposed interconnection (which may redact information not related to the physical construction of the project).
- (6) Setbacks and Yards
 - i. Solar panels shall be setback a minimum of fifty (50) feet from all property lines of property that is not a part of the special use permit application. Solar panels shall be kept at least one hundred (100) feet from a principal residential dwelling that is not part of the Special Use permit.
 - ii. Yard or lot coverage limits shall not apply to the solar panel installations of a CSES, however, the County may establish reasonable setbacks and drainage accommodations as may be necessary to prevent erosion and negative impacts to neighboring properties. as a part of any Special Use permit issued.
 - iii. Where a CSES is located within a Drainage District, Solar Panels will be set back at least two hundred forty (240) feet from any drainage structure

under the jurisdiction of the Drainage District. This setback may be reduced upon request of the petitioner and agreement with the Drainage District.

(7) Aviation Protection.

- i. For CSES located within five hundred (500) feet of an airport or within approach zones of an airport which are regulated by the Federal Aviation Administration (“FAA”), the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.

(8) Fire Protection

- i. A fire protection plan for the construction and the operation of the CSES, and emergency access to the site.

(9) Natural Resources.

- i. Applicants for a CSES special use permit shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the Department’s online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the applicant.
- ii. Where applicable under State law, applicants for a CSES special use permit will also complete and enter into an Agricultural Impact Mitigation Agreement AIMA for the project.

(10) Road Use Agreements.

- i. All routes on either County or Township Road that are expected to be used for CSES construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing of overweight and oversize loads shall be approved subject to the approval of the Cass County Highway Engineer in coordination with the Township Road Commissioners. If deemed necessary by the County during the special use permit process due to the weight and frequency of loads and/or seasonal or permanent weight limit ratings of the roads, the Operating Company shall (1) complete and provide a preconstruction baseline survey to determine existing road conditions for assessing potential future damage caused by CSES construction traffic; (2) provide a road repair plan to ameliorate any and all damage caused by CSES construction, provide for installation or replacement of roads that might be required by the Operating Company; (3) provide a surety bond in a amount and form approved by the Highway Engineer in coordination with the Township Road Commissioners when warranted as estimated to cover the reasonable costs of repairs of roads from damage caused by CSES construction.

(11) Decommissioning of the CSES.

- i. In addition to any terms required by an applicable AIMA, The applicant shall provide a decommissioning plan with the County for removal of the CSES and restoration of the property on which it is located after the

anticipated service life of the facility or in the event the facility is abandoned or had reached its life expectancy. If the CSES is out of service or not producing electrical energy for a period of twelve (12) months or the taxes for the property (the underlying property or the system itself) have remained unpaid and are sold at tax sale, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the CSES. The decommissioning cost estimate shall explicitly detail the cost considering any projected salvage value of the out of service CSES components. The decommissioning cost shall be made by a cash, surety bond or irrevocable letter of credit before construction commences. The restoration plan included with the decommissioning plan shall be provided for the site with the application and will provide for the restoration of the property as nearly as possible to its condition prior to the installation of the CSES. The decommissioning plan shall have the following provided:

- (1). Removal of the following within six (6) months after a determination that the CSES is no longer operational:
 - a. All solar collectors and components, aboveground improvements and outside storage.
 - b. Foundations, pads and underground electrical wires to a depth of four (4) feet below the surface of the ground.
 - c. Hazardous material from the CSES disposed in accordance with Federal and State law and cleanup of any contamination of the property caused by the CSES.
- (2) The decommissioning plan shall also recite an agreement between the applicant and the County that:
 - a. The financial resources for decommissioning shall be in the form of an irrevocable letter of credit, Surety Bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Community Development Administrator.
 - b. Were the security provided is the direct deposit of funds, a written escrow agreement will be prepared , establishing upon what conditions the funds will be disbursed.
 - c. The County shall have access to the escrow account funds or other financial security for the expressed purpose of completing decommissioning if decommissioning is not completed by the Operating Company pursuant to the decommissioning plan within six (6) months of the end operations, or the end of the project life or facility abandonment.
 - d. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

- e. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from Operating Company for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by Operating Company, or in which it has an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- f. Financial provisions shall not be so onerous as to make solar power projects unfeasible.
- g. The amount of security provided in any decommissioning plan will be reviewed by the County and Operating Company every 5 years and adjusted as necessary to ensure sufficient resources are available to decommission the project.

(3) The decommissioning plan will also provide for correction of ruts and compaction in the soil, and soil amendments as necessary to restore the productivity of land on which the project was located.

CASS 16.5-7 (g) Compliance with Building Code. All solar energy systems shall comply with all Cass County Building and Maintenance Codes as well as all Federal and State requirements. A final site plan will be presented to the County upon application for the project's building permit. In the event the solar panel height, layout, lot coverage or other information provided in the application for special use permit varies substantially from that approved as provided herein, pursuant to this, an amendment shall be required to the Special Use Permit.

CASS 16.5-8 (h) Liability Insurance. The Operating Company shall maintain a current general liability policy covering bodily injury and property damage and name Cass County as an additional insured with limits of at least one million dollars (\$1,000,000.00) per occurrence and two million (\$2,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00). The amount of insurance required will be reviewed every 10 years by the County to determine its sufficiency.

CASS 16.5-9 (i) Administration and Enforcement. The Cass County Zoning Administrator is hereby granted the power and authority to enter upon the premises of the CSES at any time by coordinating a reasonable time with the Operating Company. Any person, firm or cooperation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section may face fines of not less than twenty-five (\$25.00) nor more than five hundred (\$500.00) for each offense.

CASS 16.5-10 (j) Fees charged for Building Permits. The fees for processing the applications for building permits and mechanical permits shall be collected by the Cass County Zoning Administrator who shall be accountable to the County for such fees as follows:

- i. For systems under one (1) Megawatt DC, \$100;
- ii. For systems one (1) Megawatt and larger, \$250 per Megawatt DC

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SECTION 1 – INTRODUCTION

1.1 AUTHORITY

WHEREAS, the County Board, COUNTY OF CASS, ILLINOIS deems it necessary in order to conserve the value of property in the county, and to the end that building development may be directed to the best advantage of the entire county, that adequate light, pure air, and safety from fire and other dangers may be secured, that congestion in the public streets may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted in accordance with a well-considered plan for the use and development of all property throughout the county, NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF CASS, ILLINOIS, **PURSUANT TO THE AUTHORITY OF ILLINOIS COMPILED STATUTES (55ILCS 5/5-12001):**

1.2 PURPOSE

This ordinance is adopted for the following purposes:

1. To promote and protect the public health, safety, morals, comforts, and general welfare of the people.
2. To divide the county into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration, and use of buildings, structures, and land for residential, business, manufacturing, and other specified uses.
3. To protect the character and stability of the residential, business, and manufacturing areas within the county, and to promote the orderly and beneficial development of such areas.
4. To provide adequate light, air, privacy, and convenience of access to property.
5. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, and to protect the public health.
6. To establish building lines and the location of buildings designed for residential, business, manufacturing, or other uses within such areas.
7. To fix reasonable standards to which buildings or structures shall conform.
8. To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts.

9. To prevent additions or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.
 - a. To limit congestion in the public streets and protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and the loading of commercial vehicles.
 - b. To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare.
 - c. To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them.
 - d. To conserve the taxable value of land and buildings throughout the county.
 - e. To provide for the elimination of nonconforming uses of land, buildings, and structures that are adversely affecting the character and value of desirable development in each district **to the extent permitted by 55 ILCS 5/5-12001 et.seq.**
 - f. To define and limit the powers and duties of the administrative officers and bodies as provided herein.

1.3 INTENT

An ordinance dividing the County of Cass, Illinois into districts for the purpose of classifying, regulating, and restricting the location of trades, industries, and commercial enterprises, and the location of buildings arranged, intended, and designed for specified uses; of regulating and limiting the height and bulk of buildings hereafter erected; of classifying, regulating, and determining the area of front, rear, and side yards, courts, and other open spaces about buildings; and of regulating and limiting the intensity of the use of land and lot areas within such county; creating a Board of Zoning Appeals; defining certain terms used in said ordinance; providing penalties for its violation; and designating the time when the ordinance shall take effect.

1.4 ABROGATION AND GREATER RESTRICTIONS

1. Where the conditions imposed by any provision of this Zoning Ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other law, ordinance, resolution, rule, or

regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

2. This ordinance is not intended to abrogate any easement, covenants, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or any other private agreements, the requirements of this ordinance shall govern.

1.5 INTERPRETATION

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

1.6 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.7 TITLE

This ordinance shall be known, cited, and referred to as the "Cass County Zoning Ordinance."

SECTION 2 – GENERAL PROVISIONS

2.1 JURISDICTION

1. **Generally:** The jurisdiction of this ordinance shall include all lands and waters within the unincorporated areas of Cass County. All buildings erected hereafter; all uses of land or buildings established hereafter; all structural alterations or relocation of existing buildings occurring hereafter; and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.
2. **Agricultural Uses and Purposes:** In accordance with 55 ILCS 5/5-12001 the regulations of this ordinance shall not be construed to impose regulations or require permits with respect to land used for agricultural purposes, as herein defined, 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. Such regulations, including permit requirements shall, however, apply

to nonagricultural uses, buildings or structures, which may be located within the “Agricultural Zones” hereinafter established.

a. Exception: Notwithstanding the foregoing, and as allowed by 55 ILCS 5/5-12001, this ordinance shall be construed to apply to and regulate: (i) building or setback lines for agricultural buildings or structures as hereinafter specified; and (ii) the minimum lot size for residences on land used for agricultural purposes.

2.2 USE RESTRICTIONS

1. Principal Uses – Only those principal uses specified for a district or on a planned development plat, their essential services, and the following uses shall be permitted in that district.
2. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
3. Conditional uses and their accessory uses are permitted in districts as specified, but only according to the conditional use procedure in Section 10. Also, any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways, interstate, and controlled access trafficways and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be conditional uses. Such development shall be specifically reviewed by the Planning and Zoning Board of Appeals as provided in Section 10.
4. Unclassified or Unspecified Uses – In case of uncertainty where the Zoning Enforcement Officer is unable to determine literally whether a use is permitted as a principal or accessory use, he shall consult the Board of Zoning Appeals for an interpretation.
5. Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure are permitted while sales or construction are in progress.
6. Performance standards listed in Section 7 shall apply to all uses in all districts.
7. Temporary Dwellings – No structure shall be used for dwelling purposes that do not comply with the requirements of this ordinance or any applicable Building Codes. No garage or other accessory building, mobile home, basement, partial or temporary structure whether of a fixed or portable construction shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary permit by the Zoning Enforcement Officer and satisfying all of the conditions thereof.

However, temporary usage of lots of record, either with or without dwellings may be permitted for wheeled vehicles designed for sleeping or camping by temporary permit from the Zoning Enforcement Officer, **provided the following conditions are met:**

- A. The vehicle may not be occupied more than 182 days per calendar year.**
- B. The vehicle may not be permanently attached to septic tank or water.**
- C. The vehicle must be capable of being removed from the property.**
- D. The vehicle must be enclosed in a fenced or plant screened area.**
- E. The temporary permit must be renewed annually by the Zoning Administrator.**
- F. The vehicle must be currently licensed.**
- G. The vehicle must be placed at least 100 feet from all property lines.**
- H. The lot of record on which the vehicle is placed must be at least three (3) acres.**
- I. The owner of the lot of record, vehicle owner, and occupant must be the same.**

2.3 SITE RESTRICTIONS

1. Soil Conditions – No land shall be used or structure erected where the land is held unsuitable for such use or structure by the County Planning Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the county. The County Planning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability, if he so desires. Thereafter the County Planning Commission may affirm, modify, or withdraw its determination of unsuitability.
2. All lots shall abut upon a public thoroughfare with at least 30 feet of frontage.
3. Only one principal structure shall be located, erected, or moved onto any lot or parcel of land.
4. No zoning permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

5. Private Sewer and Water – In a district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with the local or Illinois State Board of Health standards. In any district where neither a public water service nor public sewerage service is available, the width and area for single-family lots shall be no less than 100 feet and no less than 20,000 square feet, respectively.
6. Reduction of Joint Use – No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
7. Substandard Lots – Any lot in a single ownership, which ownership was of record at the time of the adoption of this ordinance, that does not meet the requirements of this ordinance for yards, courts, or other area of open space may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth, or open space is within 75 percent of that required by the terms of this ordinance. The purpose of this provision is to permit utilization of recorded lots that lack adequate width or depth as long as reasonable living standards can be provided.
8. The Soil and Water Conservation District shall make all natural resource information available to the County Regional Planning Commission and Zoning Board of Appeals in the promulgation of zoning ordinances or variances. Any person who petitions the county agency in the district for variation, amendment, or other relief from the county's Zoning Ordinance or who proposes to subdivide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than 30 days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency for further action.
9. Setback Requirements – All permitted and conditional uses and structures (public utilities exempt) shall maintain a minimum setback in accord with the associated thoroughfare classification. These setback requirements shall not pertain to agricultural uses (as opposed to structures) as described in Section 3.4, 1, b-1.
- 10. All buildings designed for human occupancy must be permanently attached to poured concrete, concrete block, or a similarly constructed foundation built to a depth of 36 inches (or frost line) below ground level.**

2.4 GENERAL DEVELOPMENT PROCEDURE

Comprehensive Plan including Planning Policies—the Planning Commission and the County Board shall continuously develop their Comprehensive Plan, including their planning policies to guide future decisions. All comprehensive plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all development under this Zoning Ordinance and no development shall be approved under this ordinance which is in conflict with any comprehensive plan elements.

SECTION 3 – ZONING DISTRICTS

3.1 ESTABLISHMENT

For the purpose of this ordinance, the County of Cass is hereby divided into the following zoning districts:

- A Agricultural District
- CD Conservation District
- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Single-Family Residential District
- R-4 Two-Family and Multi-Family Residential District
- B-1 Business District
- B-2 Business District
- B-3 Highway Business District
- M-1 Industrial District
- M-2 Industrial District
- M-3 Extraction District
- PD Planned Development District

3.2 DISTRICT BOUNDARIES

Boundaries of these districts are hereby established as shown on the map entitled “Zoning Map, County of Cass, Illinois,” dated February, 1973, and is a part of this ordinance. Such boundaries shall be construed to follow: corporate limits, county limits, U.S. public highways, alleys, easements, and railroad rights-of-way, or such lines extended; soil mapping unit lines; unless otherwise noted in the Zoning Map.

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the adjoining district. If the vacated street or alley adjoins two different zones, the centerline of the vacated street or alley shall constitute the zone boundary.

3.3 ZONING MAP

The certified copy of the Zoning Map will bear on its face the attestation of the Chairman of the County Board and the County Recorder. It shall be on file and may be viewed in the office of the County Clerk.

3.4 AGRICULTURAL AND CONSERVATION DISTRICTS

1. A – Agricultural District

a. Purpose – The Agricultural District is established as a zone in which agriculture and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the **mixture** of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. This zone is also designed to prevent health hazards brought about by the illogical placement of inappropriately high residential densities in the otherwise open countryside.

b. Permitted Uses

1) Agricultural Uses, including but not limited to horticulture, forestry, crop and tree farming, gardening, dairy, stock and poultry farming; and the operation of any machinery or vehicles and other uses customarily incidental thereto, but excluding slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter.

a) Stock confinement farming operations; **see state regulations**

2) Wind energy: see page 75 section 16

3) Dwellings, Single-Family

a) Farmsteads (**as hereafter defined**) provided the minimum lot or parcel upon which the farmstead is located is three (3) acres.

b) Single-family dwellings of relatives (**as hereafter defined**) when located on same farmstead.

c) Single-family residences provided:

1. The minimum lot size permitted for the construction of a single-family residence or detached structure in an agricultural district is a minimum of three (3) acres. Parcels of land smaller than three (3) acres and recorded prior to the adoption date of this ordinance, shall be permitted for single-family residences.
2. The minimum living area of any residence constructed in an agricultural district must be at least eight hundred (800) square feet.
3. The minimum width of any residence constructed in an agricultural district must be at least fourteen (14) feet.
4. The minimum public road frontage for a residence or detached structure constructed in an agricultural district must be at least two hundred (200) feet, with the exception of flag lots.
5. The minimum front setback requirement for all structures constructed in an agricultural district must be at least fifty (50) feet from federal highway right-of way, fifty (50) feet from state highway right-of-way and thirty-five (35) feet from county or township road right-of-way.
6. The minimum side and rear setback requirements for residences or detached structures constructed in an agricultural district must be at least thirty-five (35) feet.

Land which is not assessed and taxed (for real estate tax purposes) as agricultural ground, shall be presumed to be nonagricultural for purposes hereof.

- 4) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and similar uses.

Amended and Adopted by the County Board, County of Cass this 12th day of January, 2009.

Signs.

- a) Temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located upon property to which the sign refers. Signs shall be removed upon sale or lease of the property.
- b) Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 250 square feet in area or remain longer than six months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or more than 90 days after the building is completed and when located not closer than 10 feet to a lot line.
- c) Church or public bulletin boards not exceeding 32 square feet in area.
- d) Post signs not exceeding four square feet in area indicating the type of plant being grown or the type of fertilizer being used and when located not closer than 10 feet to a lot line.
- e) Ground or post signs pertaining to activities conducted on the property.
- f) Ground or post signs advertising activities within 12 miles of the sign of providing information of direct interest to the traveling public, including points of interest, recreation and scenic areas, places for camping, lodging, eating, sale of farm supplies, and vehicular service and repair.
- g) Signs erected in the agricultural district shall not exceed 300 square feet in area; shall not be illuminated by flashing, intermittent, or moving parts; shall not be erected within 100 feet of an entrance to highway, street, or road, or within 300 feet of road intersections, or 500 feet of the intersection of two state or interstate highways and 300 feet of access roads and residential drives; and there shall not be more than one such sign for each 1000 lineal feet of highway frontage. Signs shall also be set back 50 feet from all public right-of-way lines.

- 5) **Mobile Home Units – No mobile home shall be used as dwelling unit on any lot, tract, or parcel, other than a lot, tract or parcel approved as a mobile home park as hereinafter provided, except that a mobile home unit may be occupied and maintained by :**
- a) **A farm owner and/or operator/tenant living on a farm upon which the mobile home is located.**
 - b) **Persons, who are not engaged in agricultural employment or occupations, but who are related (as defined below) to the farm owner and/or operator/tenant who also resides on the property upon which the mobile home is located.**
 - c) **Agricultural employees engaged in farm employment upon the farm upon which the mobile home is located, provided the mobile home unit shall be regulated by the State Board of Health Standards, and as defined by the County Ordinance and subject further to the following:**
 - 1) **“Related” as used above, shall mean a relative standing in the relation of spouse, son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father, mother, brother, sister, grandchildren, or grandparents of said farm owner and/or operator/tenant**
 - 2) **A mobile home occupied by a related person, not engaged in agricultural employment or occupation shall be located in close proximity to the farmstead occupied by such owner or operator/tenant.**
 - 3) **Adequate provision is made for modern running water and sewage facilities.**
 - 4) **A permit shall be required for a mobile home occupied by persons related to the farm owner or occupant/tenant, but who are not engaged in agricultural employment or occupation. The permit for such mobile home shall be for a period of one year and shall be renewed annually subject to the foregoing terms.**

One mobile home may be located on a lot while the owner is building a house, providing:

- a) The setback lines of the agricultural district are complied with.

- b) The permit for such mobile home shall be issued for only one year and renewable at the discretion of the Planning Commission.
 - c) Reasonable and diligent effort is being made to construct a house.
 - d) At any time the Zoning Enforcement Officer determines that reasonable and diligent effort is not being made, he shall revoke the permit.
 - e) Adequate provision is made for modern running water and sewage facilities.
- 6) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
 - 7) Living quarters such as tenant house, apartment, or room for persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - 8) Barns and other bona fide farm buildings.
 - 9) Private garages and private greenhouses.
 - 10) Roadside stands offering for sale agricultural or other products grown or produced on the premises upon which the stand is located at least 25 feet from the front property line, and off-street parking as regulated in Section 4 of this ordinance is complied with.
 - 11) Kennels.

12) Flag Lots providing:

- 1. The size of each individual lot is a minimum of five (5) acres.**
- 2. The lot size is a minimum of twenty (20) acres prior to the creation of any flag lots.**
- 3. Minimum public road frontage is at least twenty (20) feet. (And use a common driveway)**
- 4. All lots must be platted and surveyed.**

(And be approved by the County Planning Commission

5. The minimum living area of any residence constructed on a flag lot must be at least eight hundred (800) square feet.
6. Any residence constructed on a flag lot must have a width of at least fourteen (14) feet.
7. Minimum front setback for residences and detached structures must be at least fifty (50) feet from federal highway right-of-way, fifty (50) feet from state highway right-of-way and thirty-five feet from county or township road right-of-way.
7. Minimum side and rear setbacks for residences and detached structures must be at least thirty-five (35) feet.
8. If agricultural purposes are not the principal activity on the land upon which a single family residence is located, no livestock shall be maintained upon such residential lot except upon the following conditions:
 - a) The lot shall be a minimum of five (5) acres and no more than 3 livestock animals may be maintained for the owner's personal non-commercial use, provided adequate shelter is provided.
 - b) One (1) additional livestock animal is allowed for each full acre in excess of five (5) acres.

Land which is not assessed and taxed (for real estate tax purposes) as agricultural ground, shall be presumed to be nonagricultural for purposes hereof.

14) Communications Towers

1. Communication towers and water towers in an Agricultural District includes that the set-back requirements for both types of structures would be the total height of the tower from all property lines and twice the height of the tower from any neighboring residence that is near the site on the beginning construction date and not owned by the landowner of the tower site.

Fees: Communication Towers\$25 per foot of tower

Height; co-location of additional equipment (i.e. installation of additional equipment) on an existing facility shall be a flat fee of \$1,200.00.

15) Other Permitted Uses:

- 1. Public utility and service uses such as electric substations and gas regulator standards.**
- 2. Mobile Home Parks (2 mobile home units or more) – Subject to regulations of the Mobile Home Park Regulations found in Section 18.**
- 3. Slaughterhouses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter.**
- 4. Wind Energy Conversion Systems – Subject to regulations of Wind Energy Conversion Systems in Section 16.**

16) Conditional Uses

- 1) Junkyards – Any junkyard, scrap yard or salvage yard for which permission is granted under this section shall at all times be subject to the performance standards established for this ordinance.**

All outdoor storage area shall be screened or fenced with a solid fence at least 6 feet, but not more than 8 feet in height, or enclosed with a dense evergreen growth at least 6 feet in height. Storage between the street and such fence or screen is expressly prohibited.

Any junkyard or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two parking spaces per **1000** square feet **of retail floor space**.

- 2) A dump, sanitary landfill, and/or incinerator, upon a finding that said use will not constitute a nuisance because of traffic, noise, odors, smoke, or physical activity, may be permitted provided that all requirements of this ordinance **and state ordinances** are complied with.**
- 17) Special Regulations – All permitted and conditional uses shall maintain a minimum setback of:**

50 feet from federal highway **right-of-way**
50 feet from state highway **right-of-way**
35 feet from county or township road **right-of-way**

2. CD-Conservation District

a. Purpose – The Conservation District has been created for areas which are:

- 1) To be kept open for highway interchanges.
- 2) To be kept open for takeoff or landing of aircraft.
- 3) Subject to periodic flooding. (Also see Section 6, Flood Plain Regulations.)
- 4) To be kept open to protect sources of water supplies.
- 5) To be kept open from intensive development because of unstable soil conditions.
- 6) To be kept open for general conservation purposes.

b. Permitted Uses

- 1) Highway interchange areas.
- 2) Airports
- 3) Conservation, agriculture, forestry, public recreational facilities and parks.

4) Dwellings

c. Conditional Uses

Private recreational facilities.

3.5 URBAN RESIDENTIAL DISTRICTS

Purpose – Urban Residential Districts are established to provide the full range of residential housing types in an urban environment.

The keeping of livestock or poultry is prohibited in all residential districts. All residential properties that have livestock or poultry on the date that this ordinance is adopted shall be considered to have a NONCONFORMING

USE (see page 50, section 9 – Nonconforming Structures and Use). This applies to the original village plats plus additions to said plats. All properties with a nonconforming use shall be documented and monitored in the future. This is to limit any future expansion of the use and to document the date that the use was discontinued.

1. R-1 Single-Family Residential District

a. Permitted Uses

One Single-Family dwelling **per lot**

b. Accessory Uses

- 1) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- 2) Private garages
- 3) Off-Street parking as regulated in Section 4 of this ordinance

c. Conditional Uses

- 1) Public or private community facilities such as schools, churches, cemeteries, libraries, parks recreational facilities, hospitals, institutions, etc. Also see Section 10 of this ordinance.
- 2) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses. (See Section 10, Conditional Uses.)

d. Bulk Requirements

- 1) Lot
 - a) Minimum Area 10,000 sq. ft.
 - b) Minimum Width at Building Line 75 feet
- 2) Minimum Yards:
 - a) Front 25 feet
 - b) Rear 30 feet
 - c) Side width 10% of lot width
- 3) Building:

- a) Maximum Ground Coverage area 30% of lot
- b) Minimum Total floor Area 1,300 sq. ft.
- c) Maximum Height 35 feet

2. R-2 – Single-Family Residential District

a. Permitted Uses

One Single-Family dwelling **per lot.**

b. Accessory Uses

- 1) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- 2) Private garages.
- 3) Off-street parking as regulated in Section 4 of this ordinance.

c. Conditional Uses

- 1) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 10 of this ordinance.
- 2) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities and similar uses. (See Section 10, Conditional Uses.)

d. Bulk Requirements

1) Lot

- a) Minimum Area 7,500 sq. ft.
- b) Minimum Width at Building Line 60 feet

2) Minimum Yards:

- a) Front 25 feet
- b) Rear 30 feet
- c) Side width 10% of lot

- 3) Building:
 - a) Maximum Ground Coverage area 30% of lot
 - b) Minimum Total floor Area 1,000 sq. ft.
 - c) Maximum Height 35 feet

3. R-3 – Single-Family Residential District

a. Permitted Uses

One Single-family dwelling **per lot.**

Mobile homes (providing Section 18.2, Mobile Home Park Regulations is complied with)

b. Accessory Uses

- 1) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- 2) Private garages.
- 3) Off-street parking as regulated in Section 4 of this ordinance.

c. Conditional Uses

- 1) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 10 of this ordinance.
- 2) Public Utility, and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or dumping stations, government buildings, transportation facilities, and similar uses. (See Section 10, Conditional Uses.)

d. Bulk Requirements

Lot:

- a) Minimum Area 6,000 sq. ft.
- b) Minimum Width at Building Line 50 feet

1) Minimum Yards:

- a) Front 25 feet
- b) Rear 30 feet

c) Side width 10% of lot

2) Building:

a) Maximum Ground Coverage area 30% of lot

b) Minimum Total Floor Area 720 sq. ft.

c) Maximum Height 35 feet

4. R-4 – Two-Family and Multi-Family Residential District

a. Permitted Uses

Two-family and multi-family dwellings

b. Accessory Uses

1) Private garages.

2) Off-street parking as regulated in Section 4 of this ordinance.

c. Conditional Uses

1) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 10 of this ordinance.

2) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities and similar uses. (See Section 10, Conditional Uses.)

d. Special Regulations

1) Parking – Two spaces shall be provided for each dwelling unit as required by Section 4.

2) Plat requirements – All developments proposed in the R-4 Districts containing more than two dwelling units per structure shall be subject to design review by the Planning Commission. Portions of the Planned Development Procedure shall be used as follows:

a) The amendment required by the Planned Development Procedure shall be waived since this district has already

been established exclusively for multifamily dwellings – according to the standards cited.

- b) Preliminary and final plats shall be required according to the Planned Development Procedure, except that the Planning Commission may waive the preliminary plat in areas already subdivided and served with streets and all required improvements. In this case, the approved final plat shall replace the final plat recorded earlier at the time of subdivision.
- c) Site design flexibility and originality shall be encouraged within the limitations of the use and dimensional standards cited for this district. Preliminary and final plats shall conform to the standards for this district, and any applicable comprehensive plan elements.
- d) The recorded final plat shall provide continuing control over the completed development as specified in the Planned Development Procedure.

e. Bulk Requirements

1) Lot and Density:

- a) Minimum Area
 - 1. Two-family – 15,000 sq. ft.
 - 2. Multi-family – 15 dwelling units per acre; 30 bedrooms per acre.
- b) Maximum density shall be interpolated proportionally where development less than an acre is proposed.

2) Minimum Yards:

- a) Principal Building 20 feet from project boundaries.
- b) Accessory Building 5 feet from project boundaries.

3) Building:

- a) Minimum total floor area:
 - 1. Efficiency: 500 sq. ft.

2. 1-bedroom apartment	650 sq. ft.
3. 2-bedroom apt.	850 sq. ft.
4. Each additional bedroom	200 sq. ft.
5. Maximum Heights:	45 feet

3.6 BUSINESS DISTRICTS

Purpose – The Business Districts are established to provide areas for retail establishments which offer a wide range of goods and services.

1. B-1 - Business District

a. Purpose – The B-1 Business District is established to provide retail goods and services directly to the consumer.

b. Permitted Uses

- 1) Retail sales – Processing of products is permitted only if all products are sold at retail on the premises.
- 2) Consumer services – Processing is permitted only if all such processing is performed as a consumer service for customers served on the premises.
- 3) Professional, business and government offices.
- 4) Community facilities such as churches, libraries, art galleries, parks, hospitals, institutions, government buildings.
- 5) Signs as regulated in Section 5 of this ordinance.

c. Accessory Uses – Off-street parking and loading as regulated in Section 4 of this ordinance.

d. Conditional Uses

- 1) See Section 10 of this ordinance.
- 2) Regional, community, and neighborhood shopping centers.

e. Special Regulations

- 1) All sales, services, processing, storage, and display shall take place within a completely enclosed building.
- 2) All uses of the drive-in types are not permitted. This would include drive-in restaurants, service stations, drive-in theaters, and other similar uses.

- 3) All motels or motor inns are not permitted.
- 4) In addition to meeting the requirements for procuring a conditional use permit for the development of a shopping center, potential developers of shopping centers must submit a market analysis in order to establish evidence of a need for a change in the comprehensive zoning plan for the county, and to substantiate a finding that such a change will promote the general welfare of the county.

2. B-2 – Business District

- a. Purpose – The B-2 Business District is established to provide retail goods and services directly to the consumer.
- b. Permitted Uses
 - 1) Retail sales – Processing of products is permitted only if all products are sold at retail on the premises.
 - 2) Consumer services – Processing is permitted only if all such processing is performed as a consumer service for customers served on the premises.
 - 3) Professional, business, and government offices.
 - 4) Community facilities such as churches, libraries, art galleries, parks, hospitals, institutions, government buildings.
 - 5) Signs as regulated in Section 5 of this ordinance.
- c. Accessory Uses – Off-street parking and loading as regulated in Section 4 of this ordinance.
- d. Conditional Uses
 - 1) See Section 10 of this ordinance.
 - 2) Regional, community, and neighborhood shopping centers.
- e. Special Regulations
 - 1) Sales, services, processing, and display may take place outdoors. However, junkyards are not permitted.
 - 2) Drive-in theaters are not permitted.
 - 3) Motels and motor inns are not permitted.
 - 4) In addition to meeting the requirements for procuring a conditional use permit for the development of a shopping center, potential developers of a shopping center must submit a market analysis in order to establish evidence of a need for a change in the comprehensive zoning plan for the county, and to substantiate a finding that such a change will promote the general welfare of the county.

f. Bulk Requirements

1) Minimum Yards:

a) Front **35 feet**

b) Side No minimum yard required except lots adjoining a residential district shall provide a side yard on the adjoining side equal to that required in the adjoining residential district.

c) Rear 20 feet

3. B-3 Highway Business District

a. Purpose – The Highway Business District is established to provide areas for commercial establishments which cater primarily to the needs of motorists. Typical uses offer accommodations and services to motorists, specialized retail outlets, and commercial amusement enterprises. The requirements of this district are developed to minimize traffic hazards and interference with other related uses in the vicinity.

b. Permitted Uses

- 1) Retail sales – Processing of products is permitted only if all products are sold at retail on the premises.
- 2) Sales and service of automotive and farm implement goods.
- 3) Signs as regulated in Section 5 of this ordinance.
- 4) Motels and motor inns.
- 5) Drive-in restaurants.

c. Accessory Uses – Off-street parking and loading as regulated in Section 4 of this ordinance.

d. Conditional Uses

- 1) See Section 10 of this ordinance.
- 2) Outdoor amusement and recreational enterprises including but not limited to drive-in theaters, fairgrounds, and auto tracks.
- 3) Junkyards – Any junkyard, scrap yard, or salvage yard for which permission is granted under this section shall at all times be subject to the performance standards established for this ordinance.

All outdoor storage areas shall be screened or fenced with a solid fence at least 6 feet, but not more than 8 feet in height, or

enclosed with a dense evergreen growth at least 6 feet in height. Storage between the street and such fence or screen is expressly prohibited.

Any junkyard or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two parking spaces per **1000** square feet of retail floor space.

e. Special Regulations

- 1) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products shall conform with the performance standards in Section 7 of this ordinance.
- 2) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing or dense hedge or shrub to a minimum of 6 feet in height.

f. Bulk Requirements

- 1) Minimum Yards:
 - a) Front **35 feet**
 - b) Side **10 feet**
 - c) Rear **20 feet**
- 2) Building Height: **35 feet, or two stories, whichever is less**

3.7 INDUSTRIAL DISTRICTS

1. M-1 Industrial District

- a. Purpose – This industrial district is established to provide areas for light industrial, office and administrative uses having few, if any, adverse effects on neighboring properties. To maintain an appropriate environment, high standards of performance are prescribed.
- b. Permitted Uses
 - 1) Industry, non-retail commercial, laboratories, offices.
 - 2) Signs as regulated in Section 5 of this ordinance.
- c. Accessory Uses – Off-street parking and loading as regulated in Section 4 of this ordinance.

- d. Conditional Uses – Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service business, and similar service facilities. Also see Section 10, Conditional Uses.
- e. Special Regulations
 - 1) All processing and storage shall take place within completely enclosed buildings.
 - 2) Storage, auxiliary to the principal use, is permitted in the open if such storage activities occupy no more than 20 percent of the gross lot area.
 - 3) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing or dense hedge or shrub to a minimum of 6 feet in height.
- f. Bulk Requirements
 - 1) Minimum Lot: 1 acre
 - 2) Minimum Yards:
 - Front 50 feet from right-of-way of any street or road.
 - All others 20 feet from lot lines.

2. M-2 – Industrial District

- a. Purpose – This industrial district is established to provide areas in which manufacturing and related commercial operations are the principal use of land. Such uses have some adverse effects on surrounding properties, and are not compatible with residential, institutional, and retail uses. Moderate performance standards are established.
- b. Permitted Uses
 - 1) Industry non-retail commercial, laboratories, offices.
 - 2) Signs as regulated in Section 5 of this ordinance.
- c. Accessory Uses – Off-street parking and loading as regulated in Section 4 of this ordinance; cooling lakes or facilities.
- d. Conditional Uses
 - 1) Junkyards – Any junkyard, scrap yard or salvage yard for which permission is granted under this section shall at all times be

subject to the performance standards established for this ordinance.

All outdoor storage areas shall be screened or fenced with a solid fence at least 6 feet, but no more than 8 feet in height, or enclosed with a dense evergreen growth at least 6 feet in height. Storage between the street and such fence or screen is expressly prohibited.

Any junkyard or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two parking spaces per **1000** square feet of retail floor space.

- 2) Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities. Also see Section 10, Conditional Uses.
 - 3) Slaughterhouses, fertilizer works, plants for the processing of animal skins or hides and plants for the reduction of animal matter.
- e. Special Regulations – Processing and storage may take place within buildings or outdoors.
- 1) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products shall conform with the performance standards in Section 7 of this ordinance.
 - 2) Storage, auxiliary to the principal use, is permitted in the open, but not within 20 feet of the property lines.
 - 3) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing or dense hedge or shrub to a minimum of 6 feet in height.

f. Bulk Requirements

- 1) Minimum Lot: 3 Acres
- 2) Minimum Yards:
 - a) Front 50 feet from right-of-way of any street or road.
 - b) All Others 20 feet from all lot lines.
- 3) Building Height: 35 feet or two stories, whichever is less.

- 3) M-3 – Extraction District
- a. Purpose – To regulate and control all forms of extraction operations and to ensure proper land reclamation in areas of extraction or extraction manufacturing operations.
 - b. Permitted Uses
 - 1) Sand, gravel, marl, clay, limestone, salt, coal extraction and related crushing processes.
 - 2) Oil and gas extraction.
 - c. Conditional Uses – Cement concrete or asphaltic concrete mixing plants.
 - d. Special Regulations – All extraction and reclamation activities shall be in accordance with the Surface Mined Land Conservation and Reclamation Act administered by the State of Illinois Department of Mines and Minerals. In addition, the following stipulations shall be required:

All applications for a M-3 District shall be accompanied by a map or plat showing the area proposed to be included in the extraction or removal operation; an estimate of the time required for the removal of material; and a final grading plan which shows the existing ground elevations of the site and the land immediately adjacent thereto; the location and elevations of all bounding streets or roads; and the final elevation of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding streets or road

3.8 PLANNED DEVELOPMENT DISTRICT

- 1. Purpose – Areas may be designated on the Zoning Map as Planned Development Districts even though no specific plan has been submitted under the Planned Development Procedure. Such districts shall be keyed to the comprehensive plan elements which comprise the statement of intent establishing the design and use criteria for evaluation of specific proposals submitted under the Planned Development Procedure. Proposals for development of these districts shall be reviewed only under the Planned Development Procedure. The intent of these regulations is to enable the Planning Commission and governing body to designate those areas subject to potential development of such intensiveness and importance that plan review and design commitment are necessary as the basis for approval of development.

The Planned Development Procedure is intended to provide a single uniform procedure for total review of a proposed development, both design and use. The procedure combines the design-review procedure of subdivision approval and the use-review procedure of zoning amendment, and enables the Planning Commission and the governing body to review all aspects of a proposed development simultaneously to permit greater flexibility and originality in concept according to the intent of comprehensive plan elements, and still to exercise greater final control over the approved development than is possible through preregulated zoning districts.

2. Standards

- a. Design Standards – Because the design standards for use, dimensions, density, and qualitative attributes are subject to evolution through continuous plan review, they are not included as an integral part of the unchanging Planned Development Procedure. This Zoning Ordinance refers to the officially adopted policies, detailed area plans, and all other elements of the evolving comprehensive plan for the standards to guide the approval of Planned Development projects. A Planned Development project may depart from conformance with the dimension, area, and use regulations for the standard zoning districts and from conformance with the design standards in a Subdivision Regulations Ordinance. However, a Planned Development project shall conform with all applicable elements of an officially adopted comprehensive plan.
- b. Required Improvements – Planned Development projects shall be subject to the regulations governing required improvements found in the Subdivision Regulations Ordinance.
- c. Parking, Loading, Traffic, and Access – Planned Development Projects shall be subject to the regulations for parking, loading, traffic, and access of this Zoning Ordinance.
- d. Special Conditions – The Planning Commission and governing body may attach special conditions to approval of the final plats to insure conformance with the intent of all official plan elements.

3. Procedure

- a. General – For procedural purposes, a Planned Development Project shall be treated as a subdivision, and the procedure for subdivision approval, as set forth in the Subdivision Regulations Ordinance, and

shall be followed in its entirety whether the development shall be in single or divided ownership.

- b. Preliminary Plat – A preliminary plat of the Planned Development project shall be submitted as required by a Subdivision Regulations Ordinance. It is recommended that this submission be preceded by pre-application conferences to determine whether the developer’s intent agrees with the intent expressed by all comprehensive plan elements. Additional supporting material beyond that required by the Subdivision Regulations Ordinance for the preliminary plat shall include:
 - 1) Explanation of the character of the Planned Development, and the manner in which it has been planned to take advantage of the flexibility of these regulations.
 - 2) Statement of present and proposed ownership of all land within the project.
 - 3) Development schedule indicating:

Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.

Approximate dates for beginning and completion of each stage.

Agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the Planned Development, and any of its common open space.
- c. Amendment – The amendment procedure established in Section 13 shall be initiated after conditional approval of the preliminary plat by the Planning Commission. Under this procedure, the Zoning District Map may be amended to designate the location proposed to the preliminary plat as a Planned Development District superseding the original or existing zoning district. This amendment shall be in conformance with all comprehensive plan elements. The Planned Development district shall be valid only for that preliminary plat and supporting material upon which the amendment was based. All supporting material shall remain on file with the preliminary plat.
- d. Final Plats – If the amendment is approved, final plats shall be prepared for each stage according to the development schedule. The final plat and supporting material shall show in detail the design and

use of all buildings and overall land development plans, as well as such other information the Planning Commission may require for the complete consideration of the project in addition to information required by the Subdivision Regulations Ordinance. The final plats shall conform to the preliminary plat and supporting material except that the Planning Commission and governing body may approve minor changes without public hearing at this time which do not change the concept or intent of the development. Major changes – changes in density, height of buildings, reduction of proposed open space, changes in the financing, development schedule, or final governing agreements, provisions or covenants, or resubdivision – may be approved only by submission of a new preliminary plat or applicable supporting material followed by the amendment procedure.

- e. Continuing Control – The Planned Development project shall be developed only according to the approved and recorded final plat and all supporting material together with all recorded amendments shall be binding on the applicants, their successors, and assigns and shall limit and control the uses of premises and location of structures in the Planned Development project. Major changes in the final plat during or after construction shall be accomplished by submission of a new preliminary plat followed by the amendment procedure. The governing body shall consider the Planned Development amendment subject to revocation, if construction falls more than one year behind schedule.
- f. Fees and Permits – The governing body may establish a schedule of reasonable fees to be charged for plat review. Zoning permits shall be required for each structure according to Section 12. The Zoning Enforcement Officer shall base issuance upon conformance with the final plat and supporting material.

SECTION 4 – PARKING, LOADING, TRAFFIC, ACCESS

4.1 PARKING AND LOADING

The off-street parking and loading provisions of this ordinance shall apply as follows:

1. When the intensity of use of any building, structure, or premises shall be increased through additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
2. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as

required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this ordinance.

3. Existing Parking and Loading Facilities – Accessory off-street parking or loading facilities which were in existence on the effective date shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements of this ordinance for a similar new building or use.
4. Permissive Parking and Loading Facilities – Nothing in this ordinance shall be deemed to prevent the voluntary establishment of contiguous off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.
5. Control of Off-Site Parking Facilities – Where required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and shall remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized, and no zoning certificate shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Board of Zoning Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue, and that the off-site parking facilities will be maintained at all times during the life of the proposed use of building.

4.2 ADDITIONAL REGULATIONS –PARKING

1. Except as otherwise indicated, required accessory off-street parking facilities provided for uses listed hereinafter shall be solely for the parking of passenger automobiles of patrons, occupants (or their guests), or employees of such uses.
2. Collective Provision – Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking

space for more than one use unless otherwise authorized by the Board of Zoning Appeals.

3. Size of each parking space shall not be less than 200 square feet exclusive of the space required for ingress and egress.
4. Access – Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
5. Design and Maintenance
 - a. Lighting – Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
6. Mixed Uses – When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
7. Other Uses – For uses not listed in the following schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, as required by this ordinance, or as varied due to unique circumstances by the Board of Zoning Appeals.

4.3 ADDITIONAL REGULATIONS – OFF-STREET LOADING

1. Location – All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over 2-ton capacity shall be closer than 50 feet to any property in a Residential District unless completely enclosed by a building wall, or uniformly painted solid fence or wall, or any combination thereof, not less than 6 feet in height.
2. Access – Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements, and subject to approval of the Building Commissioner and County Highway Superintendent.
3. Surfacing – All open off-street loading berths shall be improved with **some all-weather dustless material.**

4. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
5. For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use, as determined by the Board of Zoning Appeals, shall be provided.

4.4 SCHEDULE OF OFF-STREET PARKING, LOADING, AND UNLOADING REQUIREMENTS

USE	OFF-STREET PARKING SPACES WHICH SHALL BE PROVIDED	OFF-STREET LOADING AND UNLOADING SPACES WHICH SHALL BE PROVIDED
Single-Family	Two per dwelling unit	None required
Multi-Family	Two per dwelling unit	None Required
Motels, hotels, lodging houses	One per lodging unit, plus one stall for each 100 sq. ft. of retail sales or dining area	One for each structure of each 20,000 sq. ft. of gross floor area
Commercial (except as specifically provided below)	One per 200 sq. ft. of gross floor area	One for each shop over 10,000 sq. ft. of gross floor area plus one for each additional 100,000 sq. ft. of gross floor area
Furniture, appliance stores, machinery sales, wholesale storage	One per 400 sq. ft. of gross floor area.	One plus one additional for each 25,000 sq. ft. of gross floor area
Offices, banks, or public administration	One per 400 sq. ft. of gross floor area	One for each structure of 40,000 sq. ft. of gross floor area plus one for each additional 100,000 sq. ft. of gross floor area
Manufacturing, warehousing	One for each employee on the maximum working shift, plus one for each vehicle used in the conduct of the enterprise	One for each structure plus one for each 60,000 sq. ft. of gross floor area over 40,000 sq. ft.
Churches, theaters, auditoriums and other places of assembly	One per five seating spaces	One for each structure over 100,000 sq. ft. of gross floor area
Hospitals, rest homes, nursing homes, etc.	One per three employees, plus one per three beds	One for each 100,000 sq. ft. of gross floor area

4.5 VISIBLE PARKING OF JUNK ABANDONED OR UNLICENSED MOTOR VEHICLES OR EQUIPMENT PROHIBITED IN RESIDENTIAL DISTRICTS

All contractors' equipment or tools or unlicensed motor vehicles shall be parked or stored in a completely enclosed structure on any residential premises except when making a delivery or rendering a service at such premises.

4.6 TRAFFIC VISIBILITY

No obstruction such as structures, parking, or vegetation shall be permitted in any district between the heights of 2-1/2 feet and 10 feet above the plane through the mean curb-grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines, and a line joining points on such lines located a minimum of 20 feet from their intersection.

In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

4.7 DRIVEWAYS

All driveways installed, altered, changed, replaced, or extended after the effective date of this ordinance shall meet the following requirements:

1. Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.
2. Vehicular entrances and exits to drive-in theaters, banks, restaurants, motels, and funeral homes; vehicular sales, service, washing, and repair stations, garages; or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

4.8 HIGHWAY ACCESS

No direct private access shall be permitted to the existing or proposed rights-of-way, expressways, or to any controlled access arterial street without permission of the highway agency that has control jurisdiction, and of the Planning Commission and County Board.

No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

1. Freeways, interstate highways, and their interchanges or turning lanes, or to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
2. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.

3. Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way.
4. Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
5. Temporary access to the above rights-of-way may be granted by the County Planning Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

SECTION 5 SIGNS

5.1 PURPOSE OF SIGNS

It is the general intent of this ordinance to prohibit signs of commercial nature from districts in which commercial activities are barred; to limit subject matter on signs in business districts to products, accommodations, services, or activities on the premises and to control the number, type, and area of all signs in business areas and certain other districts. Governmental signs shall be exempt from the requirements of this section.

5.2 PERMITS

1. A separate permit shall be required for the erection of signs regulated in this ordinance except that no permit shall be required for Section 5.3, 1 and 4 below.
2. Each application for a sign permit shall be accompanied by a drawing showing the design proposed; the size, character and color of letters; lines and symbols; methods of illumination; the exact location of the sign in relation to the building and property; and the details and specifications of construction. A fee of **sixty** dollars (**\$60.00**) shall accompany each application for a sign permit which will be issued by the Zoning Enforcement Officer. Additional fees for construction purposes shall be in concert with the County Building Ordinance.
3. If the Zoning Enforcement Officer shall find that any existing sign regulated by this law is unsafe or insecure, or is a menace to the public, he shall give written notice to the Named Owner of the sign and the Named Owner of the land upon which the sign is erected, who shall remove or repair the said sign within 45 days from the date of said notice. If the said sign is not removed or repaired, the Zoning Enforcement Officer

shall revoke the permit issued for such sign, as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located. The Zoning Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

4. Advisory Board – The County Board is hereby authorized and empowered to appoint a sign and billboard advisory committee from among persons representative of, e.g., government, the planning profession, civic organizations, architecture, landscape architecture, the advertising profession, and the graphic arts. Such advisory board shall advise the Board and the Zoning Enforcement Officer with reference to desirable and effective use of signs for the purpose of enhancing and maintaining the natural beauty, cultural and esthetic standards of the county. The advisory board may advertise, prepare, print, and distribute pamphlets and other media which, in its judgment, will further these purposes. The members of the advisory board shall serve at the pleasure of the County Board.

5.3 RESIDENTIAL DISTRICTS

Signs shall be permitted in these districts only as follows:

1. One nonilluminated name plate, not exceeding 3 square feet in area for each dwelling unit, indicating only name, address, and occupation.
2. One nonilluminated identification sign for multi-family dwellings and office, not exceeding 5 square feet in area, indicating only name, address, management name, and management address.
3. One nonilluminated identification sign at each entrance to subdivisions, not exceeding 24 square feet.
4. One nonilluminated “For Sale” or “For Rent” sign per lot, not exceeding 12 square feet in area, nor closer than 10 feet to adjacent zoning lots.
5. One nonilluminated sign designating each entrance to or exit from a parking area, not exceeding 5 square feet in area, and indicating conditions of use.
6. One nonflashing school or church bulletin board sign, area not exceeding 20 square feet.

The preceding signs shall be permitted providing they do not project into the public right-of-way, and the top of the sign shall not be higher than 8 feet above

curb level, and that on a corner lot two signs, one facing each street, shall be permitted for Section 5.3, 2, 4, and 6 above.

5.4 BUSINESS DISTRICTS

Signs visible from the public way shall be permitted only when subject to the following conditions:

1. B-1, B-2, and B-3 Business Districts – The gross area in square feet of all signs of a business shall not exceed 2 times the lot frontage in lineal feet, nor exceed 30 percent of the area of the front wall of the building. Such signs shall restrict subject matter to products, accommodations, services, or activities on the premises. The top of the signs shall not be higher than 20 feet above curb level. Such signs shall be nonflashing. No business shall have more than two signs.
2. Providing all illuminated signs shall be shielded from park areas and residential districts, and providing no sign shall be within 50 feet of a residential district. Roof signs are not permitted.

5.5 INDUSTRIAL DISTRICTS

Signs visible from the public way shall be permitted only when subject to the following conditions in:

1. M-1 and M-2 Industrial Districts – The gross area in square feet of all signs on a lot shall not exceed 2 times the lot frontage in lineal feet. No firm shall have more than two signs. Roof signs are not permitted.
2. Providing illuminated signs shall be shielded from park areas and residential districts, and providing no sign shall be within 50 feet of a park or residential district.

5.6 INTEGRATED DEVELOPMENT SIGNS

For integrated developments under single ownership or under unified control, including shopping centers, industrial districts, apartment developments, and including the Central Business District, two additional illuminated signs may be erected providing they do not exceed 125 square feet in gross surface area, and contain only name and location of the development, and the name or type of business of the occupants of the development. Signs in a residential area shall not be illuminated. Signs shall be set back at least 25 feet from each street right-of-way and the bottom edge of such sign shall be at least 8 feet above ground level where it will not block vision of traffic otherwise ground level or higher. The overall height of the sign shall not exceed 20 feet above ground level.

5.7 BILLBOARDS

Billboards may be permitted only where allowed as a permitted use in the zoning district in which it is located.

SECTION 6 – FLOOD PLAIN REGULATIONS – All county flood plain regulations are superceded by federal and state flood plain regulations.

6.1 PURPOSE

The regulations contained in this section governing the development and use of land subject to flooding are established for the following purposes:

1. To avoid or lessen the hazards to persons or damage to property resulting from the accumulation or runoff of storm and flood waters.
2. To protect stream channels from encroachment.
3. To maintain the capacity of the flood plain to retain flood waters.
4. To provide for the development of flood plain lands with uses not subject to severe damage by flooding and compatible with the other uses permitted in the various zones.
5. To permit only uses and improvements on flood plain lands that are not hazardous during flood periods.
6. To avoid the creation of new flood problems.

6.2 DEFINITIONS

For the purpose of this section and this ordinance, the following terms shall have these meanings:

1. Flood Base Elevation – The elevation of the highest flood of record as set forth in the Hydrologic Investigations, Atlas Series HA, published by the U.S. Geological Survey, Washington, D.C., or by other competent evidence from existing public or private agencies and/or departments
2. Flood Plain – The continuous area adjacent to a lake, stream, or stream bed, the elevation of which is greater than the normal water level or pool elevation, but equal to or lower than the flood base elevation. Also, any land of higher elevation having an area less than the minimum residential lot size established for the zone in which it is located, and surrounded by lands having an elevation equal to or less than the flood base elevation.

3. Flood Table Land – The continuous land area adjacent to the flood plain, the elevation of which is greater than the flood base elevation by 2 feet or less.
4. Stream – A stream is any continuously flowing natural watercourse.

6.3 FLOOD PLAIN LANDS

All lands determined to be in the flood plain shall be subject to the procedures and regulations established in this section. However, nothing contained herein shall prohibit the application of these regulations to lands which can be demonstrated by competent engineering survey to lie within any flood plain. Conversely, any lands which can be demonstrated by competent engineering survey to lie beyond the flood plain shall not be subject to these regulations. Any structures which are constructed on the flood plain must be so constructed that they will not be damaged by flood and will not represent a hazard at the time of flooding.

6.4 PERMITTED USES

Only the following uses are permitted in flood plains regardless of the regulations of any zone established by this ordinance.

<u>Permitted by Right</u>	<u>Conditional Uses</u>
Agriculture	Drive-In Theaters
Arboretum or Botanical Garden	Boathouse
Golf Course	Oil Extraction
Nursery	Outdoor Recreation Club
Park, Public Recreational	
Playground	
Public Open Land	
Extraction of Earth Products (excluding oil)	

6.5 REQUIREMENTS AND RESTRICTIONS

Any permitted use provided for shall be subject to the following provisions:

1. Location of Principal Building – No principal building shall be located on the flood plain.
2. Channel Setback Line – All buildings and structures except boathouses shall be set back from a waterway at least 100 feet.
3. Filling – The filling of flood plain lands shall be permitted provided that:

- a. The fill material is obtained from the flood plain in the immediate vicinity of the area filled, or
- b. the fill material obtained elsewhere is offset by the removal of an equivalent volume from the flood plain in the immediate vicinity of the area filled.

The deepening of channels is permitted, but the material removed must not be deposited upon the flood plain except in accordance with “b” above. The placement of fill material shall parallel the stream channel. Further, the placement of fill shall not encroach upon the channel setback line; shall not impede the flow of flood water; shall not diminish the cross-sectional area of the flood plain; and shall not reduce the water retention capacity of the flood plain. In the case of channels, the deepening shall be made at a point opposite or upstream from the filled-in area. Filling operations conducted in accordance with the above standards shall permit the land so filled to be developed and used in accordance with the provisions of this ordinance.

4. Minimum Floor Elevation – (See: Illinois Department of Water Resource Requirements)
5. Other regulations to Apply – In addition to the provisions of this section, as they apply to the flood plain and the flood table land, the regulations for the zone in which such land is located shall continue in full force and effect.

SECTION 7 – PERFORMANCE STANDARDS

7.1 SPECIAL REGULATIONS IN INDUSTRIAL DISTRICTS AS INDICATED

1. The following uses are prohibited in all industrial districts whether or not they meet the performance standards; crematories, fireworks or explosive manufacture, their storage and dumping.
2. No activities involving the storage, utilization, or manufacture of materials products which decompose by detonation shall be permitted, except that those activities customarily incidental to the operation of permitted principal use may be permitted by a variation by the Zoning Board of Appeals. Such materials shall be stored, utilized, and manufactured in accordance with the applicable rules and regulations of the county and the State of Illinois.

Such materials shall include, but shall not be confined to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracens; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials, and products, and reactor elements such as Uranium 235 and Plutonium 239.

a. M-1 Industrial District

- 1) All processing shall be conducted within completely enclosed buildings.
- 2) Storage of materials, products, and goods is permitted within completely enclosed buildings.
- 3) Outdoor storage of uncontained bulk materials is prohibited.

b. M-2 Industrial District

- 1) Processing and storage of materials, products, and goods is permitted within completely enclosed buildings or outdoors, if screened properly from public view.
- 2) Outdoor storage of uncontained bulk materials is prohibited within 20 feet of property lines.

- c. Any use established in an industrial district shall be operated in such a manner as to comply with the applicable performance standards as hereinafter set forth governing noise, vibration, smoke, toxic matter, odors, fire and explosive hazards, and glare. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district in which such use is located.

7.2 NOISE

In industrial districts, any use established after the effective date of this ordinance shall meet the performance standard for noise as described below:

1. Noise levels shall not exceed the limitations imposed by regulations of the Pollution Control Board of the State of Illinois.
2. The following uses and activities shall be exempt from the noise level regulations:
 - a. Noises not directly under the control of the property user.
 - b. Noises emanating from construction and maintenance activities between 7:00 am and 9:00 p.m.
 - c. The noises of safety signals, warning devices, and emergency pressure relief valves.
 - d. Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads.

7.3 EARTHBOURN VIBRATION

1. In any district, no use shall cause or create earthborn vibrations in excess of the recommended displacement values that will reach the level of damage potential. Based upon U.S. Bureau of Mines data, damage potential can be determined by measurement of "peak particle velocity." Particle velocity is the speed at which the individual earth particles are moving (or vibrating) as the earth wave passes a particular location.
2. Measurements shall be made at or beyond the adjacent line or the nearest residential district boundary line. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three mutually perpendicular directions.
3. The maximum permitted displacements shall be the particle velocity of two inches per second. The peak (maximum) particle velocity can be determined from displacement and frequency by the mathematical expression $2 \pi \text{ times frequency times displacement}$.

7.4 SMOKE AND PARTICULATE MATTER

1. The emission of smoke or particulate matter in such manner or quantity as to endanger or be detrimental to the public health, safety, comfort, or welfare is hereby declared to be a public nuisance, and shall not be permitted in any industrial district.

Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and the like within lot boundaries shall be

kept to a minimum by appropriate landscaping, paving, oiling, fencing, wetting, or other acceptable means.

2. The emission of smoke and particulate matter shall not exceed the limitations imposed by regulations of the Pollution Control Board of the State of Illinois.

7.5 TOXIC MATTER

1. M-1 – Industrial District and M-2 Industrial District – The release of airborne toxic matter (including radioactive matter) shall not exceed 1/30th of the maximum permissible concentration allowed an industrial worker when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous 24-hour period.
2. If a toxic substance is not contained in the most recent listing of threshold limit values published by the American Conference of Governmental Industrial Hygienists, the applicant shall satisfy the County Health Department that the proposed levels will be safe to the general population.

7.6 ODOROUS MATTER

1. The release of materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, shall **not create a nuisance**.
2. M-1 Industrial District – When odorous matter is released from any operation, activity, or use in the M-1 Industrial District, the concentration of such odorous materials shall not exceed the odor threshold when measured beyond the lot line, either at ground level or habitable elevation.

7.7 FIRE AND EXPLOSION HAZARDS

1. In all industrial districts, the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided either of the following conditions is met:

- a. Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected with an automatic fire extinguishing system.

- b. Said material, if stored outdoors, will be no less than 50 feet to the nearest lot line.
2. M-1 – Industrial District – The storage, utilization, or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusion of storage of finished products in original sealed containers, which shall be unrestricted. Flammable liquid and gas storage tanks shall not be less than 50 feet from all lot lines.

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED (IN GALLONS)

	<u>ABOVE</u>	
	<u>UNDERGROUND</u>	
Materials having a closed cup flash point over 187 degrees F, but less than 300 degrees F.	20,000	100,000
From and including 105 degrees F, To and including 187 degrees F.	10,000	100,000
Materials having a closed cup Flash point of less than 105 degrees F.	3,000	100,000

When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed 30 times the quantities listed above.

3. M-2 – Industrial District – The storage, utilization, or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Flammable liquid and gas storage tanks shall not be less than 50 feet from all lot lines.

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED (IN GALLONS)

	<u>ABOVE</u>	<u>UNDERGROUND</u>
Materials having a closed cup Flash point over 187 degrees F, But less than 300 degrees F.	200,000	Unrestricted
From and including 105 degrees F to And including 187 degrees F.	100,000	Unrestricted

Materials having a closed cup
Flash point of less than 105 degrees F. 50,000 Unrestricted

When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed 30 times the quantities listed above.

SOURCE: Polytechnic Inc., Chicago, Illinois

7.8 PERFORMANCE REQUIREMENTS AND ENFORCEMENT

1. Any use established in an industrial district shall be operated in such a manner as to comply with the applicable performance standards as set forth governing noise, vibration, smoke, toxic matter, odors, fire and explosive hazards, glare, radio and electrical interference, air pollution, and water pollution. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district in which such use is located.
2. The application for a zoning permit for a use subject to performance requirements shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes, and products; and specifications for the mechanisms and techniques to be used in meeting the Performance Requirements.
3. The County Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such service shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.
4. Established uses found to be in noncompliance will be liable for inspection fees and costs. In the event no due cause is found, the challenger will be liable for the fees and costs.

SECTION 8 – MODIFICATIONS AND EXCEPTIONS

8.1 HEIGHT

The district height limitations stipulated elsewhere in this ordinance may be exceeded, but such modification shall be in accord with the following:

Architectural Projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this ordinance.

Special Structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this ordinance.

Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance.

Communication Structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height 3 times their distance from the nearest lot line.

Agricultural Structures such as barns, silos, and windmills shall not exceed in height twice their distance from the nearest lot line.

Public or Semipublic Facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of 60 feet, provided all required yards are increased not less than 1 foot for each foot the structure exceeds the district's maximum height requirement.

8.2 YARDS

The yard requirements stipulated elsewhere in this ordinance may be modified as follows:

Uncovered Stairs, landings, and fire escapes may project into any yard, but not to exceed 6 feet, and not closer than 3 feet to any lot line.

Architectural Projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed 2 feet.

Residential Fences are permitted on the property lines in residential districts, but shall not be closer than 2 feet to any public right-of-way.

Security Fences are permitted on the property lines in all districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

Accessory Uses and detached accessory structures are permitted in the rear and side yards only; they shall not be closer than 10 feet to the principal structure; shall not exceed 15 feet in height; shall not occupy more than 30 percent of the rear and side yard areas; and shall not be closer than 5 feet to any lot line.

Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.

Landscaping and vegetation are exempt from the yard and height requirements of this ordinance.

8.3 AVERAGE FRONT YARDS

The required front yards may be decreased in any residential district to the average of the existing front yards of the abutting structures on each side, but in no case less than 15 feet in any residential district.

8.4 NOISE

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this ordinance.

SECTION 9 – NONCONFORMING STRUCTURES OR USES

9.1 NONCONFORMING STRUCTURE

1. Maintenance Permitted – A nonconforming structure lawfully existing upon the effective date of this ordinance may be maintained, except as otherwise provided in this section.
2. Repairs – A nonconforming structure may be repaired or altered provided no structural change shall be made.
3. Additions, Enlargements or Moving
 - a. A structure nonconforming as to use, height, yard requirements or lot area shall not be added to or enlarged in any manner unless such structure including such addition or enlargement is made to conform to the use, height, yard and area requirements of the district in which it is located.
 - b. No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all the requirements of the district in which it is located.

9.2 NONCONFORMING USES

1. Continuation and Change of Use – Except as otherwise provided in this ordinance:

- a. A nonconforming use lawfully existing upon the effective date of this ordinance may be continued.
- b. A nonconforming use may be changed only to a use of the same or more restricted classification.

2. Expansion Prohibited

- a. A nonconforming use in a structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
- b. A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.

9.3 NONCONFORMING VARIANCE PERMITTED BY BOARD OF ZONING APPEALS

The Board of Zoning Appeals may authorize upon appeals in specific cases such variance from the terms of this section, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship, and so that the spirit of this section shall be observed and substantial justice done, provided, however, that no action shall be taken or decision made except after public hearing.

9.4 AMORTIZATION OF CONFORMING USES OR BUILDINGS

1. Whenever a nonconforming use **of land** has been discontinued for a period of 12 months, such use shall not thereafter be reestablished, and use **of such land** thereafter shall conform to the provisions of this ordinance.
2. **Whenever a nonconforming use of a building or structure has been discontinued for a period of 12 months, and such nonconforming structure is adaptable to a permitted use, such use shall not thereafter be reestablished, and use of such land thereafter shall conform to the provisions of this ordinance.**
3. No building damaged by fire or other causes to the extent that its restoration will cost more than 60 percent of its fair cash value shall be repaired or rebuilt except to conform to the provisions of this ordinance.

9.5 SUBSTANDARD LOT

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record which was

recorded in the office of the County Recorder of Deeds before the effective date or amendment of this ordinance.

Such lot or parcel shall not be sold or used without full compliance with public health department requirements. The Board of Zoning Appeals shall interpret the requirements to be followed in such cases upon request of the Zoning Enforcement Officer. The Board of Zoning Appeals shall order the Zoning Enforcement Officer to issue the permit.

9.6 ZONING PERMITS FOR NONCONFORMING USES

A zoning permit shall be required for all lawful nonconforming uses of land and buildings created by adoption of this ordinance.

SECTION 10 – CONDITIONAL USES

10.1 CONDITIONAL USES

Conditional uses, as defined in the Definitions section, are those which cannot be adequately controlled by simple regulation through rigid dimensional and use standards. Conditional uses are those which require individual review by the County Regional Planning Commission to insure conformance with the intent of all comprehensive plan elements. Conditional uses include two basic categories:

1. Conditional Uses – single uses or single aspects of permitted uses specifically identified in the Zoning Ordinance as requiring individual review under the Conditional Use Procedure.
2. Mobile Home Parks subject to the Mobile Home Park Regulations found in Appendix B. Mobile Home Parks shall also conform to the Planned Development Procedure in Section 3.

10.2 CONDITIONAL USE PROCEDURE

In applying for a conditional use, the applicant shall follow all procedures set forth on zoning permits. The Zoning Enforcement Officer shall refer the application to the Planning Commission. The Planning Commission shall, after careful review of the application for conditional use, make a recommendation on each application to the Board of Zoning Appeals. The Board of Zoning Appeals, after holding a public hearing in accordance with state statutes, shall make a recommendation independent of that submitted by the Planning Commission within 30 days of the concluded public hearing forwarding such recommendations directly to the County Board. The County Board may approve, modify, or disapprove the application. In the case of approval or approval with modification, the County Board shall issue written authorization to the Zoning Enforcement Officer to issue a zoning permit in full conformance with Section 12.

This authorization shall remain on permanent file with the application. The County Board may attach special conditions to insure conformance with the intent of all comprehensive plan elements. The County Board may establish a schedule of reasonable fees to be charged for conditional use permits.

The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by another provision of this Ordinance or the County Board.

1. Conditional Uses in All Districts – The following are designated as conditional uses which may be approved in all zoning districts: public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, pumping stations, sanitary landfills, government building, transportation facilities, planned development, and similar uses.
2. Conditional Uses in Specified Districts – Other conditional uses may be approved in only those zoning districts where they are designated as conditional uses under the zoning district regulations.
3. Standards for Decisions and Recommendations of the Board of Appeals and Planning Commission – No conditional use permit shall be recommended by the Board of Appeals or the Planning Commission unless there is a concurring vote of a majority of all members present on findings of fact that:
 - a. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish property values within the neighborhood.
 - c. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - d. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.
 - e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

SECTION 11 – BOARD OF APPEALS, ADMINISTRATION, AND ENFORCEMENT

11.1 BOARD OF APPEALS – CREATION AND MEMBERSHIP

A Board of Zoning Appeals, hereinafter referred to by the term “Zoning Board,” is hereby authorized to be established. Such Zoning Board shall consist of five members appointed by the Chairman and confirmed by the members of the County Board. The five members of the first Zoning Board appointed shall serve terms of one, two, three, four and five years respectively. Thereafter, as terms expire, each appointment shall be for 5 years. Vacancies shall be filled by the Chairman of the County Board for the unexpired terms only, subject to confirmation by the County Board. The County Board shall have the power to remove any member of the Zoning Board for cause, after a public hearing upon giving ten days notice thereof. At the time of appointment to the Zoning Board, not more than one of the members shall be resident within the limits of any one township. The Chairman of the County Board shall name one of the members of the Zoning Board as Chairman upon his appointment and, in case of vacancy, shall name the Chairman.

11.2 MEETINGS

1. Regular meetings of the Zoning Board shall be held at such time and place within the county as the Zoning Board may determine. Special meetings may be held at the call of the Chairman, or as determined by the Board. Such Chairman or, in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses. All meetings of the Zoning Board shall be open to the public.
2. The Zoning Board shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or appeal thereof, and every order, requirement decision, or determination of the Zoning Board shall immediately be filed in the office of the Board and shall be public record. Four members of the Zoning Board shall constitute a quorum, and the concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Enforcement Officer in any matter upon which it is required to pass under this ordinance or to effect any variation or modification in such ordinance to the County Board. In the performance of its duties, the Zoning Board may incur such expenditures as shall be authorized by the County Board. The Zoning Board shall adopt its own rules of procedure not in conflict with the statute or this ordinance.

11.3 JURISDICTION

1. The Board of Zoning Appeals shall hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Enforcement Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
2. The Zoning Board may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Zoning Board may decide to be fitting and proper in the premises and, to that end, the Zoning Board shall also have all the powers of the officer from whom the appeal is taken.
3. When a property owner shows that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Zoning Board may in the following instances only make such variations of the strict application of the terms of this ordinance, as are in harmony with its general purpose and intent when the Zoning Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variation. (See Section 11.5, Standards for Variations.)
4. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than 60 percent of its value, by fire or act of God, or the public enemy, where the Zoning Board shall find 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 for financial gain.
5. To permit the remodeling or expansion of a nonconforming use where the Board finds public necessity and convenience in the continuance or expansion of the nonconforming use, and that such remodeling or expansion does not materially affect the other uses in the neighborhood.
6. Nothing herein contained shall be construed to give or grant to the Zoning Board the power or authority to alter or change the Zoning Ordinance, such power and authority being reserved to the County Board.
7. The Zoning Board may impose such conditions and restrictions upon the use of the premises benefited by a variance, as it may deem necessary.
8. The results and findings of the Zoning Board on all matters shall be reported in writing to the County Board and/or its designated committee.

11.4 APPEALS – HOW TAKEN

1. Any person aggrieved or any officer, department, board, or bureau of the county may appeal to the Zoning Board to review any order, requirement, decision, or determination made by the Zoning Enforcement Officer.
2. Such appeal shall be made within 30 days after the date of written notice of the decision or order of the Zoning Enforcement Officer and the Zoning Board, a notice of appeal specifying the grounds thereof. The Zoning Enforcement Officer shall forthwith transmit to the Zoning Board all papers constituting the record upon which the action appealed from was taken, and a public hearing scheduled.
3. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Zoning Board, after the notice of appeal has been filed with him, that by reason of facts stated in the permit, a stay would, in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board, or by a court of record on application, on notice to the Zoning Enforcement Officer, and on due cause shown.
4. The Zoning Board shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person, by agent, or by attorney.

11.5 STANDARDS FOR VARIATIONS

1. Purpose – The Board of Zoning Appeals shall determine and vary the regulations of this ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Zoning Board makes a finding of fact based upon the standards hereinafter prescribed, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.
2. A variation shall be permitted only if the evidence in the judgment of the Zoning Board sustains each of the following:
 - a. That the property in question cannot yield a reasonable return, if permitted to be used only under the conditions allowed by the regulations in that zoning district.
 - b. That the plight of the owner was not created by the owner and is due to unique circumstances.

- c. That the variation, if granted, will not alter the essential character of the locality.
3. For the purpose of implementing the standards for variations, the Zoning Board, in making its decision whenever there are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence that:
 - a. The particular physical surrounds, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were strictly enforced.
 - b. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.
 - c. The alleged difficulty or hardship has not been created by any person presently having an interest in the property, or any person through whom the applicant claims title.
 - d. The granting of the variation will not be substantially detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
 - e. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, substantially diminish or impair property values within the neighborhood.
4. The Zoning Board may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

11.6 NOTICE OF HEARING

No variation of the terms of this ordinance shall be granted by the Zoning Board unless an application for a permit has been made to the Zoning Enforcement Officer and a duly advertised public hearing has been held by the Zoning Board, as prescribed by statute. The notice of hearing shall contain the address or location of the property and contain a brief description of the nature of the appeal for which the variation or other ruling by the Zoning Board is sought. Notice shall

be given by certified mail at least 15 days prior to hearing to all property owners within 200 feet in areas zoned residential; 300 feet in areas zoned business or industrial; and one mile in areas zoned agricultural. These distances shall be from the area to be rezoned except where the said district extends into another district; then that standard will apply. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

11.7 APPEALS TO COURT

All final administrative decisions of the Zoning Board rendered under the terms of this ordinance shall be subject to judicial review pursuant to the provisions of the "administrative Review Act: approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto."

11.8 ENFORCEMENT

1. This ordinance shall be administered and enforced by the County Zoning Administrator appointed by the County Board, who is hereby designated and herein referred to as the Zoning Enforcement Officer.
2. Proper authorities of the county or any person affected may institute any appropriate action or proceeding against a violator, as provided by statute.

SECTION 12 – PERMITS

12.1 PERMIT APPLICATIONS

Applications for a permit shall be made in triplicate to the County Zoning Enforcement Officer on forms furnished by the County Zoning Enforcement Officer and shall include the following where applicable:

Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.

Description of the subject site by lot, block, and recorded subdivision; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards.

In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.

Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be approved by the County Engineer who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county and state Board of Health restrictions.

Proposed water supply plan, if municipal water service is not available. This plan shall be approved by the County Engineer who shall certify in writing that an adequate and safe supply of water will be provided.

Concrete, stone, wood, masonry, or other fences in a required front yard, of any R, RE, Business or Industrial District shall require permits. The Zoning Enforcement Officer shall also require permits for any fences or other structures within the sight triangle establishment at intersections. (See Section 4.6 Traffic Visibility.)

Each permit issued for a main building also shall cover any necessary structures or buildings constructed at the same time, on the same premises and such permit for which it is issued until completion of construction or occupancy.

Any work or change in use authorized by permit, but not substantially started within 90 days shall require a new permit. A permit shall be revoked by the Zoning Enforcement Officer when he shall find from personal inspection or from competent evidence, that the rules or regulations under which it has been issued are being violated.

All applications and a copy of all permits issued shall be systematically filed and kept by the Zoning Enforcement Officer in his office for ready reference.

No permit shall be required for:

1. Routine maintenance or repair of buildings, structures, or equipment such as repainting or reroofing a building, or reballasting a railroad track.
2. Alterations of existing building having a replacement value of less than \$300.
3. Construction of a service connection to a municipally owned and operated utility.
4. Any agricultural use, except as required in Section 2.2

Application for conditional use permits under Section 3.4, shall be referred by the Zoning Enforcement Officer to the Zoning Board without delay.

SECTION 13 – AMENDMENTS

13.1 POWER TO AMEND

The County Board may from time to time amend, supplement, or change by ordinance the boundaries of districts, or regulations herein established.

13.2 PETITIONS

Petitions by interested persons to rezone or reclassify any property and the reasons in support thereof shall be filed with the Zoning Enforcement Officer along with a fee to partially defray the expense of investigation and consideration, which fee shall be collected by the County Treasurer, who shall account for the same to the county, except when an amendment is proposed by county zoning authorities, no fee shall be required.

13.3 PROCEDURES

Upon any application for a proposed amendment, supplement, or change being properly filed with the Zoning Enforcement Officer in the County Zoning Enforcement Office, said officer shall immediately cause a copy of same to be forwarded to the members of the County Planning Commission, hereinafter referred to as Planning Commission, and the members of the County Board of Zoning Appeals, hereinafter referred to as Zoning Board. The Planning Commission shall make such investigation as provided by their rules of procedure. The Planning Commission shall consider such proposed amendments at their next regularly scheduled monthly meeting provided that, if 14 days have not elapsed since the above said mailing of such proposed amendment, they may defer action on it until their next regular monthly meeting. In determining the 14-day period, the day the letter is mailed shall be excluded, and the day of the meeting shall be included. The recommendation and report stating reasons for their decision, of the Planning Commission, shall be forwarded to the Chairman of the Zoning Board and to the Chairman of the County Board without delay. Said report of the Planning Commission may be considered by the Zoning Board in arriving at their decision, whether or not a member of the Planning Commission appears at the public hearing. The Board shall forward their report and decision, setting forth the reasons therefore, to the Chairman of the County Board.

The Zoning Board shall cause notice of a public hearing to be duly published, as prescribed by statute, not more than 30 nor less than 15 days before the hearing. A hearing shall be held in each township directly affected, except that in the case of general amendments to the text of the County Zoning Ordinance, the hearing

shall be held in the County Courthouse only. The published notice of a hearing affecting a particular township or townships shall be published in a newspaper qualified to accept legal notices, in general circulation in the area affected. In addition, where a proposed amendment affects a particular area of the county, notice shall be mailed to all municipalities within one and one-half miles thereof, and all adjacent property owners 15 days in advance of the hearing. Property owners shall be considered adjacent although they are separated by a street or road, or if a corner of their land touches, or if their property is next to a tract of land a portion of which is to be rezoned. If property is held by a life tenant with contingent remainders or rights in reversion, in trust, or by more than one person, it shall be sufficient notice, if notice is sent to the person receiving the tax bills as shown by the records in the County Treasurer's office. No proposed amendment shall be defeated because of improperly mailed notices, if the Zoning Board is satisfied that the applicant has made a diligent effort to list all property owners in his application for the zoning change. Within a reasonable time after the hearing, the Zoning Board shall make a report to the County Board.

13.4 PASSAGE OF AMENDMENT

The favorable vote of at least three-fourths of all of the members of the County Board shall be necessary to pass an amendment in the following instances:

1. When a written protest against the proposed amendment is filed with the County Clerk, signed and acknowledged by the owners of 20 percent of the frontage proposed to be altered, the owners of 20 percent of the frontage immediately adjoining or across the alley therefrom, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered.
2. When a land affected by a proposed amendment lies within one and one-half miles of the limits of a zoned municipality and a written protest against the proposed amendment is passed by the City Council or President and Board of Trustees of the nearest adjacent zoned municipality, and filed with the County Clerk.

In all other instances except those just above listed, a majority vote of the members of the County Board present at the meeting at which the amendment is considered shall be necessary to pass an amendment.

SECTION 14 – FEES, VIOLATIONS, PENALTIES

14.1 FEES

Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, variations, and for appeals to the Board of Zoning Appeals shall be

established by action of the County Board from time to time. Such fees shall be paid to the County Clerk who shall give a receipt therefor and account for same at regular intervals to the County Board.

14.2 VIOLATIONS

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this ordinance. In case of any violation, the County Board, County Zoning Enforcement Officer, the County Planning Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ordinance.

14.3 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than **\$500.00** for each offense. Each day a violation exists or continues shall constitute a separate offense (**55ILCS 5/5-12019**).

SECTION 15 – RULES AND DEFINITIONS

15.1 RULES

1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number and the plural the singular; where the context requires.
2. The word “shall” is mandatory and not discretionary.
3. The word “may” is permissive.
4. The word “lot” shall include the words “piece,” “parcel,” and “tract;” and the phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
5. All measured distances shall be to the nearest integral foot—if a fraction is one-half foot or less, the integral foot next below shall be taken.
6. Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster’s Dictionary.
7. The words and terms set forth herein under “Definitions” wherever they occur in this ordinance shall be interpreted as herein defined.

15.2 DEFINITIONS

Accessory Use or Structure

A use or structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. For example, a retail business is not considered customarily incidental to a residential use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants’ quarters, private swimming pools, private emergency shelters, and other similar uses.

Agriculture – Agricultural Use or Purpose

Land, or land, buildings and structures, the principal use of which is growing farm **crops** or truck garden crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, or animal or poultry husbandry, **apiculture, aquaculture, nurseries, tree farms, sod farms, wholesale greenhouses**, and uses customarily incidental to agricultural activities, including but not limited to the farm dwellings for tenants and full-time hired farm workers and the dwellings or lodging rooms for seasonal workers.

Boarding House (Rooming or Lodging House)

A residential building, or portion thereof—other than a motel, apartment hotel, or hotel—containing lodging rooms for accommodation of three or more persons who are not members of the keeper’s family, and where lodging or meals or both are provided by pre-arrangement and for definite periods, at a definite prearranged price.

Building

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Building Height

The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.

Camps or Campgrounds

Tracts of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary, or movable nature such as a cabin, hunting shelter, or tent.

Comprehensive Plan

The extensively developed and evolving plan, also called a master plan, adopted by the County Planning Commission.

Conditional Use
See, Use, Conditional

Conservation

Preservation of land, water, flora, fauna, and cultural artifacts in their original state.

Consumer Service

Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience. For example, consumer services include the provision of the personal services such as beautical and barbering services, the provision of lodging, entertainment, specialized instruction, financial services, transportation, laundry and dry cleaning service, and all other similar services.

Dwelling

A building or portion thereof designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

Essential Services

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, etc., but not including buildings.

Family

Two or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or a group of not more than 3 persons who need not be related by blood, marriage, or legal adoption living together as a single housekeeping unit and occupying a single dwelling unit; in either case, exclusive of usual domestic servants.

Farm

Land upon which agricultural purposes or uses constitute the principal and primary activity.

Farmstead – Farm Residence

A structure used and occupied as a dwelling by a person or persons engaged in an agricultural occupation or employment upon the property upon which the residence is located.

Flag Lot

A lot consisting of a minimum of 5 acres connected to a public road by shared private easement or road or where access is by means of a private easement which is adjacent and parallel to other private road or easement. Such lots are intended to provide a method of a landowner selling off lots without meeting all the requirements for a subdivision.

Floor Area

The sum of the gross floor area for each of the several stories under roof measured from the exterior limits or faces of a building or structure including areas below grade. Attached accessory structures are not included.

Garage, Private

An accessory building, or an accessory portion of a principal building enclosed on at least three sides which is intended for and used to store private passenger motor vehicles and no more than one three-quarter ton or lesser-sized truck.

Grade

The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Home Occupation

An occupation carried on in a dwelling by the resident thereof, not involving the conduct of a retail business or manufacturing business, the employment of any additional persons in the performance of such services excepting members of the immediate family residing on the premises and one receptionist or office assistant; nor using any mechanical equipment other than is usual for purely domestic or hobby purposes; nor exterior storage of equipment or materials used in connection with the home occupation. Home occupations, further, shall not utilize more than 25 percent of the total floor area of any one story.

Hotel

An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy services, furnishing of and laundry of linens used in the lodging rooms, and central desk with telephone.

Junkyard

Any land or structure used for a salvaging operation including, among other things, the storage and sale of waste paper, rags, scrap metal, and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

Kennel

Any premises or portions thereof on which four or more dogs, cats, or other household domestic animals over four months of age are kept, or on which more than two such animals are maintained, bred, or cared for, for remuneration or sale.

Loading Area

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

Lodging Room

A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room.

Lot

A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other open spaces required by this ordinance.

Lot, Corner

A lot abutting on two streets at their juncture, when the interior angle formed is less than 135 degrees.

Lot Lines and Area

The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot, Interior

A lot other than a corner lot.

Lot Recorded

A lot designated on a subdivision plat or deed duly recorded pursuant to statute in the County Recorder's Office. A recorded lot may or may not coincide with a zoning lot.

Lot Width

The width of a parcel of land measured at the rear of the specified street yard.

Lot, Zoning

A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this ordinance.

Mobile Home

“Mobile Home” means any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways, and designated to permit the occupancy thereof as a dwelling place for one or more persons.

Mobile Home Park

“Mobile Home Park” means an area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park.

Motel

An establishment consisting of a group of lodging rooms each with individual bathrooms, and designed for use by transient guests. A motel furnishes customary hotel services such as maid service and laundering of linen used in the lodging rooms, telephone and secretarial or desk service, and the use and upkeep of furniture.

Nonconforming Structure

A structure which lawfully occupies a building site or land at the time of adoption of this ordinance, and which does not conform with the regulations of the district in which it is located.

Nonconforming Use

A use which lawfully occupies a building or land at the time of adoption of this ordinance, and which does not conform with the use regulations of the district in which it is located.

Nonretail Commercial

Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail commercial includes wholesale activities, warehousing, trucking terminals, and similar commercial enterprises.

Nursing Home or Rest Home

A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

Open Sales Lot

Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, monuments, and trailers.

Parking Space

A graded all-weather surface area of not less than 200 square feet in area, either enclosed or open, for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

Performance Standards

A criterion established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.

Planned Development

A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings, and one or more principal uses planned and constructed as a unified development.

Relatives

Persons standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren, or grandparents.

Retail Sales

Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

Sanitary Land Fill

A method of disposing of refuse by spreading and covering such refuse with earth to a depth of 2 feet or more on the top surface and 1 foot or more on the sides of the bank.

Setback, Building

The minimum horizontal distance between the **property line, or the public road or street line and the point at which a building or structure may be erected.**

Service Station, Filling Station, Gas Station

Any building or premises whose principal use is the dispensing, sale, or offering for sale at retail, of any motor vehicle fuel or oils. Open storage shall be limited to no more than 4 vehicles stored for minor repair bearing current license plates. Such storage shall not exceed 72 hours duration and shall not permit the storage of wrecked vehicles.

Shopping Centers

Regional

The regional shopping center is generally designed to serve the “one-stop” customer. He may park his car once and travel to various store destinations and purchase almost everything. The regional shopping center normally contains a major department store where a large variety of goods and services are offered. The center also usually contains professional offices, specialty shops, restaurants, and perhaps amusement facilities. A maximum trade area population of approximately 100,000 persons is necessary to adequately support a regional center.

Community

The community shopping center is generally designed and constructed to serve a population of approximately 40,000 to 80,000 people. The facilities usually present in this type of center are a junior department store, branch banks, apparel shops, supermarkets, and personal service enterprises such as beauty shops, barbershops, and dry cleaners.

Neighborhood

Neighborhood centers mainly serve the day-to-day needs of people in their immediate vicinity. Normally the neighborhood center contains from five to ten stores with a supermarket as its focal point.

Signs

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product, and which is visible from any public street, highway or pedestrian way.

Sign, Advertising (Billboard)

A sign which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered for sale on the premises where such sign is located, or to which it is affixed.

Sign, Business

A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

Sign, Gross Area of

The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double face or V-type sign erected on a single supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square-foot area, be considered and measured as a single face sign; otherwise each display surface of a sign shall be considered a single sign.

Structural Alterations

Any change, other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

Structure

Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached or projecting shall be construed to be a structure.

Thoroughfare

A street with a high degree of continuity which serves as an intrastate, an intracounty or interstate highway, or as an arterial trafficway between the various districts of this county. It affords a primary means of access to abutting properties except from thoroughfares classified as freeways or other limited access routes not containing frontage roads.

Use

The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory

A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants' quarters, private swimming pools and private emergency shelters.

Use, Permitted

A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and performance standards, if any, of such district.

Use, Principal

The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

Use, Conditional

Uses of such variable nature as to make control by rigid preregulation impractical. After due consideration in each case, by the County Board, after receiving the report and recommendations of the Planning Commission relative to the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "Conditional Use" may or may not be granted by the County Board. **As used herein "Conditional Use" shall have the same meaning as "special use" as contained in Division 5-12 (Zoning) of the Illinois Counties Code (55 ILCS 5/5-12001 et.seq.).**

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Yard

An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this ordinance. See Section 17 for illustration entitled "Yards".

Yard, Corner Side

A side yard which adjoins a street or thoroughfare.

Yard, Front (Setback)

A yard which is bounded by the side lot lines, front lot line, and the front yard line.

Yard, Interior Side

A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

Yard, Rear (Setback)

A yard which is bounded by side lot lines, rear lot line, and the rear yard line.

Yard, Side (Setback)

A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

PERFORMANCE STANDARDS DEFINITIONS

Closed Cup Flash Point

The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The tag closed cup tester shall be authoritative for liquids having a flash point below 175 degrees F. The Pensky-Martens tester shall be authoritative for liquids having flash points between 175 degrees F and 300 degrees F.

Decibel

A unit of measurement of the intensity or loudness of sound. Sound level meters employed to measure the intensity of sound are calibrated in decibels. A decibel is technically defined as twenty times the logarithm to the base ten of the ratio of the sound pressure in microbars to a reference pressure of 0.0002 microbar.

Displacement (Earth)

The amplitude or intensity of an earthborn vibration measured inches. The displacement or amplitude is one-half the total earth movement.

Earthborn Vibrations

A cyclic movement of the earth due to the propagation of mechanical energy.

Equivalent Opacity

The shade on the Ringelmann Chart that most closely corresponds to the density of smoke, other than black or gray.

Free Burning

A rate of combustion described by material which burns actively and easily supports combustion. Examples: coal, charcoal.

Frequency (Vibration and Sound)

Frequency is the number of oscillations per second involved in a vibration or sound.

Impact Noise

A short-duration sound which is incapable of being accurately measured on a sound level meter.

Impulsive

Discrete vibration pulsations occurring no more than one per second.

Incombustible

A material which will not ignite nor actively support combustion during an exposure for five minutes to a temperature of 1200 degrees F.

Intense Burning

A rate of combustion described by a material that burns with a high degree of activity, and is consumed rapidly. Examples: sawdust, magnesium (powder—flaked or strips), rocket fuels.

Moderate Burning

A rate of combustion described by a material which supports combustion and is consumed slowly as it burns. Examples: wood, timber and logs.

Octave Band

A prescribed interval of sound frequencies which classifies sound according to its pitch.

Octave Band Filter

An electronic frequency analyzer designed according to standards of the American Standards Association, and used in conjunction with a sound level meter to take measurements of sound pressure level in specific octave bands.

Odor Threshold

The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with ASTM Method D1391-57, "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)."

Odorous Matter

Any material that produces an olfactory response among human beings.

Particulate Matter

Material other than water which is suspended in or discharged into the atmosphere in a finely-divided form, as a liquid or solid at outdoor ambient conditions.

Pre-1960 Octave Bands

The frequency intervals prescribed by the American Standards Association in ASA Standard 224. 10-1953, "Octave Band Filter Set."

Preferred Frequencies

A set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA Standard No. S1.6-1960, "Preferred Frequencies for Acoustical Measurements."

Ringelmann Chart

A chart described by the U.S. Bureau of Mines in their information Circular No. 6888, upon which are illustrated graduated shades of gray for use in estimating the light obscuration capacity of smoke.

Ringelmann Number

The number of the area on the Ringelmann Chart that coincides most nearly with the visual density or equivalent opacity of the emission of smoke observed.

Slow Burning

A rate of combustion which describes materials that do not in themselves constitute an active fuel for the spread of combustion. Example: wool, materials with fire-retardant treatments.

Smoke

Small gas-borne particles other than water that form a visible plume in the air.

Sound Level Meter

An instrument for the measurement of sound pressure levels constructed in accordance with the standards of the American Standards Association and calibrated in decibels.

Sound Pressure Level

The intensity of sound or noise in decibels.

Three-Component Measuring System

A three-component measuring system is an instrument or complement of instruments which records earthborn vibration simultaneously in three mutually perpendicular directions.

Toxic Matter

Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Vibration

The periodic displacement of the ground measured in inches.

SECTION 16: WIND ENERGY CONVERSION SYSTEM

Definitions

Setback The distance from a feature to a tower.

System Height The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Mini Wind Energy Conversion System (Mini WECS) The system by which wind energy is converted to electricity including a wind turbine, one tower, support system, blades and associated control and conversion electronics which has a rated capacity less than ten (10) kW and a system height less than thirty-five feet (35') or more.

Small Wind Energy Conversion System (SWECS) The system by which wind energy is converted to electricity including a wind turbine, one tower, support system, blades and associated control and conversion electronics which has a rated capacity of ten-one hundred (10-100) kW or a system height of eighty feet (80').

Wind Energy Conversion System (WECS) The system by which wind energy is converted to electricity including wind turbines, towers, support systems, blades and associated control and conversion electronics which has a rated capacity over one hundred (100) kW.

WECS Site All parcels of land making up the WECS project.

WECS Perimeter The outer boundaries of the WECS site.

WECS Project All WECS, substations and ancillary facilities.

Mini Wind Energy Conversion System (Mini WECS)

A. Purpose and Intent

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of Mini Wind Energy Conversion Systems designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety and community welfare without unduly restricting the development of Mini Wind Energy Conversion Systems.

B. Permitted Use

Mini Wind Energy Conversion Systems shall be considered an accessory use.

C. Special Requirements

Mini WECS are subject to the following requirements:

- 1) **Tower Height** Tower height shall be less than thirty-five feet (35').
- 2) **Setbacks** All parts of the Mini WECS structure shall be set back a distance equal to 1.1 times the system height from the side and rear property lines; the principal structure; and any electric or other utility lines. Mini WECS shall not be permitted in the front yard.
- 3) **Noise** Noise levels shall not exceed standards set by the Illinois Pollution Control Board for noise emissions from Class C land to Class A land regardless of the land use of the receiving land.

Noise levels shall be enforced by both the State of Illinois and Cass County.

- 4) **Certification** All Mini WECS shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a small wind certification program recognized by the American Wind Energy Association.
- 5) **Appearance** The Mini WECS Surface shall be a non-reflective, unobtrusive color (usually white or gray). No advertising signs or graphic designs shall be permitted on the Mini WECS. The manufacturer's identification with ratings is allowed.
- 6) **Safety** All Mini WECS shall be unclimbable for fifteen feet (15') above ground level. A visible "High Voltage" warning sign shall be placed on the Mini WECS.
- 7) **Lighting** The Mini WECS shall not be lighted except as required by the Federal Aviation Administration or other state or federal laws; exception: a downward light may be added to light the area below and immediately around the structure. The light must be mounted to avoid the sweep of the blades which may cause a strobing effect.
- 8) **Building Codes and Electrical Codes** All county, state and national construction codes shall be followed.
- 9) **Use** The Mini WECS shall provide electricity for on-site use only. However, the Mini WECS may be connected to the commercial grid.

D. Certificate of Compliance

Before a certificate of compliance and building permit are issued, the following shall be submitted to the Cass County Department of Zoning for review.

- 1) **Site Plan showing**
 - a) name, address and phone number of the property owner
 - b) property lines
 - c) all structures
 - d) septic fields
 - e) setback lines
 - f) location of the tower, guy lines or anchor bases
 - g) location of any above ground utility lines
- 2) **Additional information to be supplied with the site plan**
 - a) Mini WECS manufacturer
 - b) Name-plate generating capacity
 - c) Height according to manufacturer
- 3) Evidence that the local electric utility has been informed of the customer's intent to install an interconnected customer-owned generator, if applicable.

Small Wind Energy Conversion System (SWECS)

A. Purpose and Intent

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of Small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety and community welfare without unduly restricting the development of Small Wind Energy Conversion systems.

B Permitted Use

Small Wind Energy Conversion Systems shall be considered an accessory use.

C Special Requirements

SWECS are subject to the following requirements.

- 1) **Tower Height** Tower height shall be thirty-five feet (35') to eighty feet (80').
- 2) **Setbacks** All parts of the SWECS structure shall be set back a distance equal to 1.1 times the system height from the front, side and rear property lines and any electric or other utility lines.
- 3) **Noise** Noise levels shall not exceed standards set by the Illinois Pollution Control Board for noise emissions from Class C land to Class A land regardless of the land use of the receiving land. Noise levels shall be enforced by both the State of Illinois and Cass County.
- 4) **Certification** All SWECS shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a small wind certification program recognized by the American Wind Energy Association.
- 5) **Appearance** SWECS surface shall be a non-reflective, unobtrusive color (usually white or gray). No advertising signs or graphic designs shall be permitted on the SWECS. The manufacturer's identification with ratings is allowed.
- 6) **Safety** All SWECS shall be unclimbable for fifteen (15') above ground level. A visible "High Voltage" warning sign shall be placed on the SWECS.
- 7) **Lighting** The SWECS shall not be lighted except as required by the Federal Aviation Administration or other state or federal law.
- 8) **Building Codes** All county, state and national construction codes shall be followed.
- 9) **Use** The SWECS shall provide electricity for on-site use only. However, the SWECS may be connected to the commercial grid. Only one SWECS shall be allowed per land parcel or per principal structure.

D Certificate of Compliance Before a certificate of compliance shall be issued, the following shall be submitted to the Cass County Department of Zoning for review.

- 1) **Site Plan showing:**
 - a) Name, address and phone number of the property owner

- b) Property lines
 - c) All structures
 - d) Septic field
 - e) Setback lines
 - f) Location of the tower, guy lines or anchor bases
 - g) Location of any above ground utility lines
- 2) **Additional information to be supplied with the site plan:**
- a) SWECS manufacturer
 - b) Name-plate generating capacity
 - c) Height according to manufacturer
- 3) Evidence that the local electric utility has been informed of the customer's intent to install an interconnected customer-owned generator.
- 4) Letter from the Federal Aviation Administration (FAA) stating that the SWECS complies with FAA regulations.
- 5) A copy of the manufacturer's structural and anchoring requirements must be provided before a building permit is issued.

Wind Energy Conversion System (WECS)

A Purpose and Intent

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of Wind Energy Conversion Systems designed for commercial energy production. The intent of these regulations is to protect the public health, safety and community welfare while allowing development of wind energy resources for commercial purposes.

B Conditional Permitted Use

WECS shall be a conditional permitted use for an entire project in the A Agriculture zoning district.

C Petition

The petition for a Conditional Permitted Use (CPU_ shall include:

- 1) A written summary of the project including:
 - a) a general description of the project, including its approximate name plate generating capacity;
 - b) The potential equipment manufacturer(s) and type(s) of WECS(s);
 - c) Number of WECS towers, and name plate generating capacity of each WECS;
 - d) The system height;
 - e) Diameter of the WECS(s) rotor(s); and
 - f) Description of the applicant, owner and operator, including their previous WECS experience.
- 2) The name(s), address(es), and phone numbers(s) of the owner and operator.
- 3) A site plan of the WECS site showing:
 - a) Boundaries of the project;

- b) Location of each WECS tower, guy lines and anchor bases (if any);
- c) All WECS structures including, but not limited to, the project substation, interconnect substation and location and voltage of any overhead transmission lines;
- d) Property lines;
- e) Setback lines;
- f) Public access roads;
- g) Location of all existing structures with their uses identified; and
- h) Land use, zoning, public roads and structures within one thousand feet (1000') of the WECS site.

D. Special Requirements WECS are subject to meet all of the following requirements:

1) Location All WECS shall not be located within one and one-half (1½) miles of an incorporated area with a population over ten thousand (10,000) or within one-half (1/2) mile of an incorporated area with a population of less than ten thousand (10,000). WECS shall not be located so that they interfere with contiguous urban development.

2) Height Height shall meet the requirements of the Federal Aviation Administration or other state or federal laws.

3) Setbacks

a) setback requirements –

Objects

Setback

Residence.....750 feet

Property Lines.....1.10 times its height

Public Roads (from right-of-way).....1.10 times its height

Other structures.....1.25 times its height
Power line and utility poles.....1.10 times its height

Distance shall be measured from the foundation at the base of the tower. A waiver of the setback requirement may be granted for little-used public roads. A waiver of the setback requirement may also be granted for the property line of an adjoining property owner participating in the particular wind power facility being developed and who agrees to the waiver.

- 4) **Noise** Noise levels shall not exceed standards set by the Illinois Pollution Control Board for noise emissions from Class C land to Class A land regardless of the land use of the receiving land. Noise levels shall be enforced by State of Illinois regulations.

E. Certification

WECS shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

All applicable county, state and national construction and electric codes shall be followed.

B. Appearance

WECS surface shall be a non-reflective, unobtrusive color (usually white or gray). No advertising signs or graphic designs shall be permitted on the WECS. The manufacturer's identification with ratings is allowed.

C. Safety

- 1) All wiring between wind turbines and the wind energy facility substation shall be underground whenever possible.
- 2) Wind turbine towers shall not be climbable up to fifteen (15) feet above ground level.
- 3) All access doors to wind turbine towers and electrical equipment shall be lockable.
- 4) Appropriate signs warning of high voltage shall be placed on wind turbine towers, electrical equipment, and wind energy facility entrances.
- 5) All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode.

Stall regulation shall not be considered a sufficient braking system for overspeed protection.

D. **Lighting**

The WECS shall not be lighted except as required by the Federal Aviation Administration or other state or federal law.

E. **Use of Public Roads**

The owner or operator shall identify all public roads to be used for transporting WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or substation(s) and shall:

- 1) Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
- 2) Submit an acceptable financial security in an amount determined by the appropriate highway authority to be used for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS if not done by the WECS owner/operator when construction of the project is completed.

F. **Electromagnetic Interference**

No WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in a location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

The applicant shall provide the applicable microwave transmission providers, local emergency service providers and the Sangamon County Emergency Telephone System Department copies of the project summary and site plan. If these providers demonstrate a likelihood of interference with their communications resulting from the WECS, the applicant shall take measures to mitigate anticipated interference or relocate the WECS tower or facility.

If the WECS causes interference with local residential broadcast TV, the problem must be mitigated.

G. **Shadow Flicker**

The applicant shall conduct a study on potential shadow flicker. The study shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations. The study shall identify problem areas where shadow flicker may interfere more than one (1) hour per year with residences and other existing uses and describe measures that shall be taken to eliminate or mitigate the problems. Any safety problems identified by the County Engineer caused by shadow flicker on roads shall be eliminated or mitigated.

H. Decommissioning Plan

The WECS project must provide a decommissioning plan to insure that the WECS equipment is removed and land is restored to its previous use upon the end of the project's life. The plan shall include:

- 1) Provisions for the removal of structures, debris and cabling on the surface and at least 5' below the surface.
- 2) Provisions for the restoration of the soil and vegetation;
- 3) An estimate of the decommissioning costs certified by a professional engineer in current dollars;
- 4) A financial plan approved by Cass County to ensure funds will be available for decommissioning and land restoration;
- 5) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs; and
- 6) A provision that Cass County shall have access to the site and to the funds to effect or complete decommissioning one (1) year after cessation of operations.

I. Certificate of Compliance

1) Required Submission

The following items shall be submitted to the Cass County Department of Zoning:

- a) Site plan with all items previously required.
Additional items to be included are:
 - 1) Electrical cabling from the WECS tower to the substation(s);
 - 2) Ancillary Equipment;
 - 3) Third party transmission lines;
 - 4) Wells;
 - 5) Septic fields;
 - 6) Field tile location;
 - 7) Existing easements;
 - 8) Floodplain location and elevation, if applicable;
 - 9) Wetland location, if any
- b) noise assessment including average and maximum noise levels at perimeter property lines and at housing units within the project.
- c) Phase I Avian Screening Report by a qualified third party and all correspondence with the Illinois Department of Natural Resources and U.S. Fish and Wildlife Service regarding the project.
- d) Letter from the FAA stating the project is in compliance with FAA height and lighting requirements.
- e) Letter of compliance from the Illinois Historic Preservation Agency.

- f) Emergency plan.
- g) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.

2) Fees

Wind Energy Conversion System Towers.....\$25 per foot of Height from the base to the center of the hub.

3) Review

Due to the complexity of the project and the information submitted, it shall be reviewed by a committee consisting of one or more representatives from:

- h) Cass County Department of Zoning
- i) Cass County Regional Planning Commission
- j) CassCounty Engineer
- k) Cass County Emergency Telephone System Department
- l) Cass County Administrator
- m) Cass State’s Attorney
- n) Applicable fire protection district

If the committee determines that all requirements of the ordinance have been met, the Zoning Administrator shall issue a Certificate of Compliance.

The building permit may be reviewed at the same time.

Cessation of Operations

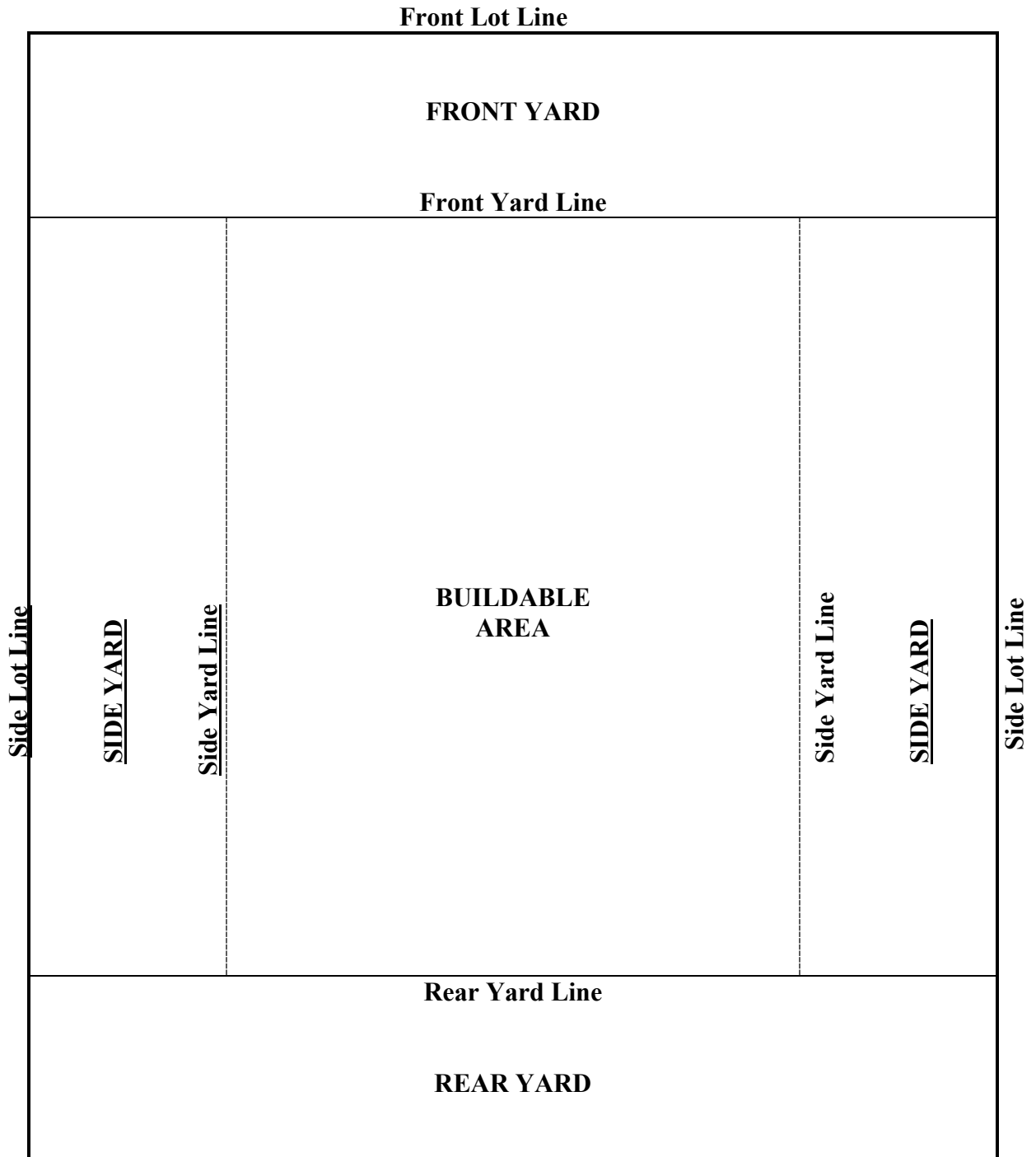
If any Wind Energy Conversion System provided for in this chapter (Mini WECS, SWECS and WECS) has not been operation and producing electricity for at least two hundred seventy (270) consecutive days, it shall be removed. The Cass County Zoning Administrator shall notify the owner to remove the system. Within thirty (30) days, the owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the owner fails to or refuses to remove the Wind Energy Conversion System, the violation shall be referred to the Cass County States Attorney for enforcement.

Penalties

A failure to obtain applicable building permit(s) for the construction of a Wind Energy Conversion System or failure to comply with the requirements of a building permit or the provisions of this Ordinance shall be deemed a violation of this ordinance and will be penalized according to Sec 14.3 of the Cass County Zoning Ordinance. The State’s Attorney may bring an action to enforce compliance of the requirements of this Ordinance by filing an action in the Circuit Court for an injunction requiring conformance with this ordinance or seek such other order as the court deems necessary to secure compliance with this ordinance.

Nothing herein shall prevent the County from seeking such other legal remedies available to prevent or remedy any violations of this ordinance.

SECTION 17: YARDS



SECTION 18: MOBILE HOME PARK REGULATIONS

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18.2: MOBILE HOME PARK REGULATIONS

A CONDITIONAL USE PROVISION DEFINING AND REGULATING MOBILE HOME PARKS: ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONSTRUCTION OF MOBILE HOME PARKS; ESTABLISHING MINIMUM STANDARDS GOVERNING THE PROVIDED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS OF MAKING MOBILE HOME PARKS SAFE, SANITARY, AND FIT FOR HUMAN HABITATION; FIXING THE RESPONSIBILITIES AND DUTIES OF OWNERS AND OPERATORS OF MOBILE HOME PARKS.

SECTION 1 – DEFINITIONS

Accessory Structure

A building subordinate to and smaller than a principal building or mobile home that contributes to the comfort, convenience, or necessity of the occupants of the principal building or mobile home.

Board of Appeals

The County Zoning Board of Appeals.

County Zoning Administrator

The legally designated County Enforcing Officer (or his authorized representative).

Dependent Mobile Home

“Dependent Mobile Home” means a mobile home that does not have a toilet and bath or shower facilities. Their use is prohibited in any mobile home park.

Independent Mobile Home

Any enclosure or vehicle used for living, sleeping, business or storage purposes on a foundation or wheels which is, has been, or reasonably may be equipped with wheels or other devices for transporting it from place to place, whether by motive power or other means, suitable for year-round occupancy, and containing both facilities and self-contained toilet. This definition is not intended to include travel trailers or camper buses.

May

The term “may” shall mean permissible.

Mobile Home

“Mobile Home” means any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways and designated to permit the occupancy thereof as a dwelling place for one or more persons.

Mobile Home Lot

A parcel of land designated for the exclusive use of the occupants of a single mobile home, also termed mobile home space.

Mobile Home Park

“Mobile Home Park” means an area of land upon which two or more occupied mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park.

Mobile Home Stand

That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

Permit

The term “permit” means a written permission issued by the County Zoning Administrator permitting the owner to construct or alter a mobile home park under this ordinance and regulations promulgated thereunder.

Person

Means an individual, firm, partnership, corporation, company, or association.

Service Building

Means a building housing manager’s office, laundry facilities, maintenance equipment, and toilet facilities for employees, and emergency sanitary accommodations.

Shall

The term “shall” means imperative and mandatory.

Zoning Permit

The term “permit” means a written permission issued by the Zoning Administrator permitting the owner to construct or alter a mobile home park under this ordinance and regulations promulgated thereunder.

SECTION 2 – MINIMUM REGULATIONS

Each park to be constructed under the provisions of this ordinance shall adhere to the minimum regulations as are required by the Illinois State Department of Health regulating Mobile Home Park Sanitation. The Department of Health regulations establish health sanitation and safety standards for all parks in Illinois.

SECTION 3 – APPLICATION FOR PERMIT

In order to obtain a zoning permit to construct a new mobile home park or an addition to an existing mobile home park, the applicant shall file with the Zoning Administrator a written application setting forth:

1. The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of filing of the application.
2. Location and legal description of the tract of land, certified on a plat of a survey by an Illinois Registered Land Surveyor drawn to scale of 1” = 100’ or larger.
3. The proposed and existing facilities in the park for water supply, sewage, garbage and waste disposal, fire protection, and for a sanitary community

building which will include a description of toilets, urinals, sinks, wash basins, slop sinks, showers, drains and laundry facilities, the proposed alterations therein and the maintenance thereof.

4. The proposed method of lighting the structures and land upon which the park is to be located.
5. All corners and points of tangency are to be marked by galvanized or wrought iron pipe or iron or steel bars at least 18 in length and not less than ½ inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.
6. The plans of the park drawn on a scale of 50 feet to an inch, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities, all showing compliance with the provisions of this Ordinance. The plot plans shall be drawn on a scale of 50 feet to an inch and contain, among other things, the following:
 - a. The date on which such plot plans were prepared.
 - b. An arrow indicating North.
 - c. All mobile home sites shall be properly numbered on the plot plans.
 - d. Complete information regarding storm sewers.
 - e. Storm water runoff shall be shown on a separate plat.
 - f. Contour lines with intervals of not more than 5 feet where the slope is greater than 10 percent, and not more than 2 feet where the slope is less than 10 percent shall be shown on a separate plat, and the United States Geological Survey data shall be used for the preparation of such a plat.
 - g. Grades of driveways and all ditches shall be shown on a separate plat.
7. A statement of the fire-fighting facilities, public or private, which are available to the mobile home park.
8. An affidavit of the applicant as to the truth of the matters contained in the application shall be attached thereto. Each application for a permit to construct shall be accompanied by an application fee amounting to \$25 for each. Each application fee shall be paid to the Clerk by certified check or

United States money order in the amount of the application fee only, and said application fee once paid to the County Clerk shall not be refunded.

SECTION 4 – APPLICATION REVIEW

Upon receipt of an application for a zoning permit to construct a park, the Zoning Administrator shall, if the park is or the proposed park will be in conformity with the ordinance, issue a permit to construct. If the applications for a permit to construct is declined, the Zoning Administrator shall give the reasons therefor in writing to the applicant; and if the objections can be corrected, the applicant may amend his application and resubmit it for approval.

If a zoning permit to construct a park is issued, the applicant shall upon completion thereof notify the Zoning Administrator. The Zoning Administrator shall then inspect the park, and if completed in accordance with the accepted application, the Zoning Administrator shall issue a permit of compliance.

No person, firm, or corporation shall provide or install a mobile home park or make a change or addition to a mobile home park until the plans therefor have been submitted to and approved by the State Department of Health.

No change in any sanitary facilities, methods of water supply, sewer, drainage, garbage or waste disposal, and no change in the plot plan shall be made without first making a written application to the Zoning Administrator and receiving a permit therefrom. Such application shall be made in the way and manner herein set forth except that a fee amounting to ten (\$10) dollars for each 10 acres or fraction thereof used to harbor mobile homes therein shall accompany each application for a permit to alter such mobile home park. No application fee shall be required to accompany an application for a permit to alter a park where such alteration involved only a reduction in the number of mobile home spaces to a number less than such park is currently permitted. Such a change or changes shall comply with such safety and sanitary code, building code, rules and regulations as are applicable thereto.

Such a permit does not relieve the applicant from securing any other permit or certificate, or from complying with any other ordinances of the municipality.

SECTION 5 – LICENSE FEE

No person, firm, or corporation shall construct a mobile home park without first obtaining a zoning permit and building permit to do so. Each certificate and permit to construct, and each certificate or permit to make alterations therein shall be prominently displayed in the office of the mobile home park for which the same was issued.

In addition to the application fee provided for herein, the licensee shall pay to the Zoning Administrator on or before April 30 of each year an annual license fee that shall be three (\$3.00) dollars for each mobile home space in the park.

Provided that subsequent to the effective date of this ordinance, any applicant for an original license to operate a new mobile home park constructed under a permit issued by the Zoning Administrator shall only be required to pay one-quarter of the annual fee if such park begins operation after the 31st day of January and before the 1st day of May of such licensing year; or one-half of the annual fee if such mobile home park begins operation after the 31st day of October and before the 1st day of February of such licensing year; or three-quarters of the annual fee if such park begins operation after the 31st day of July and before the 1st day of November of such licensing year; but shall be required to pay the entire annual fee if such mobile home park begins operation after the 30th day of April and before the 1st day of August of such licensing year.

Each license fee shall be paid to the Zoning Administrator by a separate certified check or United States money order in the amount of the license fee only, and any license fee or any part thereof once paid to and accepted by the Zoning Administrator shall not be refunded if the license is granted.

The Zoning Administrator shall deposit all funds received under this Ordinance with the County Clerk.

SECTION 6 – LICENSE REVOCATION

Any license granted hereunder shall be subject to revocation or suspension by the Zoning Administrator. However, the Zoning Administrator shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with this Ordinance. Said notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition specified in such notice within a reasonable time. If the licensee fails to comply with the terms and conditions of said notice within a reasonable time, the Zoning Administrator may revoke or suspend such license.

No license shall be issued for the licensing year commencing May 1, or for any licensing year thereafter, regardless of whether a license is issued for such mobile home park for any prior licensing year, for any mobile home park which does not fully comply with the minimum site improvement requirements of this Ordinance for interior streets, concrete runways and sidewalks, and street lighting.

SECTION 7 – LICENSE TRANSFER

Licenses issued hereunder apply only to the premises described in the application and in the license issued thereon, and only one location shall be so described in each license. A license that has been issued to a person, firm or corporation may not be transferred to any other person, firm, or corporation without the written consent of the Zoning Administrator. However, the Zoning Administrator may not withhold such consent where the provisions of this Ordinance have been met.

SECTION 8 – APPLICATION AND LICENSE DISTRIBUTION

When the Zoning Administrator has approved an application for a permit to construct or make alterations upon a mobile home park or the appurtenances thereto or a license to operate and maintain the same, it shall retain the original and keep a file thereof, and one copy shall be returned to the applicant or his agent; one copy shall be delivered to the Clerk.

The Zoning Administrator shall draft and supply all forms and blanks and specify the number and detail necessary to obtain permits to construct or make alterations upon mobile home parks and for a license to operate and maintain such a park according to this Ordinance.

SECTION 9 – RECORDS RESPONSIBILITY

The Zoning Administrator shall keep a record of all mobile home parks; said records to show the names and addresses of all mobile home parks; names and addresses of the licensees; number of mobile home lots in each park; source of water supply; system of sewage and garbage disposal; and any other information deemed essential by the Zoning Administrator.

SECTION 10 – ENVIRONMENTAL OPEN SPACE AND ACCESS REQUIREMENTS

1. Every park to be constructed under the provisions of this ordinance shall provide for the following, in the manner specified:
 - a. No park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well drained and shall be located in areas free from ponds, swamps, and similar places in which mosquitoes may breed. No wastewater from mobile homes shall be deposited on the surface of the ground, except state-approved systems may be used.
 - b. All land proposed for mobile home parks shall be adequately protected against flooding.
 - c. Not subject to any hazard or nuisance such as excessive noises, vibration, smoke, toxic matter, radiation, heat, or glare.
 - d. Not subject to any source of pollution such as drainage from garbage disposal areas.
 - e. Not subject to any adverse influence from adjoining streets and areas.

- f. The tract of land involved shall be an area of not less than 10 acres.

2. Site Drainage Requirements

- a. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.
- b. Adequate provisions shall be made for approved sanitary sewage treatment.

3. Soil and Ground Cover Requirements

- a. Exposed ground surfaces in all parts of every park shall be paved or covered with stone screenings or other solid material, or protected with a grass or sod growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- b. Where the topography has a slope of 25 percent or more, a rip wall cribbing or other approved system of soil and slope stabilization shall be installed and maintained.

4. Nuisances in Parks

All parks shall be maintained free of nuisances such as excessive heat, glare, vibration, smoke, toxic matter, radiation, and fire or explosive hazards.

5. Physical Hazards in Parks

- a. Adequate protective barriers shall be provided and maintained where there is a slope in excess of 45 degrees, and a change in elevation of 6 feet. Such barriers may include, but are not limited to, continuous shrubs or fences.
- b. Swimming pools shall be screened, fenced, or secured when not in active use to prevent injury. Fencing or other artificial enclosures shall completely enclose the pool area.
- c. Swimming pools shall be constructed and maintained in accordance with the requirements of the State Department of Public Health.

6. Nonresidential Uses

No part of any park shall be used for nonresidential purposes except such uses that are required for direct servicing and well being of park residents, and for the management and maintenance of the park.

7. Required Mobile Home Density and Separations Between Mobile Homes

- a. No park shall contain more than seven mobile home spaces per gross acre. In calculating the number of mobile home spaces that could be provided, the number of acres contained in the mobile home park including land devoted to interior streets and recreational open space is multiplied by seven.
- b. Mobile homes shall be separated from each other and from other buildings and structures by at least 20 feet.
- c. An accessory structure which has a horizontal area exceeding 25 square feet attached to a mobile home has an opaque top or roof that is higher than adjacent window sills of such mobile home and shall, for purposes of this separation requirement, be considered to be part of the mobile home. Roofed-over patios, carports, and individual storage facilities shall be included as part of the mobile home in determining yard widths between mobile homes. Accessory structure shall not be permitted closer than 10 feet to any property line of any mobile home lot.

8. Required Setbacks, Buffer Strips, and Screening in Mobile Home Parks

- a. All mobile homes shall be located as follows from any park boundary line abutting upon a public street or highway.

100- foot setback on federal highways

50- foot setback on state highways

35- foot setback on all county, township, or municipal roads

They shall be at least 10 feet from other park property boundary lines.

- b. All mobile home sites shall provide a front yard of not less than 15 feet measured from the edge of the pavement. No off-street parking shall be permitted in the front yard.
- c. Street trees shall be encouraged to be planted within 5 feet of the pavement. The following trees are acceptable to the municipality for such planting: red or pin oak, hard maple, thornless honey locust, ironwood, columnar maple or hackberry, American ash, European American beech, little leaf linden, Washington thorn, downy hawthorn, tulip, sugar maple, sweet gum, ginkgo, Norway crimson maple.

9. Recommended Recreation Areas in Mobile Home Parks

In all parks accommodating or designed to accommodate 10 or more mobile homes, there may be one or more recreation areas that shall be easily accessible to all park residents. No outdoor recreation area should contain less than one acre. Recreation areas shall be so located as to be free of traffic hazards and should, where topography permits, be centrally located.

10. Park Street System

- a. General Requirements – All parks shall provide safe, continuous and convenient vehicular access from abutting public streets or roads to each mobile home space. For purposes of this code, all streets shall hereinafter be referred to as “Park Street System” and shall be maintained by the owner/owners, or dedicated to County.
- b. Primary Entrance Road – The primary entrance road connecting the Park Street System with a public street or road shall have a minimum road pavement width of 36 feet where guest parking is permitted at both sides, or a minimum road pavement width of 30 feet where parking is limited to one side. Where the primary entrance road is more than 100 feet long and does not provide access to abutting property within such distance, the minimum road width may be 25 feet provided parking is prohibited at both sides.
- c. Secondary Entrance Road – In addition to the required primary entrance road, all parks containing 25 or more acres in total area and/or provide for the accommodation of 200 or more mobile homes, shall have at least one secondary entrance road connecting the Park Street System with a public street or road. Such a secondary road or roads shall have a minimum pavement width of 25 feet. Where primary and secondary entrance roads connect to the same Public Street or road, there shall be a minimum separation of 150 feet between such access points. Where this is not feasible or possible, clearly marked one-way entrance and exit lanes with at least a 15-foot wide median strip are acceptable provided the pavement width of each one-way road is at least 25 feet.
- d. Interior Streets – All interior streets in the Park Street System shall have a minimum pavement width of 25 feet on a 27-foot right-of-way with parking prohibited on both sides. Dead-end streets shall be limited in length to 500 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at

least 120 feet. One-way minor streets shall be acceptable only if less than 500 feet long and serving less than 25 mobile homes.

11. Street Construction and Design Standards

- a. Pavement Materials – All streets shall be provided with A-3 surface over 6” crushed stone base for owner maintenance.
- b. Pavement Design – Primary and secondary entrance roads as well as all interior streets shall have a standard cross-section with rolled curbs and gutters.
- c. Grades – Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than 8 percent or less than .5 percent. Short runs with a maximum grade of 12 percent may be permitted provided traffic safety is assured by appropriate paving, adequate leveling areas, and avoidance of lateral curves.
- d. Intersections - Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between centerlines of offset intersection streets. Intersections of more than two streets at one point shall be avoided.

12. Required Off-Street Parking

Off-street parking shall be provided in all parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two car spaces for each mobile home. Parking bays shall be so located as to provide convenient access to mobile home spaces. A minimum of one hard-surface, off-street parking space per mobile home shall be provided on each mobile home site.

13. Pedestrian Access

- a. General Recommendations – All parks shall provide safe, convenient 4-inch Portland Cement Concrete pedestrian access between individual mobile homes (said thickness shall be increased to 5 inches at driveways), the Park Street System and all community facilities provided for park residents. For the purposes of this ordinance, all common walks providing such pedestrian access shall hereinafter be referred to as the Common Walk System.

- b. Individual Walks – All mobile homes shall be connected with the Common Walk System and the Park Street System by one or more individual walks on each mobile home space. Such individual walks shall have a minimum width of 2 feet.
- c. Common Walk System – A common walk system, 4'-4" wide shall be provided in every park for pedestrian access between each mobile home space and all required open areas, community structures, and facilities.

14. Required Illumination of Park Street Systems

All parks shall be furnished with sufficient electrical systems and lighting units including gas lights at the owner's expense, so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.

- a. All parts of the Park Street Systems: 0.4-foot candle with a minimum of 0.3-foot candle.
- b. Potentially hazardous locations such as major street intersections and steps, or stepped ramps individually illuminated with a minimum of 0.4-foot candle.

15. Existing Mobile Home Parks

Any Mobile Home Park which existed upon the effective date of the ordinance shall be regarded as a nonconforming use and may be continued, except that any change in layout, expansion, or extension shall be subject to all provisions of the Mobile Home Park Ordinance and the State Board of Health.

SECTION 11 – WATER SUPPLY

1. General Requirement

Every park shall have a water supply system capable of providing a sufficient supply of potable water under adequate pressure to water supply facilities for mobile homes, service buildings, fire hydrants, drinking fountains, and other accessory facilities, as required by this code for the well-being of park residents, and for park maintenance. Such system shall be designed, constructed and maintained in accordance with the state

standards of Illinois Department of Health and/or standards currently enforced by local departments.

2. Source of Supply

- a. Where a public water supply system is available, the park water supply system shall be connected thereto. A public water supply system shall be deemed available when such system is within 500 feet of the park measured along a street or other public easement, and a connection may be made lawfully thereto. No private water supply system shall be cross-connected with any public water supply system.
- b. Where a public water supply source is available, the park's source of water supply including the construction, equipment, and distribution system for withdrawing and/or processing and distributing water shall be approved by the Board of Health and other authorities having jurisdiction. The chemical and bacteriological quality of the potable water distributed in any park including water treatment processes employed shall conform to the standards established by the health authority having jurisdiction.
- c. The water sources shall be capable of producing an adequate volume of water to supply all mobile home spaces in any park, but in no case shall such capacity be less than 150 gallons per space per day in any mobile home park.
- d. Where an independent or nonpublic water system is used to serve the mobile home park with water obtained from wells, the well shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. A minimum distance of 100 feet shall be maintained between the water supply and any sewage treatment facility. A minimum distance of 100 feet shall be maintained between the water supply and any other possible source of contamination, except that sewers or pipes through which sewage may back up shall be located at least 50 feet from any well or water-suction pipeline.
- e. No well casings, pumps, pumping machinery or suction pipes shall be located in any pit, room, or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground. The floor or rooms above ground shall be at least 6 inches above the ground's surface. All floors shall be watertight and sloped from

well casing to the drain. Said well casing shall not be less than 12 inches from the floor.

3. Water Storage Facilities

All water storage reservoirs shall be water tight and constructed of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material, and so designed that they may be locked. All of the overflow pipes from a reservoir shall be connected with back-siphonage protections to any pipe in which polluted water may back up.

4. Water Distribution System

- a. The water distribution system shall be constructed of piping, fixtures and other equipment of approved materials and shall be so designed and maintained to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions, at each mobile home, service building, and other locations requiring potable water supply. Such piping shall not be inter-connected or cross-connected with any drainage, venting, or other system conveying non-potable water. Nor shall such piping be subject to hazards of backflow or any back-siphonage.
- b. The public water supply shall extend only to the mobile home park. Single mobile home lots will not be metered.

5. Individual Water Connections

- a. Individual water service connections shall be provided at each mobile home lot in the mobile home park. All water service connections shall be watertight and located at a minimum distance of 10 feet from sanitary sewer connections below ground. The minimum pipe size of connections shall be three-quarter inch. Outlets shall be so constructed as to be free of possible contamination from surface drainage and possible damage during installation of a mobile home, and shall be 4 inches above grade.
- b. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipe, and to protect risers from heaving and thawing actions of ground during freezing weather.
- c. Underground stop and waste cocks shall not be installed on any connection.

6. Required Water Supply for Fire Protection

Where a public water supply system with a water main of 6 inches or larger is available, all parks accommodating or designed to accommodate 10 or more mobile homes, or both, shall provide the following water supply facilities.

- a. The system shall permit the operation of a minimum of two 1-1/2 inch hose streams on a fire in any mobile home, service building, or other accessory structure in the park.
- b. Hydrants shall be located within 600 feet of such structures and shall be of a type prescribed by the municipality.
- c. Water supply and associated facilities shall be sufficient to provide a delivery of at least 75 gallons per minute at each of the two nozzles held 4 feet above the ground, at a flowing pressure of at least 30 pounds per square inch when measured at the highest elevation in the park.

SECTION 12 – SEWAGE AND REFUSE DISPOSAL

All sewage and other water-carried waste shall be disposed of into a common sewage system. All provided sewage systems shall be constructed in conformity with all laws of the State of Illinois, regulation of any department, division or board of the State of Illinois, and any ordinance of the municipality relative thereto.

Each trailer or mobile home site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of said mobile home park to provide an approved type of water and odor-tight connection from the trailer water drainage to the sewer connection, and it shall be the duty of said owner or operator to make such connection and keep all occupied mobile homes connected to said sewer while located in a mobile home park. Sewer connections in unoccupied mobile home sites shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a mobile home.

A sufficient number of adequate fly-proof and watertight containers shall be supplied for the storage of garbage.

1. Garbage containers shall be emptied at least once each week and shall not be filled to overflowing, or allowed to become foul smelling, or a breeding place for flies.

2. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the Zoning Administrator.
3. Adequate insect and rodent control measures shall be employed. All building shall be fly- and rodent-proof and rodent harborages shall not be permitted to exist in the park.

SECTION 13 – ELECTRICAL DISTRIBUTION SYSTEM

General Requirements

Every park shall contain an electrical wiring system consisting of approved wiring, fixtures, and equipment, and appurtenances shall be installed and maintained in accordance with applicable codes and regulations governing such systems. All parts of the Park Electrical Distribution System shall conform with approved standards for safety to life and property and with accepted engineering practices. All electric wires shall be underground.

SECTION 14 – FUEL SUPPLY AND STORAGE

1. Natural Gas System

Natural gas piping systems in all parks shall be installed and maintained in conformity with accepted engineering practices and the rules and regulations of the authority having jurisdiction.

2. Fuel Oil Supply System

All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction. Fuel oil systems underground shall be located at a minimum of 10 feet horizontally from water lines, and at necessary crossing shall be placed in substantial pipe sleeves extending 10 feet from each side of the water pipe.

SECTION 15 – FIRE PROTECTION

1. General Requirements

The mobile home park area shall be subject to the rules and regulations of the Fire Protections District in which it is located.

2. Location of Fire Hydrants

Where a public water system with a water main of 6 inches or larger is available to the mobile home park, standard fire hydrants shall be located within 600 feet of each mobile home or building.

3. Fire Extinguishers

Fire extinguishers shall be encouraged to be included in each mobile home unit. Fire extinguishers of a type approved by the State Fire Marshall for use at mobile home parks shall be placed at locations within 200 feet of each individual mobile home site. Each fire extinguisher shall be periodically examined and kept at all times in a condition for use.

SECTION 16 – ALTERATIONS, ADDITIONS, ANCHORAGE, AND OCCUPANCY

1. General Requirements

All building, plumbing, heating, air-conditioning, and electrical alterations or repairs in mobile home parks and individual mobile homes shall be made in accordance with applicable local regulations.

2. Permanent Additions

No permanent additions shall be built onto or become a part of any mobile home until first securing a zoning permit and building permit, and unless they are in accordance with requirements established by the Zoning Administrator and shall have all interior and exterior surfaces finished with fire-resistant sheeting or roofing.

3. Foundation Runway

Each mobile home site shall have two concrete runways for the mobile home to set upon. Each of said runways shall be 2 feet in width, and the distance between the center lines of the two runways situated on each mobile home site shall be at least 4-1/2 feet.

4. Anchorage of Mobile Home Units

All mobile homes shall be anchored in an approved manner at each corner of the structure to gain maximum protection against high velocity winds. In addition, all mobile home units shall be installed with approved skirting.

5. Separate Storage Structures

Small storage structures are permissible within 10 feet of trailers provided they are:

- a. not larger than approximately 8 feet by 10 feet in floor area by 6 feet in height;
- b. constructed entirely of fireproof materials such as sheet metal;
- c. capable of being completely and easily disassembled and are readily portable;
- d. used only for storage purposes;
- e. not attached to a trailer or used as an auxiliary room, or otherwise used for dwelling or living purposes, and
- f. so constructed and maintained that a rat harborage is not created.

6. Small Storage Cupboards

Small storage cupboards, if neatly and substantially constructed, shall also be considered permissible within 10 feet of trailers, even when constructed of non-fireproof materials, provided they are:

- a. serviced without walking into the structure;
- b. equipped with shelves so arranged as to prevent a person stepping or walking into the structure;
- c. horizontal depth of structure not greater than approximately 30 inches (average adult arm length) in order that the rear portion of shelves can be serviced from a position outside the structure;
- d. do not create a rat harborage; and
- e. placed no closer than 50 feet from any street.

7. Occupancy of Mobile Homes

Occupancy of the mobile home shall be limited to the design capacity of the mobile home. This is established by the number of sleeping spaces provided in the mobile home.

SECTION 17 – REGULATION APPLICATION

Nothing in this regulation shall be construed to include the State Parks of Illinois, and the term "Mobile Home Park" shall not be construed to include buildings, tents, or other structures maintained by any individual or company on their own premises and used exclusively to house their own farm labor; or any military establishment of the United States or of this state wherein a mobile home(s) may be located or harbored; or any park on state or county fairgrounds for a period during, immediately prior to, and immediately subsequent to the holding of the fair, not to exceed a total of two weeks in all; or the area or premises on any farm upon which are harbored mobile homes occupied by persons employed upon such farm for not more than 90 days in any calendar year in the production, harvesting or processing of agricultural or horticultural products produced on such farm.

SECTION 18 – VIOLATIONS

Whoever violates any provision of this ordinance shall be fined not more than \$100 or imprisoned for a period not to exceed 90 days or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

SECTION 19 – ANNUAL INSPECTION

The Zoning Administrator shall enforce the provisions of this ordinance and the Zoning Administrator shall inspect, at least once each year, each mobile home park and all the accommodations and facilities therewith. The Zoning Administrator is hereby granted the power and authority to enter upon the premises of such mobile home parks at any time for the purposes herein set forth.

SECTION 20 – APPEALS

Any person refused a license or a permit to construct or alter a mobile home park, or whose license is suspended or revoked shall have the right to a hearing before the Zoning Board of Appeals which shall have full power to conduct such hearing, issue subpoenas, administer oaths and affirmations and all other powers necessary to such hearing.

1. All hearings before the Zoning Board of Appeals shall be open to the public.
2. The Zoning Board of Appeals shall keep minutes of the proceedings showing its determination and shall also keep records of its other official actions.
3. No hearing shall be held before the Zoning Board of Appeals until notice of the time and place of the hearing have been published in a newspaper of general circulation in the municipality at least 15 days prior to the hearing date, said notice to contain the particular location of the mobile

home park and a brief statement as to the reason the hearing is being held.

SECTION 19: LIVESTOCK CONFINEMENT OPERATIONS

A livestock confinement operation, as opposed to a livestock feeding operation, is one in which the operator makes use of a structure, either permanent or portable, for the purpose of restricting the animals to within the perimeter of a building (s), for the purpose of feeding and/or farrowing. Confinement building with very short runways outside shall be considered confinements. Such structures, built on a variety of plans, are designed to handle a high-density population of animals, requiring that the operator assume management and control of heat, ventilation, feeding and waste disposal.

A livestock feeding operation, of which a confinement is but one sort, would not necessarily involve a structure, would not necessarily involve management of heat and ventilation nor the management of waste disposal when environmental restrictions were not violated. This type of operation is as old as this country and restrictions have only been imposed within the confines of municipalities and in cases where drainage into a stream supplying a public water system may endanger public health.

As of the effective date of this Zoning Ordinance, and based upon existing law and interpretations thereof, the above described livestock feeding operations and livestock confinement operations constitute "agricultural uses" as previously defined. As such, and as previously set forth in Section 2 of this Zoning Ordinance, in accordance with 55 ILCS 5/5-12001 shall not be construed to impose regulations or require permits with respect to such agricultural purposes, except to the extent of the regulations and restrictions for: (I) building or set back lines for agricultural buildings or structures as herein specified; and (ii) the minimum lot size for residences on land used for agricultural purposes.

Although said confinement buildings may be exempt from the zoning regulations of Cass County (except as otherwise noted) said uses shall be subject to any and all other applicable laws, rules and regulations, whether federal, state or local, including, but not limited to, the Illinois Environmental Protection Agency. Further, nothing herein shall be construed as a waiver or relinquishment of the authority and power of Cass County to regulate, restrict and prevent public nuisances, and to ensure public health and safety, as permitted by law, and to the extent such authority or power has not been preempted by federal or state law or regulation.

SECTION 20 : PRIVATE SEWAGE DISPOSAL SYSTEM ORDINANCE

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SECTION 20.2: PRIVATE SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance regulating private sewage disposal systems, the construction and/or reconstruction of such systems (and requiring an annual registration certificate for private sewage disposal system contractors) within the limits of Cass County, Illinois.

Pursuant to the powers granted to the Cass County Board by the Statutes of the State of Illinois in such case made and provided therefore, and WHEREAS, the improper disposal of sewage is a menace to the public health: THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF CASS COUNTY, ILLINOIS:

SECTION 1 – DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

AUTHORIZED REPRESENTATIVE shall mean the legally designated Administrator or the Acting Administrator of the Cass County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provisions of this Ordinance.

BOARD OF HEALTH shall mean the Cass County Board of Health or its Authorized Representative(s).

DOMESTIC SEWAGE means wastewater derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.

HEALTH AUTHORITY shall mean the person or persons who have been designated by the Board of Health to administer the affairs of the Health Department.

HEALTH DEPARTMENT shall mean the Cass County Health Department, an agency of the Cass County Board of Health.

HOMEOWNER means a person who holds legal title to a residential structure which is to be used or is used for his personnel, single family residence.

HOMEOWNER INSTALLED SYSTEM means a private sewage disposal system installed by a homeowner for his personal single family residence.

HUMAN WASTES means undigested food and by-products of metabolism which are passed out of the human body.

PERSON means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any Department thereof, or any other entity.

PERMIT shall mean a written permit issued by the Board of Health or its Authorized Representative permitting the construction of an individual sewage disposal system under this Ordinance.

POPULATION EQUIVALENT means an average waste loading, equivalent to that amount of waste produced by one person which is defined as 100 gallons per day or that amount of waste containing 0.17 pounds BOD₅.

PRIVATE SEWAGE DISPOSAL SYSTEM CONTACTOR'S REGISTRATION shall mean an annual Registration Certificate issued by the Cass County Health Department to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Cass County.

PRIVATE SEWAGE DISPOSAL SYSTEM means any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR means any person engaged in the business of constructing, installing, maintaining, servicing, or cleaning private sewage disposal systems or the hauling or disposal of wastes removed therefrom. This definition shall include any person who repairs or reconstructs a major segment or a private sewage disposal system.

PROPERTY OWNER means the person in whose name legal title to the real estate is recorded.

WASTE means either human waste or domestic sewage, or both.

SECTION 2 – PERMITS

- 2.1 Satisfactory lot size shall be based on Percolation test results, soil characteristics, and the number of bedrooms in the house.
- 2.2 It shall be unlawful for any person to construct, alter or extend individual sewage disposal systems within Cass County unless he holds a valid permit issued by the Health Department stating the name of such person for which the specific construction, alteration, or extension is proposed. Said permit shall indicate a maximum permissible waste loading.
- 2.3 All applications for permits granted under the provision of this Ordinance shall be made to the Board of Health or its duly Authorized Representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Ordinance.
- 2.4 A permit shall only be issued to a homeowner and/or an Illinois licensed private sewage disposal system contractor installing a sewage disposal system.
- 2.5 Permit application forms provided by the health Department shall be completed and signed by each applicant and shall include the following:
 - 2.5.1 Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed.
 - 2.5.2 Complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of this Ordinance.
 - 2.5.3 Such other information as may be required by the Health Authority to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Ordinance.
- 2.6 The Board of Health or its Authorized Representative may refuse to grant a permit for the construction of a private sewage disposal system where public or community sewerage systems are available. A sewer shall be deemed available when a public sewer line is in place within any street, alley, right of way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not greater than 1000 feet for a commercial establishment, subdivision or multi-family dwelling.

- 2.7 The Board of Health or its Authorized Representative shall act upon all applications with 15 days of receipt thereof.
- 2.8 Said permit to construct is valid for a period of six months from date of issuance. If construction has not started within this period, the permit is void.

SECTION 3 – CONTRACTORS REGISTRATION

An annual contractors registration shall be required for all Private Sewage Disposal System Contractors operating within the limits of Cass County. The Health Department shall issue a private sewage disposal contractors registration certificate to persons applying for such certificate who comply with the minimum performance standards, as set forth in this Ordinance. All such registration certificates shall expire one year from the date of issuance.

SECTION 4 – COMPLIANCE AND PERFORMANCE

- 4.1 All private sewage disposal systems within the limits of Cass County shall be installed and/or serviced by Illinois licensed private sewage disposal system contractors; provided however, that a home owner may install and/or service a private sewage disposal system which serves his own personal residence.
- 4.2 Percolation tests as required by this Ordinance shall be conducted by wither an Illinois Licensed Private Sewage Disposal System Contractor, an Illinois Registered Engineer or Architect, an Illinois Registered Sanitarian, a soil scientist, an Authorized Representative for the health Department to r other professional persons acceptable to the Health Agency.
- 4.3 The minimum performance standards for private sewage disposal system contractors and for a homeowner who installs a private sewage disposal system for his personal residence shall be the same as the minimum performance standards promulgated under authority granted in the current Illinois Private Sewage Disposal Licensing Act and Code.

SECTION 5 – SUBSURFACE SEEPAGE FIELDS

Where a subsurface seepage field is installed as a component part of a private sewage disposal system, the seepage area provided shall be in accordance with Appendix H of the Private Sewage Disposal Licensing Act and Code. A minimum of 200 square feet of seepage area shall be provided.

SECTION 6 – ADOPTION BY REFERENCE

In addition to those provisions set forth in Section 1 through 18, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the unabridged for of Article 1 through article 13 of State of Illinois, Department of Public Health, publication

4.005, titled, "Private Sewage Disposal Licensing Act and Code" any subsequent amendments or revisions thereto, three certified copies of which shall be on file in the office of the Cass County Clerk.

SECTION 7 – ENFORCEMENT

- 7.1 Private sewage disposal systems constructed or reconstructed prior to the date of this ordinance shall be deemed in compliance.
- 7.2 The Board of Health or its Authorized Representative is, hereby, authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance.
- 7.3 It shall be the duty of the owner or occupant of a property to give the Board of Health or its Authorized Representative free access to the property at reasonable times for the Purpose of Making such inspections as are necessary to determine compliance with the requirements of this Ordinance.
- 7.4 An individual sewage disposal system which has been installed by a homeowner for his personal residence shall not be covered or placed in operation until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Department.
- 7.5 The Authorized Representative may make inspections during the course of the construction of an individual sewage disposal system, to insure compliance with this Ordinance.
- 7.6 If any home owner who installs his own private sewage disposal system shall backfill any portion of the said system and/or cover the same with earth, cinders, gravel, shale, or any other material which will prevent the same from being readily viewed to determine if the said system meets all requirements of the ordinance before receipt of written approval by the Health Department, the Health Department may give fifteen (15) days notice in writing to such homeowner so violating the provision of the Ordinance, to uncover such backfilled or covered portions of the said system.
- 7.7 If, at the end of such fifteen (15) days, the homeowner shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The Health Authority may elect to have the system uncovered at the expense of the homeowner. Failure of the homeowner to pay such costs within thirty (30) days shall result in execution of a lien against the property.

SECTION 8 – ISSUANCE OF NOTICE

- 8.1 Whenever the Health Department determines that a violation of any provision of this Ordinance has occurred, the Health Department shall give notice to the person responsible for such violation. The notice shall:
 - 8.1.1 Be in writing
 - 8.1.2 Include a statement of the reasons for issuance of the notice.
 - 8.1.3 Allow reasonable time as determined by the Health Department for performance of any act it required.
 - 8.1.4 Be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Health Department or when he has been served with such notice by any other method authorized by laws of the State of Illinois, and;
 - 8.1.5 Contain an outline of remedial action which is required to effect compliance with this Ordinance.

SECTION 9 – REVOCATION OF CONTRACTORS REGISTRATION

- 9.1 For serious or repeated violation of any of the requirements of this Ordinance, or for interference with the health Authority in the performance of his duties, the private sewage disposal contractors Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Authority. Prior to such action, the Health Authority shall notify the contractor in writing, stating the reasons for which the Registration Certificate is subject to revocation and advising that the certificate shall be revoked at the end of 5 days following service of such notice, unless a request for a hearing is filed with the health Authority, by the holder, within such 5-day period. A registration Certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

SECTION 10 – HEARINGS

- 10.1 Hearings Before the Health Authority:

Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any Section of this Ordinance, may file in the office of the Health Department a written request for a hearing before the Health Authority. The Health Authority shall hold a hearing at a time and place designated by him within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5)

days prior to the date on which the hearing is to be held. If, as a result of the hearing, the Health Authority finds that strict compliance with the order, or notice, would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Authority may modify or withdraw the order or notice and as a condition for such action may, where he deems it necessary, make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protecting the public health. The Health Authority shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department as a matter of public record. Any person aggrieved by the decision of the Health Authority may seek relief therefrom through a hearing before the Board of Health.

10.2 Hearing Before the Board of Health:

Any person aggrieved by the decision of the Health Authority rendered as the result of a hearing held in accordance with this Section may file in the office of the Health Department a written request for a hearing at a time and place designated by the Secretary of the Board of Health within thirty (30) days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of facts that strict compliance with the decision of the health Authority would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Administrator or Acting Administrator, the Board of Health may grant a variance and as a condition for such variance, may, where it deems necessary, make requirements which are additional to those prescribed by this Ordinance, all for the purpose of properly protecting the public health. The Board of Health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION 11 – PENALTY

- 11.1 Any person who violates any provision of this ordinance shall be guilty of a Class A misdemeanor and shall be fined a sum not less than \$100.00.
- 11.2 Each day's violation constitutes a separate offense. The State's Attorney of Cass County shall bring such actions in the name of the people of the State of Illinois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation. All monies collected from fines under this Ordinance shall be deposited to the Cass County Health Department Fund.

SECTION 12 – CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY

- 12.1 In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of Cass County existing on the effective date of this Ordinance, the provisions which, in the judgement of the Health Authority establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail in any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of Cass County existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.
- 12.2 If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 13: EFFECTIVE DATE

This Ordinance shall become effective after April 11, 1983.

SECTION 21: EFFECTIVE DATE

21.1 WHEN EFFECTIVE

This ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, and safety, and shall be in full force and effect from and after its due passage, approval, and recording, and publication as provided by law.

Approved and ordained by the County Board, the County of Cass this _____ day of _____, 20____.

Chairman, County Board

ATTEST:

County Clerk