

CHAPTER 155: ZONING

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GENERAL PROVISIONS

§ 155.001 TITLE.

This chapter shall be known as, referred to or cited as the “Revised Zoning Code of DeWitt County, Illinois”.

(Prior Code, § 152.001) (Ord. passed 3-9-1976)

§ 155.002 STATUTORY AUTHORIZATION.

These regulations are adopted under the authority of the state statutes. The County Board does hereby ordain this chapter.

(Prior Code, § 152.002) (Ord. passed 3-9-1976)

§ 155.003 PURPOSE.

This chapter is adopted for the following purposes:

- (A) To maintain and preserve all of the agricultural lands of the county;
- (B) To control the growth and development so as to avoid the admixture of urban and rural uses in the county, while preserving property values;
- (C) To promote and protect the public health, safety, morals, comforts and general welfare of the people;

(D) To divide the county and those incorporated municipalities which have not adopted their own zoning ordinances into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residential, business and manufacturing and other specified uses;

(E) To protect the character and the stability of the residential, business and manufacturing areas within this chapter's geographic jurisdiction, and to promote the orderly and beneficial development of the areas;

(F) To provide adequate light, air, privacy and convenience of access to property;

(G) 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 to protect the public health;

(H) To establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within the areas;

(I) To fix reasonable standards to which buildings or structures shall conform;

(J) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts; and

(K) To prevent additions or alterations or remodeling of existing buildings or structures in a way as to avoid the restrictions and limitations imposed hereunder:

(1) To limit congestion by providing for the off-street parking of motor vehicles and the loading of commercial vehicles in the interest of the public health, safety, convenience and general welfare;

(2) To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;

(3) To prevent the overcrowding of land and undue concentrations 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;

(4) To conserve the taxable value of land and buildings throughout the geographic jurisdiction of this chapter;

(5) To provide for the elimination of non-conforming use of land, buildings and structures which are adversely affecting the character and value of desirable development in each district; and

(6) To define and limit the powers and duties of the administrative officers and bodies as provided herein.

(Prior Code, § 152.003) (Ord. passed 3-9-1976; Ord. passed 4-14-1981)

§ 155.004 INTENT.

The intent of this chapter is to divide the county and those incorporated municipalities which have not adopted their own zoning ordinance 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, or regulating and limiting the height and bulk of buildings hereafter erected, or 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 the land and lot areas within the geographic area of jurisdiction; creating a Board of Zoning Appeals; defining certain terms used in this chapter; providing penalties for its violation and designating the time when this chapter shall take effect.

(Prior Code, § 152.004) (Ord. passed 3-9-1976)

§ 155.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. A building on the same lot with the main or principal structure, or the main or principal use, either detached from or attached to the main or principal structure, and is subordinate to and used for purposes customarily incidental to the main or principal structure or the main or principal use.

ACCESSORY STRUCTURE. A structure on the same lot with the main or principal structure, or the main or principal use, either detached from or attached to the main or principal structure, and is subordinate to and used for purposes customarily incidental to the main or principal structure or the main or principal use.

ACCESSORY USE. A use on the same lot, incidental and subordinate to the main or principal use or the main or principal structure.

ADMINISTRATOR. The principal person authorized by the County Board to carry out the provisions of this chapter; the Administrator of the County Department of Planning and Zoning.

AGRICULTURE. Land, or land, buildings and structures, the principal uses of which are growing of farm or truck garden crops and one or more of the following: dairying, pasturage, agriculture, horticulture, floriculture, viticulture or animal and poultry husbandry, and accessory uses customarily incidental to agricultural activities including, but not limited to, the farm dwelling, dwellings for tenant farmers and full-time hired farm workers and dwellings or lodging rooms for seasonal workers. All buildings and structures housing poultry or livestock shall be located no nearer than 200 feet from a residence district boundary line.

AIRPORT. Any area of land which is used, or intended for use, for the landing and taking off of aircraft; and any appurtenant areas which are used for or intended for the use of airport buildings or other airport facilities or rights-of-way including all necessary taxiways, pads, aircraft storage and tie-down areas, hangars and other necessary accessory buildings and open spaces. **AIRPORT** does not include a private landing strip.

ALLEY. A special public right-of-way affording only secondary access to abutting properties.

ALTERATION. A change in size, shape, character, occupancy or use of a building or structure.

ANIMAL HOSPITAL. Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

AUTOMOBILE SERVICE STATION. A building, or portion thereof or premises used for dispensing, or offering for sale at retail, gasoline when stored only underground in tanks, kerosene, lubricating oil or grease, for operation of automobiles, and where tires, batteries and similar automobile accessories may be offered for sale on the premises at retail, including minor services and installations customarily incidental thereto; and facilities. Open storage shall be limited to no more than four vehicles stored for minor repair. The storage shall not exceed 72 hours duration and shall not permit storage of wrecked vehicles for more than 15 days.

AWNING. A roof-like mechanism, retractable in operation and covered with flexible textured material, which projects from the wall of a building.

BASE FLOOD. The flood having 1% probability of being equaled or exceeded in any given year. The **BASE FLOOD** is also known as the **100-YEAR FLOOD**. The base flood elevation at any location as is defined in this section.

BASE FLOOD ELEVATION. The protection standard in the base flood according to the best, most current data available to the county. Whenever a person or party disagrees with this best available data, he, she or they may finance the detailed engineering study needed to replace the best available data and submit it to both the county and the state water survey. The county shall not be responsible or required to conduct additional engineering studies to determine a new **BASE FLOOD ELEVATION**.

(1) The **BASE FLOOD ELEVATION** for the special flood hazard areas of North Fork Salt Creek, Salt Creek, Tenmile Creek, Coon Creek and Trenkle Slough shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the county's areas prepared by the Federal Emergency Management Agency and dated 9-29-1989.

(2) The base flood information for each of the remaining special flood hazard areas delineated as an "A Zone" on the Flood Insurance Rate Map shall be based on the best available data available to the county in the following order:

(a) Engineering data, based on the **BASE FLOOD ELEVATION** as determined for federal, state, county or township bridge construction, or similar studies;

(b) The State Water Survey's Floodplain Information Repository; and

(c) The 100-year flood depth calculated according to the formulas presented in *Depth and Frequency of Floods in Illinois*, published by the U.S. Geologic Survey.

BASEMENT. The portion of any structure located partly below the average adjoining lot grade.

BED AND BREAKFAST. An operator occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent. Breakfast shall be provided for the guest only. **BED AND BREAKFAST** establishments shall not include motels, hotels, boarding houses, or food service establishments.

BOARDING HOUSE (ROOMING OR LODGING HOUSE). A residential building, a 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 prearrangement and for definite periods at a definite prearranged price.

BORROW PIT. A place or premises where soil, peat, sand, gravel or other material is removed by excavation or otherwise, for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

BUILDING. A structure that is principally above ground and is enclosed by at least two walls and a roof. The term includes a gas or liquid storage tank in order that the tanks will be constructed to be the same flood damage protection standards. For the purposes of the provisions of this chapter, the term shall include manufactured, modular or mobile homes, prefabricated structures, sheds on skids and other similar structures which are either affixed and/or placed upon the ground surface whether or not connected to utilities.

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 mean height level between the eaves and ridges of gables, gambrel, hip and pitch roofs, or the deck line of the 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 seasonal temporary or movable nature such as a cabin, hunting shelter or tent.

CLINIC. An establishment without facilities for in-patient nursing care, where one or more physicians and other medical

professionals diagnose and treat human physical and/or mental ailments.

CLUB, PRIVATE. A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

COMPOST. The humus-like product of the process of composting waste, which may be used as a soil conditioner.

COMPOSTING. The biological treatment process by which microorganisms decompose the organic fraction of the waste, producing compost.

COMPREHENSIVE PLAN. The extensively developed and evolving plan, also called a **MASTER PLAN**, adopted by the County Planning Commission.

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 provisions of the personal services such as beautician and barbering service, the provision of lodging, entertainment, specialized instruction, financial service, transportation, laundry and dry cleaning services and all other similar services.

DENSITY. Number of living units per acre allowable under the schedule of district regulations.

DEVELOPMENT.

(1) Any human-made change to real estate including:

(a) Construction, reconstruction, location or placement of a building or any addition to a building valued at more than \$250;

(b) Installing or placing a manufactured, modular or mobile home on a site, preparing a site for a manufactured, modular or mobile home, or installing or placing a travel trailer on a site for more than 30 days;

(c) Installing utilities, construction of roads or other similar projects;

(d) Construction or erection of levees, walls, fences, bridges or culverts;

(e) Drilling, mining, filling, dredging, grading, excavating or other non-agricultural alterations of the ground surface;

(f) Storage of materials;

(g) Any other activity which might change the direction, height or velocity of flood or surface waters; and

(h) Installing or constructing overhead or underground utilities.

(2) **DEVELOPMENT** does not include normal, general maintenance of existing buildings and facilities such as re-roofing; resurfacing roads; gardening, tilling and similar agricultural activities that do not involve filling, grading or the construction of levees; construction or reconstruction of public or private roads which causes no substantial change to the existing grade; the construction or installation of a farm, such as livestock, fences which do not cross or are at right angles to flowing water, however, farm activities are not exempt from required federal and state permits; the construction or installation of public highway bridges or culverts which have been approved by the State Department of Transportation, Division of Water Resources, permit § 9 of 12, or the Corps of Engineer 404 permits; provided that, the accumulated effect of construction does not increase the base flood more than the state standard, but in no case more than one foot; and the construction or installation of light poles, sign posts and similar structures, sidewalks, driveways, public parks (no buildings or fences), athletic fields (no fences), properly anchored playground equipment and other similar installations built at existing grade.

DWELLING. A building or portion thereof, but not including a recreational vehicle, which is designed, intended or used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, motels, boarding houses, rooming houses or lodging houses.

DWELLING, MULTIPLE. A building designed for or occupied by three or more families.

DWELLING, SINGLE-FAMILY. A building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY. A building designed for or occupied exclusively by two families.

DWELLING UNIT. One or more rooms in a residential building which are arranged, designed, used or intended to be used by one family, for living and sleeping purposes and which includes permanently installed complete kitchen facilities.

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 and the like, but not including buildings.

FAMILY. A single individual, or two or more persons related to each other by blood, marriage, legal adoption, or foster care situation, living together as a single housekeeping unit doing their own cooking, living and sleeping upon a premises, or

not more than three persons, who need not be related by blood, marriage, legal adoption or foster care situation, living together as a single housekeeping unit and occupying a single dwelling unit, all exclusive of domestic servants, or a group of individuals having developmental disabilities (mental or physical handicaps) living together as a single housekeeping unit; provided that, the groups do not exceed five such persons, exclusive of staff, that the applicant or sponsoring agency demonstrates that the proposed group home has obtained a permit or license from the state and is certified to operate as a group home; and that the group homes are separated by at least 750 feet.

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

FLOOD PROTECTION ELEVATION (FPE). The elevation of the base flood, plus three feet, at any given location in the special flood hazard area (SFHA).

FLOODWAY. The portion of the special flood hazard area required to store and convey the base flood. The **FLOODWAY** is identified on the Flood Insurance Rate Map dated 9-29-1989. No development in the **FLOODWAY** shall cause any increase in the base flood elevation.

FLOOR AREA, GROSS. For the purpose of determining the ratio of the floor area of building to the area of the lot, the **GROSS FLOOR AREA** shall be the sum of the gross horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and the basement or cellar areas as are devoted exclusively to uses accessory to the operation of the buildings. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures or enclosed porches.

FRONTAGE. All the property on one side of a street or highway between two intersecting streets or highways (crossing or terminating) measured along the line of the street or highway, or if the street or highway is dead-ended, then all of the property abutting on one side between an intersecting street or highway and the dead end of the street or highway.

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building which is intended and used to store private motor vehicles and other personal property, owned by members of the family or families residing upon the premises, and in which no business, service or industry is carried on; provided that not more than one-half of the space may be rented for the storage of private motor vehicles of persons not residing on the premises, except that all the space in a garage of one- or two-car capacity may be so rented. Such a garage may be used for the storage of not more than one commercial truck having a load capacity of one and one-half tons or less.

GARAGE, PUBLIC. Any building or premises, other than a private or storage garage, where motor driven vehicles are equipped, repaired, serviced, rented, sold or stored.

GARAGE, STORAGE. A building or premises used for housing only of motor vehicles, and where no equipment or parts are sold, and vehicles are not rebuilt, serviced or repaired, hired or sold; except that, fuel, grease or oil may be dispensed within the building to vehicles stored therein.

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

HOME OCCUPATION. An accessory use of a dwelling unit for the gainful employment involving the manufacture, provision or sale of goods and/or services.

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 service, furnishing of all laundry or linens used in the lodging rooms, and central desk with telephone.

INDUSTRIAL PARK. An unified development designed to accommodate a community of compatible and non-nuisance types of industry. **INDUSTRIAL PARKS** may be promoted or sponsored by private developers, community organizations or government organizations.

INSTITUTION. A building occupied by a non-profit corporation or a non-profit establishment for public use.

JUNK. Any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. An article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered **JUNK**.

KENNEL. On 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 animals are maintained, bred or cared for, for remuneration or sale.

LANDING STRIP, PRIVATE. A strip of land used or intended for use for the landing and take-off of the private aircraft of the owner or lessee of the landing strip and his or her guests and accessory structures customarily incidental to the operations which may include one building for the storage and maintenance of not more than two private aircraft.

LANDSCAPE WASTE. All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

LANDSCAPE WASTE COMPOSTING FACILITY. An establishment designed and intended for use as a site for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines and trees and not accessory to an operating farm.

LIGHT INDUSTRY. Industry that does not create air, sight or water pollution. Noise pollution shall be contained on the

property. Incoming supplies and outgoing finished products can be shipped with minimum freight or trucking.

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. Includes the words **PARCEL**, **PIECE** and **TRACT**.

LOT AREA. The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

LOT, CORNER. A lot having at least two adjacent sides that abut either fully or partially upon dedicated streets or public ways. All sides shall be deemed to be front lot lines.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT LINE. A property boundary line of any lot held in single or separate ownership; except that, where any portion of the lot extends into the abutting street or alley, the **LOT LINE** shall be deemed to be the abutting street or alley right-of-way line.

LOT LINE, FRONT. The boundary of a lot which is along an existing or dedicated street or public way. In the case of corner lots, both lot boundaries which are along the dedicated streets or public ways shall be deemed to be **FRONT LOT LINES**.

LOT LINE, REAR. The boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line, if the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the **REAR LOT LINE** shall be deemed to be a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front or rear lot line.

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

LOT, THROUGH. A lot having two lot lines fronting on two dedicated streets or public ways which are on opposite sides of the lot, or which fronts on two dedicated streets or public ways which do not intersect at the boundaries of the lot. Both streets shall be deemed to be front lot lines.

LOT WIDTH. The width of a parcel of land measured at the rear of the specified front yard.

LOT, ZONING.

(1) A single property, parcel, unit, tract, plot or otherwise designated portion of land, 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 chapter.

(2) Also any part of single property divided by a stream with a drainage area of 20 square miles or more, an existing street or highway right-of-way, or an existing railroad right-of-way, not in a recorded subdivision, with street or highway frontage bounded by any of the following:

- (a) The property line;
- (b) A stream with a drainage area of 20 square miles or more;
- (c) An existing street or highway right-of-way; and
- (d) An existing railroad right-of-way.

(3) If the property so bounded is substandard, it shall be restricted as specified in §155.009(F).

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein.

MEASURED DISTANCE. The nearest integral foot if a fraction is one-half foot or less, the integral foot next below shall be taken.

MEDICAL CANNABIS CULTIVATION CENTER. A facility registered by the Department of Agriculture to perform activities to provide dispensing organizations with usable medical cannabis.

MEDICAL CANNABIS DISPENSING ORGANIZATION. A facility registered by the Department of Financial and Professional Regulation to acquire medical cannabis from cultivation centers for the purpose of legally dispensing paraphernalia, related supplies and educational materials.

MOBILE HOME. A structure, transportable in one or more sections, in the traveling mode, which is eight feet or more in body width, or is 40 feet or more in length, or when erected on a site, is 320 square feet or more which is built on a permanent chassis and designed and intended as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The terms **MANUFACTURED HOME** and **HUD HOMES** shall be synonymous with the term **MOBILE HOME** as herein defined and

used herein.

MOBILE HOME PARK. An area of land or lands upon which five or more independent 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 part of the equipment of the mobile home park.

MODULAR HOME. A structure, transportable in one or more sections, which is factory-fabricated and is designed, intended and used as a dwelling which has a minimum width of 24 feet, contains a minimum of 1,000 square feet, has a pitched roof, which has a surface of wood shakes, asphalt composition, wood shingles or other similar materials approved by the Administrator, is placed on and attached to a permanent foundation which extends to a depth greater than the frost line when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term **MODULAR HOME** shall be synonymous with such common terminology as **SITE BUILT** and **CONVENTIONAL HOME**.

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.

MOTOR FREIGHT TERMINAL. A building or area of land in which freight brought by motor truck is assembled and/or sorted for routing in intrastate or interstate shipment.

MOTOR VEHICLE. A passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

NON-CONFORMING STRUCTURE. A structure which lawfully occupies a building site or land at the time of adoption of this chapter, or as later amended, and which does not conform with the regulations of the district in which it is located.

NON-CONFORMING USE. A use which lawfully occupies a building or land at the time of adoption of this chapter, or as later amended, and which does not conform with the use regulations of the district in which it is located.

NURSING HOME. An establishment for the care of the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home does not contain facilities, other than for normal care and medical treatment of the occupants of the home, for surgical care, the treatment of disease or injury, obstetrics, nor does it include care of mentally ill or alcoholic patients.

PARKING SPACE. A space accessory to a use or structure for the parking of one vehicle the size of which shall be nine feet by 20 feet, exclusive of passageways, driveways or other means of circulation as such.

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.

PLAT. A map plan or layout showing the subdivision of land and indicating the location and boundaries of individual lots.

RECREATION SPACE. Total area in square feet which is countable as open space, but is not paved in streets, walks or driveways and is suitable for recreational pursuits. The smallest countable recreation area is 1,000 square feet. The part of a recreation area having a dimension of less than 20 feet shall not be included as countable **RECREATION SPACE**.

REFUSE. All waste products resulting from human habitation, except sewage.

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

RESEARCH LABORATORY. A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but no facilities for the manufacture of products for sale.

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

SALVAGE YARD. 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.

SANITARY LANDFILL. A method of disposing of refuse on land without creating nuisances or hazards to public health or safety. The method must conform to state regulations.

SETBACK LINE. The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the line of a structure located on the lot and the nearest street right-of-way line.

SHOPPING CENTERS.

(1) **COMMUNITY.** The **COMMUNITY SHOPPING CENTER** is generally designed and constructed to serve a population of approximately 40,000 to 80,000 persons. 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, barber shops and dry cleaners.

(2) **NEIGHBORHOOD.NEIGHBOR-HOOD CENTERS** mainly serve 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.

(3) **REGIONAL.** The **REGIONAL SHOPPING CENTER** is generally designed to serve the “one-stop” customer. He or she may park his or her 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 population of approximately 100,000 persons is necessary to adequately support a **REGIONAL CENTER**.

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 the 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 the sign is located, or to which it is affixed.

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.

SPECIAL FLOOD HAZARD AREA. Those lands within the jurisdiction of the county that are subject to inundation by the base flood. The **SFHAs** of the county’s unincorporated and incorporated areas are generally identified as such on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency and dated 9-29-1989, which maps are hereby adopted by reference.

STREETS. A public right-of-way providing primary access to abutting properties.

STRUCTURE. A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

TENT. A structure or enclosure, the roof of which and/or one-half or more of the sides are constructed of silk, cotton, canvas fabric or a similar light material.

THOROUGHFARE. A street with a high degree of continuity which serves as an intrastate, and intra-county or inter-state highway, or as an arterial traffic way 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.

TRAILER SPACE. A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

TRAVEL TRAILER. A vehicle designed for recreational use and which cannot be defined as a mobile home under the terms of this chapter.

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

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 the 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.

USED. Includes **ARRANGED FOR, INTENDED FOR, MAINTAINED FOR** and **OCCUPIED FOR**.

UTILITIES. Public and private facilities including but not limited to water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, 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, warehouse shops and storage yards.

WATERLINE. The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot; provided that, not less than 75% of the length of the waterline shall be on the landward side of the normal high water mark of the stream.

WHOLESALE ESTABLISHMENT. A business establishment engaged in selling to retailers or jobbers rather than directly to the consumers.

YARD. An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. **AYARD** extends along a line and at right angles to the lot line to a depth or width specified in the yard regulations for the district in which the lot is located.

YARD, CORNER SIDE. A side yard which adjoins a street or thoroughfare.

YARD, FRONT. A yard extending along the full width of the front lot line between the side lot lines.

YARD, INTERIOR SIDE. A side yard which is located immediately adjacent to another lot or to an alley separating the side yard from another lot.

YARD, REAR. The portion of the yard on the same lot with the principal building, located between the rear line of the building and the rear lot line and extending for the full width of the lot; provided that, in those locations where an alley is

platted in the rear of the lots, one-half of the width of the platted alley may be included in the rear yard requirement.

YARD, SIDE. A yard extending along a side lot line between the front and rear yards.

(Prior Code, § 152.005) (Ord. passed 3-9-1976; Ord. passed 8-17-1989; Ord. passed 9-14-1989; Ord. passed 6-11-1992; Ord. passed 7-13-1995; Ord. passed 8-17-1995; Ord. passed 9-14-1995; Ord. passed 7-1-2000; Ord. passed 8-30-2012; Ord. passed 7-10-2014)

§ 155.006 INTERPRETATION.

The provisions of this chapter shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other power granted by the state statutes.

(Prior Code, § 152.006) (Ord. passed 3-9-1976)

§ 155.007 JURISDICTION; COMPLIANCE.

The jurisdiction of this chapter shall include all lands and waters within the county and within those municipalities not having in force their own zoning ordinance. 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 chapter which are applicable to the zoning districts in which the buildings, uses or land shall be located.

(Prior Code, § 152.007) (Ord. passed 3-9-1976)

§ 155.008 USE RESTRICTIONS.

The following use restrictions and regulations shall apply.

(A) *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.

(B) *Accessory uses and structures.* Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction; except that, a garage for shelter of motor vehicles or a utility shed to store tools needed to garden, farm or maintain the property in question will be permitted.

(C) *Uses by special permit.* Uses by special permit (conditional uses) and their accessory uses are permitted in districts as specified, but only according to the procedure set forth in § 155.130. The development shall be specifically reviewed by the Planning Commission as provided in §§ 155.125 through 155.132.

(D) *Unclassified or unspecified uses.* In case of uncertainty where the Administrator is unable to determine liberally whether a use is permitted as a principal or accessory use, he or she shall consult the Board of Zoning Appeals for an interpretation.

(E) *Temporary uses.*

(1) Temporary uses such as field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Administrator through the issuance of a certificate of zoning compliance. In either case, the permit shall expire with the completed construction.

(2) An existing single-family dwelling, an accessory structure such as a garage, or a modular or mobile home may be allowed as temporary dwelling during that period of time that a new, principal, single-family dwelling is being constructed upon the same property. This temporary use is for a period of time not to exceed one year or the date of first occupancy of the newly constructed residence, whichever is the earlier date. The temporary dwelling shall comply with all public health and minimum yard requirements. Upon the expiration of the time period or occupancy of the newly constructed residence, the temporary dwelling shall be removed from the property or otherwise brought into complete conformity with the provisions of this chapter.

(3) Temporary construction operations, such as, but not limited to, the batching or mixing of portland cement concrete or bituminous concrete shall be allowed in all districts; provided, petitions from all land owners within 500 feet of operation are provided the Administrator. If petitions cannot be obtained, an appeal may be made by the special permit procedure. The permit will only be good for a period not greater than two years or the completion of the project, whichever is the earlier date. Under no circumstances will the sale of products from these operations be allowed, except for use on the principal project.

(Prior Code, § 152.008) (Ord. passed 3-9-1976; Ord. passed 7-12-1990; Ord. passed 6-11-1992) Penalty §155.999

§ 155.009 SITE RESTRICTIONS.

The following site restrictions and regulations shall apply.

(A) *Soil conditions.*

(1) No land shall be used or structure erected where the land is held unsuitable for the use or structure by the County Board 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, aesthetic and general welfare of the county.

(2) The County Board, 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 the unsuitability, if he or she so desires. Thereafter, the County Board may affirm, modify or withdraw its determination of unsuitability.

(B) *Abutment on public thoroughfare.* All lots shall abut upon a public thoroughfare.

(C) *Dedication.* No zoning permit (building 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.

(D) *Dimensions of building sites.*

(1) *Lots not served by public sewer.*

(a) *General.* In all districts, lot sizes shall be based on soil capabilities. The County Board shall request an opinion of the County Sanitarian before making judgement on required lot sizes. In no cases shall the lot size be less than those specified as minimum requirements in § 155.065. However, the County Board may require lots larger than the minimums. All developments not served by public sewers shall also conform to division (A) of this section and the separate regulation entitled Regulation of Sewage Disposal and Erection, Construction or Repair of Any Septic Tank, Privy Vault, Sink Drain or Sewage Disposal System within the Limits of DeWitt County, Illinois.

(b) *Side yards.* There shall be a side yard for each principal building. In the Rural Development-2 District, the distance between principal structures shall be not less than 100 linear feet. Unless otherwise specifically required or permitted, the side yard requirements for all other districts shall be those indicated as minimums in § 155.065.

(2) *Lots served by public sewer.* Lots served by public sewer shall be as specified in §155.065.

(E) *Reduction or 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 chapter. 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.

(F) *Substandard lots.* A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter for yards, courts, width, depth or open space may be developed provided:

(1) The use is permitted in the zoning district;

(2) Pre-existing substandard lots which have been properly platted and recorded with the County Recorder shall be allowed to be developed; providing, setback requirements are met; and

(3) Any lot utilizing septic tank filter fields must conform to the County and State Board of Health standards regulating that development.

(Prior Code, § 152.009) (Ord. passed 3-9-1976)

§ 155.010 GENERAL DEVELOPMENT.

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 chapter, and no development shall be approved under this chapter which is in conflict with any comprehensive plan elements.

(Prior Code, § 152.010) (Ord. passed 3-9-1976)

§ 155.011 ABROGATION AND GREATER RESTRICTIONS.

(A) It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law.

(B) However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(Prior Code, § 152.011) (Ord. passed 3-9-1976)

ZONING DISTRICT BOUNDARIES AND MAPS

§ 155.025 ZONING DISTRICTS ESTABLISHED.

In order to carry out the purposes of this chapter, the geographic area within the jurisdiction of this chapter is hereby divided into the following use districts:

A	Agricultural District
B-1	General Commercial District
B-2	Convenience Commercial District
B-3	Highway Commercial District
FP	Floodplain District
I	General Industrial District
R-1	Low Density Single-Family Residential
R-2	High Density Single-Family Residential

R-3	Multi-Family Residential District
R-4	Mobile Home District
RD-1	Rural Development District - 1
RD-2	Rural Development District - 2
RD-3	Rural Development District - 3

(Prior Code, § 152.025) (Ord. passed 3-9-1976)

§ 155.026 ZONING MAP DIRECTORY.

The certified copy of the zoning map directory will bear on its face the attestation of the Chairperson of the County Board and the County Clerk. It shall be on file and may be viewed in the office of the County Clerk. It shall contain the zoning map for the unincorporated areas of the county and for any incorporated municipalities which have not adopted their own zoning ordinance.

(Prior Code, § 152.026) (Ord. passed 3-9-1976)

§ 155.027 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

(A) (1) Boundaries of these districts are hereby established as shown on the series of maps entitled “Zoning Map Directory, County of DeWitt, Illinois” dated 3-9-1976 and which accompanies and is hereby declared to be a part of this chapter.

(2) District boundaries shall be construed to follow: corporate limits; county limits; public highways, alleys, easements and railroad rights-of-way or the lines extended; soil mapping unit lines; unless otherwise noted in the Zoning Map Directory.

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

(Prior Code, § 152.027) (Ord. passed 3-9-1976)

§ 155.028 ANNEXED TERRITORY.

Any land which may be annexed to an incorporated community affected by this chapter shall be placed in the Rural Development-3 District until special action of the County Board shall definitely assign the land to another district.

(Prior Code, § 152.028) (Ord. passed 3-9-1976)

DISTRICTS USE REGULATIONS

§ 155.040 AGRICULTURAL DISTRICT.

It is the intent of this chapter in establishing an Agricultural District to facilitate the proper use of lands best suited to agriculture through preventing the admixture 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.

(Prior Code, § 152.040) (Ord. passed 3-9-1976)

§ 155.041 RD-1 RURAL DEVELOPMENT-1 DISTRICT.

It is the intent of this chapter in establishing a Rural Development-1 District to accommodate in a logical manner roadside development trends. Many types of uses find it desirable to locate along a major highway in the rural areas. If the carrying capacity of the highways and the open character of the countryside are preserved through lot size regulations, this is not an undesirable trend. Therefore, it is the intent of this chapter to allow various uses along designated highways; provided, they locate on lots having at least a 240-foot frontage and that access of driveways is controlled.

(Prior Code, § 152.041) (Ord. passed 3-9-1976)

§ 155.042 RD-2 RURAL DEVELOPMENT-2 DISTRICT.

The intent of this chapter in establishing a Rural Development-2 District is to promote the logical growth of uses around the county’s communities. Additionally, this district will provide areas for the increasing demand for rural non-farm development sites. As development pressures dictate, this District will be rezoned to allow those uses indicated on the Land Use Plan Map.

(Prior Code, § 152.042) (Ord. passed 3-9-1976)

§ 155.043 RD-3 RURAL DEVELOPMENT-3 DISTRICT.

The intent of this chapter in establishing a Rural Development-3 District is to promote the logical growth of residences around the county’s communities.

(Prior Code, § 152.043) (Ord. passed 3-9-1976)

§ 155.044 R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.

The intent of this chapter in establishing a Low Density Residential District is to provide areas for families wishing to live on large lots in residential neighborhoods within communities.

(Prior Code, § 152.044) (Ord. passed 3-9-1976)

§ 155.045 R-2 HIGH DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.

The intent of this chapter in establishing a High Density Single-Family Residential District is to protect those residential areas of the community that were developed in most part prior to World War II from encroachment from potential conflicting uses and to provide for future residential and related development and redevelopment.

(Prior Code, § 152.045) (Ord. passed 3-9-1976)

§ 155.046 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

The intent of this chapter in establishing a Multi-Family Residential District is to provide for the conversion of single-family structures to multi-family structures in the established portions of the community where larger two-story homes predominate and to provide new areas for modern multi-family development.

(Prior Code, § 152.046) (Ord. passed 3-9-1976)

§ 155.047 R-4 MOBILE HOME RESIDENTIAL DISTRICT.

The intent of this chapter in establishing a second High Density Single-Family Residential District is to provide for people who wish to own a mobile home placed on a privately owned lot.

(Prior Code, § 152.047) (Ord. passed 3-9-1976)

§ 155.048 B-1 GENERAL COMMERCIAL DISTRICT.

The intent of this chapter in establishing a General Commercial District to promote development of the existing principal commercial development in municipalities.

(Prior Code, § 152.048) (Ord. passed 3-9-1976)

§ 155.049 B-2 CONVENIENCE COMMERCIAL DISTRICT.

(A) The intent of this chapter in establishing a Convenience Commercial District is to provide for minor shopping areas at the edges of neighborhoods to provide for the day-to-day needs for goods and services.

(B) These should not be of the type or magnitude to compete directly with the uses found in the General Commercial District.

(Prior Code, § 152.049) (Ord. passed 3-9-1976)

§ 155.050 B-3 HIGHWAY COMMERCIAL DISTRICT.

The intent of this chapter in establishing a Highway Commercial District is to provide appropriate areas for commercial establishments which are oriented to the motoring public or which require large sites for off-street parking or display of merchandise. Additionally, the establishment of the District is in recognition of existing uses of this nature in decentralized locations, due in part to the past and present shortage of potential commercial sites within the urban centers.

(Prior Code, § 152.050) (Ord. passed 3-9-1976)

§ 155.051 I GENERAL INDUSTRIAL DISTRICT.

The intent of this chapter in establishing a General Industrial District is to recognize existing industrial development within the county and the desirability of reserving additional land for possible new, expanded or relocated industries. It is intended that land zoned for industry be located so that conflict with incompatible uses would be minimized.

(Prior Code, § 152.051) (Ord. passed 3-9-1976)

§ 155.052 FP FLOODPLAIN DISTRICT.

(A) The intent of this chapter in establishing a Floodplain District includes the following:

- (1) Promotion of the public health, safety, comfort, convenience and general welfare;
- (2) Conservation of the value of land and buildings throughout the county;
- (3) Generally enhancing aesthetic values throughout the county;
- (4) Prevention of unwise developments in the flood hazard areas and prevention of developments increasing the flood or drainage hazards to others;
- (5) Protection of new buildings and major improvements to buildings from flood damage;
- (6) Protection of human life and health from the hazards of flooding;
- (7) Lessening the burden on the taxpayers for flood control projects, repairs to flood damaged public and private buildings, facilities and utilities, and flood rescue and relief operations;
- (8) Maintenance of property values and a stable tax base by minimizing the potential for creating flood blight areas;
- (9) Making federally subsidized flood insurance available for properties located in the unincorporated areas of the county; and
- (10) Providing for the sensible, orderly growth and development of an environment that is especially sensitive to changes and encroachment from human activity.

(B) All lands located in the unincorporated area of the county which are shown to be within the special flood hazard areas shall be subject to the standards, regulations and procedures established and contained in this chapter.

(1) Nothing contained herein shall prohibit the application of these regulations to lands which can be demonstrated by a competent engineering study to lie inside the SFHA; conversely, any lands which can be demonstrated by a competent engineering study to lie outside the SFHA may not be subject to these regulations. If a particular owner(s), after a determination by the Administrator, disputes whether a parcel or parcels of land are within the SFHA, it shall be the responsibility of those particular owner(s) of the land to prove whether or not the land in question is outside the SFHA.

(2) Where not otherwise prohibited in this chapter, all buildings shall have all habitable and usable floor areas, including basements at an elevation at least three feet above the base flood elevation. All mechanical equipment, plumbing, electrical and other utility areas of a building shall also be at least three feet above the base flood elevation.

(3) All underground utilities such as water, sewer and electric lines shall be located or constructed to resist and to insulate the utilities from flood hazards.

(4) Development in the floodway which causes or creates any increase in the base flood elevation shall be prohibited.

(C) The degree of flood protection required by this section is considered for regulatory purposes and is based on the available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by human-made or natural causes. This section does not imply that development either inside or outside the special flood hazard area will be free from flooding or damage. This section does not create liability on the part of the county or any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision made lawfully thereunder.

(Prior Code, § 152.052) (Ord. passed 3-9-1976; Ord. passed 9-14-1989) Penalty, §155.999

§ 155.053 SCHEDULE OF PERMITTED USES AND SPECIAL PERMIT USES BY DISTRICT.

(A) (1) Uses permitted, as indicated by “x”, and uses allowed by special use permit, as indicated by “s”, are hereby established and shown for each use district on the following tables.

(2) Uses which may be determined to be inside the special flood hazard area shall be regulated by provisions and standards contained in this chapter.

(3) If no “x” or “s” is shown under a particular zoning district for a particular use, the use shall be deemed prohibited.

(B) (1) *General.* It is not the intent of this chapter to prohibit any use from all zoning districts. Uses not listed shall be considered the same as other similar uses. The Administrator shall determine what is similar. If he or she cannot make this determination, he or she shall consult the Board of Zoning Appeals.

(2) *Principal uses.*

	<i>Districts</i>												
<i>Agriculture Uses</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>
	<i>Districts</i>												
<i>Agriculture Uses</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>
Accessory structures to permitted uses	x	x	x	x	s	s	s	s	x	x	x	x	
Agriculture	x	x	x	x	x	x	x	x	x	x	x	x	x
Agriculture accessory uses, farmstead and necessary appurtenant structures on any operating farm	x	x	x	x	x	x	x	x	x	x	x	x	
Artificial lake on one or more acre	s	s	s	s	s	s	s	s			s	s	s
Commercial greenhouse and plant nursery	x	x	s	s					s	s	x	x	

Automobile, trailer, truck rental		x								x	s	x	x	
Automobile, truck, trailer or boat sales and service		x	s							x	s	x	x	
Automotive accessory store		x								x	x	x	x	
Battery and tire service stations		x								s	s	x	x	
Motor vehicle washing facility		x								x	x	x	x	
Motor vehicle service stations, for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies including installation and minor service		x								s	s	x	x	
Motorcycle sales and service		x								x	s	x	x	

	<i>Districts</i>													
<i>Public and Quasi-Public Facilities</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>	
	<i>Districts</i>													
<i>Public and Quasi-Public Facilities</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>	
Antenna fields	s	s	s									s		
Church temple, chapel or synagogue	x	x	x	x	x	x	x	x	x		x			
Electrical substations and distribution centers	x	x	s									x		
Fairgrounds including race tracks, grandstands and accessory uses and structures		s	s						s		s	s		
Fire station		x	s	s	s	s	s	s	x	x	x	x		
High pressure pumping stations for pumping gasoline, gas, oil and the like	x	x	s						s		s	x		
Highway maintenance shops and yards including offices	x	x	s	s					s	s	x	x		
Hospitals, public or private	s	x	s	s	s	s	s	s			s			

Institution of an educational, philanthropic or eleemosynary nature	x	x	x	x	x	x	x	x	x		x		
Microwave relay towers	s	x	s	s					s	s	x	x	
Municipal or government building including post offices	s	x	s	s	s	s	s	s	x	x	x	x	
Nursing and shelter care homes, public or private		x	s	s	s	s	s	s			s		
Penal or correctional institution	s	s	s										
Police station		x	s	s	s	s	s	s	x	x	x	x	
Public or commercial sanitary landfill	s	s	s								s	s	
Public or private library or art gallery		x	x	x	s	s	x	s	x	x	x	x	
Public or private museum		x	s	s	s	s	s	s	x	x	x	x	
Public or private parking garage or lots (cars)		x							x	x	x	x	
Public park or recreational facility (no camping)	x	x	x	x	x	x	x	x	x	x	x	x	x
Pumping stations (water or sewage)	x	x	x	x	x	x	x	x	x	x	x	x	
Race tracks including accessory structures		s	s						s		s	s	
Radar installations and towers	s	s	s								s	s	
Radio and television studios, stations and towers	s	x	s	s					s	s	s	s	
Radio and television studios, stations (no towers)		x	s	s					x	x	x		
Religious tent meeting	s	s	s	s	s	s	s	s	s	s	s	s	
Schools, non-boarding, elementary, junior high, high or junior college	x	x	x	x	x	x	x	x	x		x		
Sewage disposal plant or lagoon	s	s	s								s	x	
Telephone exchanges		x	s						x	x	x	x	

Telephone, telegraph and power transmission lines and pipelines	x	x	x	x	x	x	x	x	x	x	x	x	
Utility maintenance shops and yards		x	s						x	x	x	x	
Utility offices		x	s						x	x	x	x	
Waterworks, reservoirs, filtration plants	s	s	s	s							x	x	

	<i>Districts</i>												
<i>Business Uses; Personal Services</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>
	<i>Districts</i>												
<i>Business Uses; Personal Services</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>
Barber or beauty shop		x	s	s					x	x	x	s	
Blue-printing and photostating stores		s							x	x	x	s	
Clothing and costume rental stores		s							x	x	x	s	
Diaper, linen, towel and other similar supply services		x							x	x	x	x	
Dressmaking and tailor shops		s							x	x	x	s	
Dry cleaning and laundry-automatic, self-service only or hand laundries		s							x	x	x	s	
Dry cleaning, laundry and dyeing establishments		s							s	s	s	x	
Dry cleaning, pressing and laundry receiving stations		s							x	x	x	s	
Employment agencies		s							x	x	x		
Exterminating shops		x							s	s	x	s	
Home occupations	x	x	x	x	x	x	x	x	x	x	x	x	
Interior decorating shops		s							x	x	x	s	
Laboratories-medical and dental		s							x	x	x	s	

Medical or dental clinic or office		S	S	S	S	S	S	S	S	X	X	X		
Millinery shop		S								X	X	X	S	
Newspapers and magazine publishers		S								S	S	X	X	
Nursery, kindergarten and day care facility	S	X	S	S	S	S	S	S	S	S	S	X	S	
Photography studios, including the developing of films and pictures		S	S							X	X	S	S	
Physical culture and health services - gymnasiums, reducing salons, massage salons and public baths		X								S	S	X	S	
Printing shops		S	S							X	X	X	X	
Radio and television service and repair shops		S	S							X	X	X	S	
Recording studios		S	S							X	X	X	S	
Riding academies	X	X	S	S										
Schools - business, commercial or trade		X								S	S	X	X	
Schools - music or dance		X								X	X	X	S	
Shoe repair shop		S								X	X	X	S	
Taxidermists		S								X	X	X	S	
Ticket agencies - amusement		S								X	X	X	S	
Travel bureaus and transportation ticket offices		S								X	X	X	S	
Undertaking establishments and funeral parlors		X	S	S	S	S	S	S	S	X	X	X	S	

	<i>Districts</i>													
<i>Business Uses; Food Sales and Services</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>	
	<i>Districts</i>													
<i>Business Uses; Food Sales and Services</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>	
Bakeries (less than 2,500 square feet)		X							X	X	X	X		

Catering establishments		x								x	x	x	s	
Confectionery store		x								x	x	x	s	
Dairy store		x								x	x	x	s	
Drive-in restaurant		x								x	x	x	s	
Food stores, supermarkets, meat markets, fish markets and delicatessens		x	s							x	x	x	s	
Frozen food stores, including locker rental		x								x	x	x	x	
Fruit stores and stands		x	s							x	x	x	s	
Restaurant (indoor service only-may include catering)		x								x	x	x	s	
Restaurants - including live entertainment and dancing		x								x	x	x	s	
Restaurants - including the serving of alcoholic beverages if incidental to the serving of food as the principal activity		x								x	x	x	s	
Retail liquor sales		x								x	x	x	s	
Tavern, bar, cocktail lounge, night club, with or without food		x								x	x	x	s	

	<i>Districts</i>													
<i>Business Uses; Business, Private and Financial Services</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>	
Bank		x							x	x	x			
Business and professional offices		x	s						x	x	x			
Insurance and real estate office		x	s						x	x	x			
Saving and loan association, financial institutions		x							x	x	x			

Temporary real estate sales or rental office, model home or apartment for a period not to exceed two years		x	s	s	s	s	s	s	s	x	x	x	s	
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	<i>Districts</i>													
<i>Commercial Transportation Uses</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>	
	<i>Districts</i>													
<i>Commercial Transportation Uses</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>	
Airport	s	s	s											
Airstrips	x	s	s											
Bus stations		x							x	x	x	x		
Heliprot	s	s	s	s	s	s	s	s	s	s	s	s		
Railroad stations												x		
Taxi stand or offices		x							x	x	x	x		
Truck terminal	s	x	s						s	s	s	x		

	<i>Districts</i>													
<i>Business Uses; Retail Sales</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>	
	<i>Districts</i>													
<i>Business Uses; Retail Sales</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>	
Antique shop or used furniture sales and service		x	s						x	x	x	x		
Apparel shop		s							x	x	x	s		
Automat-vending machines - ice, milk, and the like sales		s							x	x	x	s		
Bicycle sales and service		s	s						x	x	x	s		

Building material sales - for retail sales of dimension lumber, millwork, cabinets, concrete blocks, brick, hardware and similar building materials, but not including processing or manufacture of millwork and excluding concrete or asphalt mixing		x							x		x	x	
Business and office machines and service		s							x	x	x	s	
Camera and photographic supply stores		s							x	x	x	s	
Carpet and rug stores		s							x	x	x	s	
China and glassware stores		s							x	x	x	s	
Coin and philatelic stores		s							x	x	x	s	
Commercial advertising and business sign shops		x							x	x	x	x	
Department store		x							x	x	x	s	
Drug store		s							x	x	x	s	
Dry goods store		s							x	x	x	s	
Electrical, gas and household appliance stores, including radio and television sales and service		s							x	x	x	s	
Florist shops and conservatories		s							x	x	x	s	
Fuel and ice sales - for retail sales of coal and other solid fuels and oil and other liquid fuels not under pressure		x							x	x	x	s	
Furniture store - office furniture		x							x	x	x	s	
Furrier shops, including the incidental storage and conditioning		s							x	x	x	s	
Haberdasheries		s							x	x	x	s	
Hardware stores		s							x	x	x	s	
Hobby shops		s							x	x	x	s	
Jewelry store including watch repair		s							x	x	x	s	

Lawnmower sales and service		s							x	x	x	s	
Leather goods and luggage stores		s							x	x	x	s	
Locksmith shops, sales and service		s							x	x	x	s	
Mail order houses		s							x	x	x	s	
Monument sales (excludes stone cutting)		s							x	x	x	s	
Musical instrument sales and repair		s							x	x	x	s	
Newsstand - book store		s							x	x	x	s	
Optical sales, retail		s							x	x	x	s	
Orthopedic and medical appliance stores - retail only		s							x	x	x	s	
Paint and wallpaper stores		s							x	x	x	s	
Pawn shop		s							x	x	x	s	
Pet shop		s							x	x	x	s	
Phonograph record and sheet music stores		s							x	x	x	s	
Plumbing showrooms, sales and service		s							x	x	x	s	
Religious goods stores		s							x	x	x	s	
Second-hand stores and rummage shops		s	s						x	x	x	s	
Sewing machine sales and service		s							x	x	x	s	
Shoe store		s							x	x	x	s	
Shopping center		s									s	s	
Sporting goods sales and service		s							x	x	x	s	
Stationery - gift shop - art supplies, school supplies		s							x	x	x	s	
Tobacconist		s							x	x	x	s	
Toy stores		s							x	x	x	s	
Variety stores		s							x	x	x	s	

	Districts
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Seasonal hunting or fishing lodge		s	s										
Skeet and trap, rifle, handgun ranges (outdoors)	s		s										
Stadium or coliseum, auditoriums and arenas - open or enclosed		s	s								s	s	
Theater, enclosed		s							x	x	x	s	
Theater, outdoor		s	s								s	s	

	<i>Districts</i>												
<i>Business Uses; Miscellaneous</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>
	<i>Districts</i>												
<i>Business Uses; Miscellaneous</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>
Aggregate stockpile areas		x	s								s	x	
Auction house (non-animal)		x	s						s	s	s	x	
Aviation sales, service or storage	s	s	s										
Bituminous concrete mixing plant		s									s	x	
Cemetery or crematory	s	s	s	s	s	s	s	s					
Christmas tree sales lot	x	x	s						x	x	x	x	
Commercial breeding facility	x	s	s										s
Contractors and construction offices, shops, without outside storage	s	x	s						x	x	x	x	
Contractors and construction outside storage with or without offices and shops	s	x	s						s	s	s	x	
Kennel	s	x	s								s	s	
Landscape waste composting facility	s	s											
Mining, loading and hauling of sand, gravel, topsoil, stone or other aggregates	s	s	s	s								s	s
Mining of coal	s	s	s	s								s	s
Mobile home sales		x									s	s	

Model homes or garage displays		x	s	s	s	s	s	s	s	s	s	x	x	
Oil extraction	x	x	s	s									s	s
Parcel delivery, cartage and express facilities		x							s	s		x	x	
Portland cement concrete mixing or batch plant		s										s	x	
Signs														
Signs (300 square feet maximum size)	x	x	s							s	s	s	x	
Signs (over 300 square feet)		s	s										s	
Storage or construction equipment and supplies for the use on a construction project for the duration														
Upon the construction property	x	x	x										x	
Upon adjacent property	x	x	s										x	
Temporary buildings for construction purposes, for a period not to exceed the duration of the construction	x	x	x	x	x	x	x	x	x	x	x	x	x	
Travel trailer sales		x										s	s	
Veterinary hospital or establishment	s	x	s									s	s	
Wholesale business		x							s	s	s		x	

	<i>Districts</i>													
<i>Industrial</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>	
<i>Industrial</i>	<i>Agr.</i>	<i>RD-1</i>	<i>RD-2</i>	<i>RD-3</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>I</i>	<i>FP</i>	
Breweries												x		
Commercial bakeries (greater than 2,500 sq. ft.)		s									s	x		
Dairy plants		s									s	x		
Equipment repairs and storage		s							s		s	x		
Feed mills		s									s	x		
Light industry		s							s		s	x		
Machine shops		s							s		s	x		

Manufacturing and bottling of non-alcoholic beverages															x	
Manufacturing, fabrication, packing, packaging and assembly of products from:																
Furs															x	
Glass															x	
Leather															x	
Metals															x	
Paper															x	
Plaster															x	
Textiles															x	
Wood															x	
Manufacturing, fabrication, processing, packaging and packing of:																
Confections															x	
Cosmetics															x	
Electrical appliances															x	
Electronic devices															x	
Toiletries															x	
Railroad or truck freight yards		s										s	s		x	
Railroad roundhouses, maintenance shops and storage															x	
Research laboratories												s	s		x	
Storage and sale of machinery and equipment		s									s		s		x	
Warehousing		s									s		s		x	

	Districts														
Heavy Industrial	Agr.	RD-1	RD-2	RD-3	R-1	R-2	R-3	R-4	B-1	B-2	B-3	I	FP		
	Districts														
Heavy Industrial	Agr.	RD-1	RD-2	RD-3	R-1	R-2	R-3	R-4	B-1	B-2	B-3	I	FP		
Bag cleaning														s	
Bleacheries														s	
Bulk gas storage and sales (gasoline)		s								s		s		x	

Slaughter houses		s										s
Smelting												s
Tanneries												s
Weaving												s
Wrecking, junk demolition and scrap yards	s	s	s									s

(Prior Code, § 152.053) (Ord. passed 3-9-1976; Ord. passed 5-11-1982; Ord. passed 9-14-1989; Ord. passed 7-12-1990; Ord. passed 6-11-1992; Ord. passed 7-13-1995; Ord. passed 8-30-2012; Ord. passed 7-10-2014)

AREA REGULATIONS

§ 155.065 DISTRICT LOT REGULATIONS.

It shall be unlawful to erect or alter any structure within the county or the incorporated municipalities affected by this chapter, unless the following minimum lot and yard areas and bulk controls are provided and maintained in connection with the structure.

<i>Minimum Lot Requirements by District</i>								
<i>District</i>	<i>Minimum Area (Square Feet)(g)</i>	<i>Maximum Building Height (feet)(i)</i>	<i>Minimum Width (feet)</i>	<i>Minimum Road Frontage (feet)</i>	<i>Minimum Front Setback (feet)(a)</i>	<i>Maximum Front Setback from Public Right-of-Way (Principal Building) (feet)</i>	<i>Minimum Rear Setback (feet)</i>	<i>Minimum Side Yard Setback (feet)(b)</i>
<i>Minimum Lot Requirements by District</i>								
<i>District</i>	<i>Minimum Area (Square Feet)(g)</i>	<i>Maximum Building Height (feet)(i)</i>	<i>Minimum Width (feet)</i>	<i>Minimum Road Frontage (feet)</i>	<i>Minimum Front Setback (feet)(a)</i>	<i>Maximum Front Setback from Public Right-of-Way (Principal Building) (feet)</i>	<i>Minimum Rear Setback (feet)</i>	<i>Minimum Side Yard Setback (feet)(b)</i>
A	87,120	None	240	240	50	100% of lesser of lot width or depth (effective 7-1-2000 on newly platted lot)	35	15
RD-1(h)	87,120	60	240	240	50(e)		35	15
RD-2	87,120	35	240	240	50		35	15
RD-3	21,780	35	150	150	30	N/A	20	15
R-1	12,150	35	90	90	30	N/A	20(c)	10
R-2	7,350	35	70	70	20	N/A	20(c)	6
R-3	9,600(d)	60	80	80	20	N/A	20(c)	6
R-4	7,350	35	70	70	20	N/A	20(c)	6
B-1	None	60	None	None	None	N/A	None	None
B-2	8,500	35	66	66	30(e)	N/A	20(e)	10
B-3(f)	21,780	35	66	66	50(e)	N/A	20	20
I(f)	8,500	None	66	66	10	N/A	30	10
FP	None	None	None	None(i)	None	N/A	None	None

NOTES TO TABLE: See accompanying footnotes:

(a) Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of the structure.

(b) Buildings over two stories in height shall require five feet for each additional story in addition to the required minimum side yard.

(c) Detached residential structures may be constructed five feet from the rear property line and three feet from an interior lot line; provided, the provisions of § 155.096(B)(5) are met. Non-residential structures in districts in Districts A, RD-1 and RD-2 may be constructed 15 feet from the rear property line.

(d) Multi-family dwellings must also comply with the land use intensity standards given in § 155.046.

(e) May be used for parking development.

(f) If not served by public sewer, must conform to RD-1 specifications for lot area if sewage disposal is required.

(g) If not served by public sewer, must at least conform to the specifications provided in this table and the County Board may require larger lots if the increases are warranted because of soil capabilities, as provided for in § 155.009.

(h) Highway access (includes entrance and exit) shall not be permitted in less than 500-foot intervals.

(i) Exceptions from building height maximums may be granted as a special use permit.

(Prior Code, § 152.065) (Ord. passed 3-9-1976; Ord. passed 9-14-1995; Ord. passed 8-30-2012) Penalty, see §155.999

SPECIAL USE REGULATIONS

§ 155.080 APPLICATION.

The following regulations set forth in this subchapter shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual non-compliance with the special regulations shall be made by the County Board or its duly appointed agent.

(Prior Code, § 152.075) (Ord. passed 3-9-1976)

§ 155.081 PERFORMANCE STANDARDS.

(A) *Residual features.* No activity or operation shall be established or maintained which, by reason of its nature or manner of operation, will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in concentrations as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property or business.

(B) *Glare.* Any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky reflected glare, whether from flood lights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

(C) *Explosives.* No activities involving the storage, utilization or manufacture of materials, goods or products which could decompose by detonation shall be permitted, except such as are specifically licensed by the County Board.

(D) *Vibration.* No activity or operation shall cause earth vibrations perceptible beyond the limits of the lot upon which the operation is located, except such as are specifically permitted by the County Board.

(E) *Enclosed space.* All fabrication, manufacturing, processing or production shall be undertaken substantially within enclosed buildings.

(F) *Screening.* Where outdoor storage of materials, goods and products exists within the General Industrial District, the storage shall be effectively screened from adjacent residential districts and public streets by a solid fence, compact hedge or similar opaque landscaped element. The screening shall be placed along property lines or, in the case of screening along a street, 15 feet from the street right-of-way or adjacent property line with landscaping between the screening and the pavement. A louvered fence shall be considered "solid" if it blocks direct vision.

(G) *Refuse.* All waste material, debris, refuse or garbage not disposed of through the public sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for those purposes. The owner of vacant land shall be responsible for keeping the land free of refuse.

(H) *Landscaping.* In all but the General Commercial and General Industrial Districts all developed uses shall provide a landscaped yard along the all streets. The yard shall be kept clear of structures and storage except off-street parking. The yard shall be at least eight feet in depth along all streets, measured from the street right-of-way. Except for driveways, the yard shall extend the entire frontage of the lot and along both streets in the case of a corner lot.

(I) *Drainage.* No land shall be developed and no use shall be permitted that results in water run-off, flooding or erosion on adjacent properties. The run-off shall be properly channeled into a storm drain, water course, ponding area or other public facilities.

(J) *Construction within the floodplain.* Construction in areas subject to flooding shall conform to regulations set forth in § 155.052.

(K) *Junk motor vehicles or equipment.* Parking of junk motor vehicles or equipment is prohibited in all areas, except Industrial Districts. All contractor's equipment or tools or junk 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 the premises. Contractor's equipment shall not be construed to include pickup or paneled trucks.

(L) *Medical cannabis cultivation centers and dispensaries - compliance with state regulations and rules.* Each cultivation center and all dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (Ch. 410, Act 130, §§ 1 *et seq.*) and all rules and regulations adopted in accordance thereto.

(Prior Code, § 152.076) (Ord. passed 3-9-1976; Ord. passed 9-11-1997; Ord. passed 7-10-2014) Penalty, see §155.999

§ 155.082 OFF-STREET PARKING REQUIREMENTS.

(A) Minimum number of parking spaces required:

- (1) None required in General Commercial District (to be provided in common area);
- (2) Single-family dwellings: two per dwelling unit;
- (3) Multi-family units: 1.2 per dwelling unit, except elderly housing projects which shall have one-half space per dwelling unit;
- (4) Churches, auditoriums, mortuaries and other similar places of assembly; one for every four seats;
- (5) Sanitariums, convalescent homes: one for four beds;
- (6) Retail commerce other than in General Commercial District:
 - (a) Restaurant: one for every three seats; and
 - (b) Other retail: one for every 100 square feet of retail floor space, but in no case less than one and one-half square feet (gross parking area) to one square foot (gross building floor area).
- (7) Service commerce other than General Commercial District:
 - (a) Motels: one per unit;
 - (b) Personal and professional offices: one for every 150 square feet of office floor space; and
 - (c) Other service commerce: one for 2,000 square feet of gross floor space.
- (8) Industrial including wholesale: one for every 1.3 persons of maximum employment during any work period; and
- (9) Mobile home parks: two spaces per lot.

(B) Minimum size of parking spaces: 250 square feet of standing and maneuvering space.

(C) Location of parking spaces.

- (1) Spaces for dwelling on the same lot as the dwelling unit;
- (2) Spaces for commercial uses not in the General Commercial District or for public or semi-public uses within 300 feet of the main entrance of the building served; and
- (3) No off-street parking spaces to be located within five feet of any street right-of-way.

(D) Surfacing and drainage off-street parking areas and access ways other than those for one- and two-family dwellings shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water.

(Prior Code, § 152.077) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.083 OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

(A) *Minimum number of off-street loading spaces required.* An adequate number of off-street loading spaces shall be provided for all structures which require the receipt and distribution of materials or merchandise by trucks or similar vehicles so as to assure unrestricted movement of both pedestrians and motor vehicles throughout the entire active areas of the municipality.

(B) *Minimum size of off-street loading berths.*

- (1) Width: ten feet;
- (2) Length: 50 feet; and
- (3) Vertical clearance: 14 feet.

(C) *Location of off-street loading berths.* No closer than 25 feet from the intersection of two street rights-of-way.

(D) *Surfacing and drainage.* Surfacing and drainage of off-street loading berths and accessways shall be hard surfaced to control dust and shall be graded to dispose of all surface water.

(Prior Code, § 152.078) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.084 SIGNS.

(A) *Permit required.* Except those specified in division (B) of this section, no signs shall hereafter be located, erected,

moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without being in conformity with the provisions of this chapter. The sign shall also meet all structural requirements of other applicable codes and ordinances of the county and state statutes.

(B) *Signs excepted.* All signs must have a building permit, except the following:

- (1) Signs over show windows or doors of a non-conforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length;
- (2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which the signs are temporarily located;
- (3) Name, occupation and warning signs not to exceed two square feet located on the premises;
- (4) Bulletin boards for public, charitable or religious institutions not to exceed 32 square feet in area located on the premises;
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure;
- (6) Official signs such as traffic control, parking restrictions, information and notices; and
- (7) Temporary signs when authorized by the Administrator for a period not to exceed 30 days.

(C) *Signs permitted.* Signs are permitted for all commercial and industrial uses subject to the following restrictions.

- (1) Wall signs placed against the exterior walls of buildings shall not extend more than six inches outside of building's wall surface, shall not exceed 300 square feet in area for any one premises, and shall not exceed 20 feet in height above the main centerline street grade.
- (2) Projecting signs fastened to, suspended from or supported by structures shall not exceed 300 square feet in area for any one premises; shall not extend more than six feet into any required yard; shall not extend more than three feet into any public right-of-way; shall not be less than ten feet above the sidewalk nor 15 feet above a driveway or an alley.
- (3) Ground signs shall not exceed 20 feet in height above the main centerline street grade, shall meet all yard requirements for the district in which they are located and shall not exceed 300 square feet on all sides for any one premises.
- (4) Roof signs shall not exceed ten feet in height above the roof, shall meet all yard and height requirements for the district in which they are located and shall not exceed 300 square feet on all sides for any one premises.
- (5) Combinations of any of the above signs shall meet all the requirements for the individual sign.

(D) *Signs specifically prohibited.*

- (1) Signs that display the words "Stop" or "Danger"; and
- (2) Signs utilizing flashing lights.

(E) *Facing.* No sign except those permitted in division (B) of this section shall be permitted to face a residential use within 100 feet of the lot line.

(F) *Traffic.* Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs shall not obstruct or interfere with the effect of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed as to obstruct or interfere with traffic visibility.

(G) *Existing signs.*

(1) Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter.

(2) However, it shall be deemed a non-conforming use or structure and the provisions of §§155.110 through 155.113 shall apply.

(H) *Miscellaneous requirements.*

(1) The owner, lessee or manager of any ground sign or owner of the land on which the same is located shall keep grass or weeds and other growth cut, and debris and rubbish cleaned up and removed from the lot on which the sign is located.

(2) Any sign or sign structure which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the licensee, owner or manager of the property upon written notice of the Administrator or police officer.

(Prior Code, § 152.079) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.085 KENNELS; VETERINARY ESTABLISHMENTS.

(A) They shall be located no closer than 100 feet to any residential district, restaurant, hotel or motel in any district and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor.

(B) No incineration of refuse shall be permitted on the premises.

(Prior Code, § 152.080) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.086 COUNTRY CLUB; GOLF COURSE.

(A) No building shall be located within 100 feet of any property line.

(B) Facilities such as restaurants and bars may be permitted when conducted and entered from within the building.

(C) Swimming pools, tennis courts and the like shall be located no less than 25 feet from any property line and adjoining property in any residence or commercial district shall be effectively protected by a wall hedge and/or screen planting.

(Prior Code, § 152.081) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.087 GOLF DRIVING RANGES AND AMUSEMENT PARKS.

Golf driving ranges and amusement parks shall be located on major or secondary thoroughfares or non-residential streets. Flood lights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property. Golf driving platforms shall not be less than 200 feet from any adjacent Residence District or existing dwelling. A temporary certificate may be granted to be in force for one year only which certificate may be renewed for a period of one year at the expiration of the certificate; provided, all requirements of this chapter have been and can continue to be complied with.

(Prior Code, § 152.082) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.088 CEMETERIES; CREMATORIES; COLUMBARIUMS.

Cemeteries, crematories, mausoleums and columbariums shall provide entrance on a major street or road with ingress and egress so designated as to minimize traffic congestion, shall provide required off-street parking space and shall provide a minimum six-foot high wall or minimum three-foot thick, six-foot high evergreen hedge or provide a minimum 20 feet of permanently maintained planting strip on all property lines abutting any residential district or residential street.

(Prior Code, § 152.083) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.089 HOSPITALS, CHURCHES OR OTHER RELIGIOUS OR ELEEMOSYNARY INSTITUTIONS.

Hospital, church or other religious or eleemosynary institutions shall be located on a major street on a minimum parcel of one-half acre and shall maintain a ten-foot wide minimum landscaped strip on all property lines abutting residential districts and on all residential streets.

(Prior Code, § 152.084) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.090 SHOOTING CLUB.

A shooting club shall not be located within one mile of any developed residential, commercial or industrial area, or place of public assembly. A temporary certificate will be granted, to be in force for one year only, which certificate may be renewed for a period of one year at the expiration of each temporary certificate; provided, the above requirements are met.

(Prior Code, § 152.085) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.091 AMUSEMENT CENTERS, BOWLING ALLEYS, DANCE HALLS AND SIMILAR PLACES OF AMUSEMENT.

Amusement centers, bowling alleys, dance halls and similar places of amusement shall provide parking with ingress and egress designed so as to minimize traffic congestions, shall not be less than 20 feet from any property lines, provide a minimum six-foot solid board fence or masonry wall separating parking areas from abutting residential property and shall show that adequate controls or measures will be taken to prevent offensive noise and vibration.

(Prior Code, § 152.086) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.092 APARTMENTS; MULTI-FAMILY DWELLINGS.

(A) The **RECREATION SPACE RATIO**, defined as the minimum square footage of recreation space required for each square foot of floor area, is not less than 0.16.

(B) The **FLOOR AREA RATIO**, defined as the maximum square footage or total floor area permitted for each foot of land, is not more than 0.32.

(C) The **OPEN SPACE RATIO**, defined as the minimum square footage of open space required for each square foot of floor area, is not less than 2.0.

(D) The **LIVING SPACE RATIO**, defined as the minimum square footage of non-vehicular outdoor space required for each square foot of floor area, is not less than 1.2.

(E) The **OCCUPANT CAR RATIO**, defined as the minimum number of off-street parking spaces without parking time limits required for each living unit is not less than 1.2; except that, in housing development projects for the elderly, this ratio shall not be less than 0.5.

(Prior Code, § 152.087) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.093 STANDARDS FOR HOME OCCUPATION.

(A) *General.* It is the intent of this section to prohibit as home occupations all uses except those that conform to the standards as set forth in this section. In general, a home occupation is an accessory use, so located and conducted, that the average citizen, under normal circumstances, would not be aware of its existence other than for a nameplate as permitted elsewhere in this section. The standards for home occupations in this section are intended to help ensure compatibility with other permitted uses and with the residential character of the area, plus a clearly secondary or incidental status in relation to the residential use of the property as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

(B) *Authorization.* Home occupations are permitted in any dwelling unit subject to the provisions of this section.

(C) *Permitted home occupations.* The following are examples of uses which often can be conducted within the limits of the provisions of this section, as a home occupation. Uses which qualify as home occupations are not necessarily limited to those named in this section, nor does the listing of a use in this section automatically qualify that use as a permitted home occupation:

- (1) Artists and sculptors;
- (2) Authors and composers;
- (3) Dressmakers, seamstresses and tailors;
- (4) Family day care home, limited to no more than seven children; provided that, all state and local rules and regulations are met;
- (5) Home crafts, such as model making, rug weaving, lapidary work and woodworking;
- (6) Office facility for a minister, pastor, priest or rabbi;
- (7) Office facility for a salesperson, sales representative or manufacturer's representative; provided that, any transaction which may occur does not include the exchange or delivery of goods, products or materials to the customer other than small parcels which may be easily carried by the average citizen;
- (8) Office facility for an architect, artists, broker, dentist, physician, engineer, instructor in arts and crafts, insurance agent, land surveyor, lawyer, musician or real estate agent;
- (9) School of special education whose class size does not exceed two pupils at any given time;
- (10) Antique shop, except the stripping and refinishing of furniture and the storage of chemicals used in the stripping and refinishing of furniture shall not be permitted;
- (11) Barbershop and beauty shop;
- (12) Photography studio;
- (13) Music or dance lessons, provided class size does not exceed two pupils at any one time; and, provided that, the use of amplified instruments is not involved;
- (14) Upholstering;
- (15) Repair shop or service establishments; provided that, the repairs shall be limited to the repair of small electrical appliances, cameras and similar items; and
- (16) Gun smithing.

(D) *Home occupations prohibited.* The following uses by their nature, investment or operation have a substantial tendency to be out of character, offensive or potentially injurious to the public's health and welfare and thereby impair the use, value or enjoyment of nearby properties and persons and are hereby declared ineligible as a home occupation:

- (1) Animal hospitals;
- (2) Clinics or hospitals;
- (3) Restaurants;
- (4) Stables or kennels;
- (5) Day care centers (except family day care homes for seven children or less);
- (6) Mortuaries;
- (7) Private clubs;
- (8) Renting equipment, vehicles, trailers and other similar items;
- (9) Apartments and boarding rooms;
- (10) Automobile, truck, boat and similar repairs, minor or major;
- (11) Dental and medical offices;

- (12) Private schools with organized classes;
- (13) Ammunition reloading;
- (14) Body shop;
- (15) Painting shop for cars, trucks, trailers and the like;
- (16) Retail sales and display establishments;
- (17) Commercial storage or warehousing; and
- (18) Carpentry shop.

(E) *Use limitations.* In addition to the provisions of the particular zoning districts in which located, all home occupations shall be subject to the following additional use limitations.

(1) A home occupation must be conducted entirely within a dwelling unit which is the bona fide residence of the principal practitioner, or in an accessory building thereto, which is normally associated with a residential use.

(2) Except for items or articles produced on the premises, no stock in trade shall be displayed or sold on the premises.

(3) The home occupation shall be incidental and subordinate to the principal residential use.

(4) Not more than one employee, other than members of the family residing on the premises, may be engaged in the occupation.

(5) In no way shall the appearance of the structure be altered or changed, or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, entrances and exits, lighting, signs or the emission of sounds, noises or vibration.

(6) No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off the street and other than in a required front yard.

(7) No commercial vehicle type shall be used in connection with the home occupation or parked on the premises.

(8) There shall be no outside storage of any kind related to the home occupation.

(9) Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation (such as, Joe Doe, Accountant). It shall not exceed one square foot in area, shall be non-illuminated and shall be attached to the main structure, visible through a window or attached to a single pole not more than six feet high, and located on the premises, not upon any public way. The limitation to one nameplate is intended to apply to all lots, including corner lots.

(10) All delivery of goods and materials used in the home occupation shall be made by ordinary and common parcel delivery vans, not to include large motor freight carrier vehicles.

(F) *Permit required.* Any person desiring to establish a home occupation is required to submit a permit application and secure the required permit, prior to the establishment of the proposed home occupation, on forms provided by the Administrator.

(Prior Code, § 152.088) (Ord. passed 3-9-1976; Ord. passed 8-30-2012) Penalty, see §155.999

§ 155.094 SPECIAL COMMERCIAL DEVELOPMENTS.

Any commercial development permitted as a special use in the rural development districts shall not be granted a zoning permit by the County Board until the following determinations are made in writing:

(A) The development will be appropriately screened from any adjoining road or property; and

(B) The traffic generated (lights, noise or hours of operation) will not be a nuisance to opposite or abutting property owners.

(Prior Code, § 152.089) (Ord. passed 3-9-1976)

§ 155.095 MOBILE HOME RULES AND REGULATIONS.

(A) Manufactured and mobile homes may be placed only in the R-4 Mobile Home Residential District or in areas approved and licensed as mobile home parks by the State Department of Public Health (IDPH).

(B) (1) In areas located in the R-4 District, the minimum lot requirements contained in this chapter shall be met.

(2) Lot sizes within mobile home parks shall be regulated by the IDPH.

(C) Manufactured and mobile homes shall comply with the provisions of the Mobile Home Owners Tiedown Act, being ILCS Ch. 210, Act 120, as administered by the IDPH.

(D) Manufactured and mobile homes shall have impervious materials, commonly referred to as "skirting", completely surrounding the perimeter of the dwelling between the floor and the ground surface.

(E) If not connected to municipal water and/or sewer supply systems, manufactured and mobile homes shall comply with all applicable Health Department regulations concerning water well and/or septic systems.

(Prior Code, § 152.090) (Ord. passed 3-9-1976; Ord. passed 6-11-1992; Ord. passed 11-15-2001; Ord. passed 8-30-2012) Penalty, see § 155.999

§ 155.096 MODIFICATIONS AND EXCEPTIONS.

(A) *Height.* The district height limitations stipulated elsewhere in this chapter may be exceeded, but the modification shall be in accord with the following:

(1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter;

(2) Special structures, such as elevator penthouses, gas tanks, grain elevators, electric generating stations, lightening rods, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks and flag poles are exempt from the height limitations of this chapter;

(3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter;

(4) Communication structures, such as radio and television transmission relay towers, aerials and observation towers, shall not exceed in height three times their distance from the nearest lot line; and

(5) Public or semi-public 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 one foot for each foot the structure exceeds the district's maximum height requirements.

(B) *Yards.* Residential accessory uses and detached, residential garages, storage sheds and other similar buildings are permitted in the rear yard only, shall comply with all minimum front yard requirements of this code, but may be constructed five feet from the rear lot line and three feet to an interior lot line. They shall not exceed more than 25 feet in height. However, a detached residential garage proposed to be constructed having its vehicular access doors facing toward the front lot line shall not be closer than 25 feet from the front property line. These restrictions do not apply to structures used only for agricultural purposes.

(1) Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six feet and not closer than three feet to any lot line.

(2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but the projection shall not exceed two feet.

(3) Residential fences are permitted to be erected on the property line; provided that, in any required front yard, they shall be no higher than four feet in height and shall be of an open type (such as, chain link or wrought iron) which does not limit, inhibit or restrict reasonable visibility through it by pedestrians, cyclists or motorists. Fences erected along interior lot lines or the rear property line may be solid and shall not exceed eight feet in height.

(4) Security fences for commercial, industrial or governmental uses are permitted to be erected on property lines; provided that, they shall be no higher than ten feet in height, shall be of an open type such as chain link or wrought iron and not in conflict with § 155.081.

(5) Accessory uses and detached accessory structures may be permitted, provided that they are not proposed to be constructed or erected in the front yard and comply with the remaining provisions of this chapter.

(6) Essential services, utilities, electrical power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

(7) Landscaping and vegetation may be planted and maintained on property lines. Landscaping planted in the front shall be of the type and variety that it does not limit, inhibit or restrict reasonable visibility through it by either pedestrians, cyclists or the motorists. It shall be the responsibility of the property owner to maintain, trim or otherwise ensure that landscaping and vegetation do not encroach upon any public way or cause visibility problems.

(C) *Additions.* Additions in the front yards of existing structures shall not project beyond the average of the existing front yards on the abutting lot or parcels.

(D) *Average front yards.* The required front yards may be decreased to the average of the existing front yards of the abutting structures on each side.

(E) *Noise.* Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are not to be enjoined under the performance standards section of this chapter.

(F) *General filling.* Filling of low areas with earth or gravel or with earth covered bricks, blocks, broken concrete or broken paving material, all free from refuse, as may be permitted by the State Environmental Protection Agency and the County Health Department; provided that, the areas are not located in the special flood hazard area. This provision shall not relieve any property owner from compliance with any other applicable laws, regulations or agreements.

(Prior Code, § 152.091) (Ord. passed 3-9-1976; Ord. passed 9-14-1989; Ord. passed 9-14-1995; Ord. passed 12-14-1995;

Res. 2016-01, passed 1-21-2016) Penalty, see § 155.999

§ 155.097 SINGLE-FAMILY DWELLINGS.

On a property of four acres or more, two single-family dwellings will be permitted if the property conforms completely to the following.

(A) Single-family dwellings are permitted in the zoned district.

(B) If the property is divided, it will consist of two lots, each having a single-family dwelling and each lot fully conforming to all the requirements of the zoned districts.

(C) Both dwellings are served by separate sanitary facilities.

(Prior Code, § 152.092) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.098 LANDSCAPE WASTE COMPOSTING FACILITY.

All applications for permit for the establishment, construction and operation of a landscape waste composting facility shall be subject to the following exhibits, rules and standards.

(A) Required exhibits shall include the following:

(1) A boundary survey at a scale of one inch equals 100 feet together with the complete legal description of the proposed property;

(2) A boundary map depicting the existing topography at no less than two-foot contours, showing the ownership of all adjacent property and the existence of any 100-year floodplains;

(3) A detailed site plan showing the existing and proposed drainage on and adjacent to the proposed site, plans for ingress and egress, internal access ways, existing and proposed buildings, structures, parking and landscape waste storage areas on the site, the location of all buildings within 500 feet of the proposed site boundary, the location of all wells within 500 feet of the proposed site boundary;

(4) Written plans for dust and odor control, fire protection and emergency response plan, a statement as to the depth of and the planned methods to be used to ensure that compost and/or leachate does not penetrate the water table, and the plans for collection and treatment of the leachate;

(5) A statement as to the landscape waste intended to be accepted, methods of handling, machinery and equipment requirements, materials anticipated to be produced at the site, handling and disposal plans for non-compostable landscape waste, site security, lighting and procedures for drop-off control;

(6) A list of all permits that have previously been issued on the site; and

(7) The intended hours of operation.

(B) Landscape waste composting facilities shall comply with the following rules and standards.

(1) Landscape waste composting facilities shall be located on a site containing at least ten acres.

(2) Landscape waste composting facilities shall be located outside the 100-year floodplain.

(3) Landscape waste composting facilities shall be prohibited from accepting, collecting, storing, or in any way placing on the site any municipal solid waste, garbage, junk, unlicensed and/or inoperative vehicles, building demolition waste or other debris.

(4) Landscape waste composting facilities shall be located no closer than 500 feet to any residential district, whether the district is under the jurisdiction of the county or a municipality having in effect its own zoning ordinance, 660 feet from a building used and intended to be used for residential purposes, 200 feet from any property line, and 500 feet from any potable water well.

(5) The open burning of landscape waste shall be prohibited on the site.

(6) All operators of landscape waste composting facilities shall make semiannual reports upon the total tons of landscape waste accepted and total tons of landscape waste marketed during the previous six months. This semi-annual report is due on July 15 and January 15 for the period covering the previous six months. This report shall be submitted to and shall be in the form prescribed by the Administrator.

(Prior Code, § 152.092) (Ord. passed 3-9-1976; Ord. passed 7-13-1995) Penalty, see §155.999

NON-CONFORMING USES AND STRUCTURES

§ 155.110 EXISTING NON-CONFORMING LAND OR BUILDING.

The lawful use of any land or building existing at the time of the adoption of this chapter may be continued, even if it does not conform to the regulations of this chapter, except as provided in this subchapter.

(Prior Code, § 152.105) (Ord. passed 3-9-1976)

§ 155.111 NON-CONFORMING BUILDINGS.

(A) *Alterations.* A non-conforming building or structure shall not be reconstructed or altered to an extent exceeding its

assessed valuation for real estate tax purposes, unless the building or structure is changed to conform with the regulations of this chapter.

(B) *Enlargement.* A non-conforming building or structure shall not be added to or enlarged in any manner unless the additions or enlargements are made so as to bring the building or structure into conformity with the regulations of this chapter.

(C) *Restoration.* A non-conforming building or structure which is damaged by fire or other cause to the extent of more than 50% of its assessed value shall not be restored, except in conformity with the regulations of this chapter.

(D) *Abandonment.* A non-conforming use of a building which has been discontinued for a period of 30 days shall not be re-established and any future use shall be in conformity with the regulations of this chapter.

(E) *Extension.* A non-conforming use of a building may be extended throughout the building; provided, no structural alterations are made therein.

(F) *Relocation.* A non-conforming building shall not be moved to any other part of the parcel of land upon which it is located unless every portion of the building is made to conform to all requirements of the district in which it is located.

(G) *Use change.*

(1) If no structural alterations are made, a non-conforming use of the building may be changed to another non-conforming use of the same or of a more restricted classification.

(2) Whenever a non-conforming use had been changed to a more restricted use or to a conforming use, the use shall not thereafter be changed to a less restricted use.

(H) *Placement.* A manufactured or mobile home may be placed; provided that, the replacement home is moved onto the property and is located on its pad within five days (120 hours) of the removal of the original home and that the home being moved onto the property is not more than five years old at the time of replacement.

(Prior Code, § 152.106) (Ord. passed 3-9-1976; Ord. passed 6-11-1992) Penalty, see §155.999

§ 155.112 NON-CONFORMING USE OF LAND.

(A) *Expansion.* A non-conforming use of land shall not be expanded or extended beyond the area it occupies.

(B) *Relocation.* A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this chapter, except by expressed authority of the County Board or its designated authority.

(C) *Discontinuance.* If a non-conforming use of land is discontinued for a period of 30 days, it shall not be re-established and any future use shall be in conformity with the regulations of this chapter.

(Prior Code, § 152.107) (Ord. passed 3-9-1976) Penalty, see §155.999

§ 155.113 EXCEPTIONS.

(A) Single-family and two-family residences established at the time of adoption of this chapter in non-residential districts are exempt from this section.

(B) These residences may be expanded and accessory structures may be permitted; provided, all other requirements are met.

(Prior Code, § 152.108) (Ord. passed 3-9-1976)

ADMINISTRATION AND ENFORCEMENT

§ 155.125 ZONING ADMINISTRATOR.

(A) The Chairperson of the County Board may appoint an Administrator, but the appointment shall require the approval of the majority of the members of the County Board.

(B) The specific duties of the Administrator shall include:

(1) Providing zoning information upon request;

(2) Receiving applications for building and occupancy permits, reviewing the applications to determine if they comply with ordinance provisions, and issuing or denying permits;

(3) Receiving applications for special use permits, variances, amendments and appeals, referring the applications to the appropriate public body, notifying affected property owners of the required public hearings and publishing notice of the hearings;

(4) Conducting inspections;

(5) Investigating violations; and

(6) Keeping the zoning map and text up to date.

(C) The Administrator shall maintain on file the following documents:

- (1) Copies of variation application papers and variation decisions as they pertain to special flood hazard areas;
- (2) Copies of elevation or floodproofing certificates and other documents necessary to ensure that a project is constructed in compliance with a variation resolution;
- (3) Copies of annual reports and other correspondence with the Federal Emergency Management Agency;
- (4) All records pertaining to the lowest floor elevation; and
- (5) Issue all permits for development as defined in this chapter in any special flood hazard area after all other federal and state permits have been received by the applicant and presented to the Administrator.

(Prior Code, § 152.120) (Ord. passed 3-9-1976; Ord. passed 9-14-1989)

§ 155.126 PERMITS REQUIRED.

(A) *Permits.* Hereafter, no building or structure shall be erected, constructed, reconstructed or structurally altered, nor shall work begin upon same until the required permit has been issued by the Administrator; except that, no permit shall be required for the following:

- (1) Exterior remodeling such as new siding, windows or roofing, painting, installation of or removal of interior walls, new kitchens, baths and carpeting, rearrangement of offices, manufacturing lines, warehouse space and other similar remodeling activities;
- (2) Exterior construction, reconstruction or alteration of a building or structure which does not alter the size, shape, dimension or height of the building or structure;
- (3) Public utility structures and installations such as sanitary sewers, laterals, vaults, electric lines, water lines, utility poles, cables, tiles or other similar distribution components; and
- (4) Buildings, structures or uses in a public federal, state or local park; provided that, the uses are located at least 100 feet from any residential property line, comply with the minimum yard requirements and are a permitted use in the district which they are to be located.

(B) *Occupancy permit.*

- (1) Hereafter, no change in the occupancy of land, or any change of use or occupancy in a new or existing building other than for single-family dwelling shall be made until an occupancy permit has been issued by the Administrator. Every permit shall state that the new occupancy complies with all provisions of this chapter.
- (2) Except that, no occupancy permit will be required for land used or to be used for agricultural purposes, storm sewers, farm tiles, sanitary sewers, pipe lines and poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in an act entitled An Act Concerning Public Utilities.

(C) *Permit fees.*

- (1) Fees for the various permit and zoning applications are non-refundable and are as follows:
 - (a) Single-family residential uses (including attached, detached garages, carports, decks and porches): \$100;
 - (b) Multiple-family residential uses (including attached/detached garages, carports, decks and porches): \$75, plus \$30 per dwelling unit;
 - (c) Mobile homes: \$35;
 - (d) Residential accessory buildings:
 1. Forty dollars, if 500 feet squared or less;
 2. Sixty dollars, if 501 to 750 feet squared;
 3. Eighty dollars, if 751 to 1,000 feet squared;
 4. Ninety dollars, if 1,001 to 1,500 feet squared; and
 5. One hundred dollars, if 1,501 or more feet squared.
 - (e) Commercial or industrial building (includes principal and accessory buildings and additions to either principal or accessory buildings): \$0.03 per foot squared of gross floor area; \$50 minimum; plus review and inspection fee after 7-1-2011;
 - (f) Special use applications:
 1. Two hundred dollars if two acres or less;
 2. Two hundred fifty dollars if greater than two acres, but less than ten acres;
 3. Three hundred dollars if greater than ten acres, but less than 26 acres; and
 4. Twenty-six acres and over \$100 plus \$10 per acre.

(g) Re zoning applications:

1. Two hundred dollars if two acres or less;
2. Two hundred fifty dollars if 2.01 to ten acres; and
3. Three hundred dollars if 10.01 acres or more.

(h) Variance applications: \$150;

(i) Appeal applications: \$100;

(j) Text amendments: \$125;

(k) Occupancy permits (for changes in land use other than agricultural, one-/two-family residence, public utility or government purposes): \$25; and

(l) Structures other than buildings: \$0.001 x total estimated cost/min: \$25.

(2) By state law, no fees are charged for permits for buildings intended to be used for agricultural purposes or for accessory buildings located on an operating farm.

(3) Make checks payable to: DeWitt County Zoning.

(4) Legal notice publication fees are to be paid by the applicant.

(D) *Exhibits.* Each application for a building permit and for an occupancy permit for the use of land shall be accompanied by the following exhibits unless waived by the Administrator.

(1) Boundary survey of an area including the property in question and 100 feet beyond its outer boundaries showing existing utilities, lot boundaries and dimensions, buildings and easements, foliage, topography, waterways and soil boring to be included if pertinent.

(2) Plot plan indicating location, size and placement of proposed structure and yards, parking and loading facilities, vehicular access and egress and utility plan including surface drainage.

(E) *Permit application procedure.* The procedure for applying for a building permit and an occupancy permit shall be as follows.

(1) The property owner or his or her agent shall meet with the Administrator to explain his or her situation, learn the procedure and obtain an application form.

(2) The applicant shall file the completed application form together with required exhibits with the Administrator.

(3) The Administrator shall issue a building permit and collect the required fee if the proposed project complies with the provisions of this chapter and other relevant county ordinances.

(F) *Expiration of zoning use permits.*

(1) At 90 days, the footings and foundation shall be in place and crawlspace and/or basement shall be covered.

(2) At 150 days (an additional 60 days after issuance of permit), the structure shall be framed, roofed and enclosed with materials intended for permanent use.

(3) If the work described on any zoning use permit shall not have been completed within 730 consecutive days from issuance thereof, the permit shall expire and be cancelled by the Administrator, and written notice therefore shall be given to the applicant together with notice that further work as described on the cancelled permit shall not proceed until a new permit shall have been issued.

(Prior Code, § 152.121) (Ord. passed 3-9-1976; Ord. passed 8-13-1992; Ord. passed 11-12-1992; Ord. passed 9-11-1997; Ord. passed 7-21-2011; Ord. passed 4-20-2017) Penalty, see § 155.999

§ 155.127 BOARD OF ZONING APPEALS.

(A) *Establishment.*

(1) A Board of Zoning Appeals, hereinbefore and hereafter referred to by the term "Zoning Board", is hereby authorized to be established.

(2) The Zoning Board shall consist of seven members appointed by the Chairperson and confirmed by the members of the County Board. The seven members of the first Zoning Board appointed shall serve terms as follows: one for one year, one for two years, one for three years, one for four years and three for five years, the successor to each member so appointed to serve for a term of five years. Vacancies shall be filled by the Chairperson 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 a resident within the limits of any one congressional township. The Chairperson of the County Board shall name one of the members of the Zoning Board as Chairperson upon his or her appointment, and in case of vacancy, shall name the Chairperson.

(B) *Meetings.*

(1) Regular meetings of the Zoning Board shall be held at the time and place within the County as the Zoning Board may determine. Special meetings may be held at the call of the Chairperson, or as determined by the Board. The Chairperson or, in his or her absence, the acting Chairperson 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 the 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 a 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 Administrator in any matter upon which it is required to pass under this chapter, or to effect any variation or modification in this chapter to the County Board. In the performance of its duties, the Zoning Board may incur expenditures as shall be authorized by the County Board. The Zoning Board shall adopt its own rules of procedures not in conflict with the state or this chapter.

(3) The Zoning Board shall have a recording secretary at each Zoning Board meeting, to record the proceedings of the public hearing. The secretary is to be appointed by the County Board.

(C) *Jurisdiction.*

(1) The Zoning Board shall hear and decide appeals from any order, requirement, decision or determination made by the Administrator. It shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter.

(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 chapter relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him or her practical difficulties or particular hardship, then the Zoning Board may in the following instances only make the variations of the strict application of the terms of this chapter, 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 the 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 variance:

(a) To permit the reconstruction of a non-conforming building (but excluding residences and farm buildings) which has been destroyed or damaged to an extent of more than 50% of its assessed 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 non-conforming use, but in no case shall a permit be issued if its primary function is for financial gain.

(b) To permit the remodeling or expansion of a non-conforming use where the Board finds public necessity and convenience in the continuance or expansion of the non-conforming use and that the remodeling or expansion does not materially affect the other uses in the neighborhood.

(4) Nothing herein contained shall be construed to give or grant to the Zoning Board the power or authority to alter or change this chapter, the power and authority being reserved to the County Board.

(5) The Zoning Board may impose conditions and restrictions upon the use of the premises benefitted by a variance, as it may deem necessary.

(D) *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 recommendation made by the Administrator. Any notice of appeal shall be accompanied by the required filing fee as established by the County Board.

(2) The appeal shall be made within 45 days after the date of written notice of the decision or order to the Administrator and a notice of appeal specifying the grounds thereof. The Administrator 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 Administrator certifies to the Zoning Board, after the notice of appeal has been filed with him or her, that by reason of facts stated in the permit, a stay would in his or her opinion, cause imminent peril to life or property. In this case, proceedings shall not be stayed otherwise than a restraining order which may be granted by the Zoning Board, or by a court of record on application, on notice to the Administrator, 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.

(Prior Code, § 152.122) (Ord. passed 3-9-1976; Ord. passed 11-12-1992; Ord. passed 9-24-2009; Res. 2017-14, passed 11-16-2017; Res. 2018-14, passed 8-23-2018)

§ 155.128 PLANNING COMMISSION DUTIES IN ZONING ADMINISTRATION.

The duties of the County Regional Planning Commission in zoning administration shall be:

- (A) To review applications for amendments to this chapter. The Commission shall not have the authority to make changes or amendments to this chapter; it shall act in a purely advisory manner to the County Board and the Zoning Board, making its recommendations in all cases referred to it, and transmitting them to the Zoning Board for public hearings; and
- (B) To review applications for special use permits provided for within this chapter and to transmit its recommended action to the Zoning Board for public hearings.
- (C) The chair and the members of the Regional Planning Commission shall be compensated per meeting as follows. This rate shall apply to both regular and special meetings. This rate shall apply to each day of a meeting, regardless of if a meeting is continued to another day to avoid adjourning. The amounts stated shall only apply when a quorum is present, and no amount shall be paid if a quorum is not present.

(1) Chairman of Regional Planning Commission: \$35 per meeting.

(2) Member of Regional Planning Commission: \$30 per meeting.

(Prior Code, § 152.123) (Ord. passed 3-9-1976; Res. 2017-14, passed 11-16-2017; Res. 2018-14, passed 8-23-2018)

§ 155.129 VARIANCES.

(A) Variations from the provisions of this chapter may be granted by the Zoning Board where practical difficulties and unusual hardships in complying with those provisions are determined to exist, but only after a public hearing has been duly advertised and held by the Board. The Zoning Board may impose the restrictions and conditions upon the premises benefitted by a variance as it considers necessary so that the public health, safety and general welfare may be secured and substantial justice done.

(B) Applications for variance shall be accompanied by a plot plan as required for permit applications, and a certified listing, by complete name address, of all property owners within 250 feet of the property in question.

(C) The procedure for applying for a variance from the regulations of this chapter is as follows.

(1) The property owner or his or her agent shall meet with the Administrator to explain his or her situation, learn the procedures and obtain an application form.

(2) The applicant shall file the completed application along with the required exhibits with the Administrator. Any application for a variance shall be accompanied by the required filing fee as established by the County Board.

(3) The Administrator shall transmit the application to the Chairperson of the Zoning Board and shall determine with the Chairperson the time and place of the required public hearing.

(4) The Administrator may provide courtesy notices to those owners of property within 250 feet of the property in question.

(5) The Administrator shall have notice of the scheduled public hearings published in a newspaper of general circulation in the county at least 15 days before the hearing in conformity with the state statutes.

(6) The Zoning Board shall hold the public hearing within 45 days of filing and shall take one of three actions - approval, denial or conditional approval.

(D) *Standards for granting variances.* The Zoning Board may vary the regulations of this chapter when supporting evidence in each specific case indicates that:

(1) Because of the particular physical surroundings, shape or topographic conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

(2) The conditions upon which the petition for a variance are based are unique to the parcel of land for which the variance is sought and not applicable generally to other property with the same zoning classification;

(3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

(4) The alleged difficulty or hardship is caused by the provisions of this chapter and has not been created by any person presently or formerly having an interest in the parcel of land;

(5) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located;

(6) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the vicinity; and/or

(7) Decisions of the Zoning Board may be appealed to the County Board for a final decision by any interested party. The appeal must be filed in writing to the County Clerk within ten days following the Zoning Board decision.

(E) *Flood variances.* In addition, no variation to the special flood hazard area regulations contained in this chapter shall

be granted by the Zoning Board, or by the County Board if appealed, unless the applicant conclusively demonstrates that:

- (1) The development activity cannot be located outside the special flood hazard area;
 - (2) An exceptional hardship would result if the variation were not granted;
 - (3) The relief requested is the minimum necessary;
 - (4) There will be no additional threat to public health or safety or creation of a nuisance;
 - (5) There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities or other public facilities;
 - (6) Any and all other local, state and federal permits that may be required for this type of development activity have been obtained;
 - (7) The Administrator has reviewed the plans and states, in writing, that the project is in conformance with the "General Provisions" and "Criteria for Land Management and Use" of the National Flood Insurance Program (44 C.F.R. parts 59 and 60, as published by the Federal Emergency Management Agency, 5-31-1979); and
 - (8) The applicant shall be notified that the granting of a variance for construction and/or development in the special flood hazard area will result in an increase in the flood insurance rates according to the risk as assigned.
- (Prior Code, § 152.124) (Ord. passed 3-9-1976; Ord. passed 6-12-1986; Ord. passed 9-14-1989; Ord. passed 11-12-1992)

§ 155.130 SPECIAL USE PERMITS.

- (A) Before a building or premises is devoted to any use classified hereunder, a special permit must be granted by the County Board following recommendation by the Planning Commission and a public hearing before the Zoning Board.
- (B) The following exhibits shall be required unless waived by the Planning Commission:
- (1) The boundary survey and plot plan as required for building permit application; and
 - (2) Certified listing, by complete name and address, of all owners of property within 250 feet of the property in question.
- (C) The procedure for obtaining a special use permit is as follows.
- (1) In applying for a special use permit, the applicant shall follow all applicable procedures set forth in this subchapter.
 - (2) The applicant shall file the completed application along with the required exhibits with the Administrator. Any application for a special use shall be accompanied by the required filing fee as established by the County Board.
 - (3) The Administrator shall refer the application to the Planning Commission.
 - (4) The Planning Commission shall, after careful review of the application, make a recommendation on each application to the Zoning Board.
 - (5) The Administrator shall cause notice of a public hearing in accordance with state statutes and may provide courtesy notice to those owners of property within 250 feet of the property in question.
 - (6) The Zoning Board, 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 the recommendation directly to the County Board.
 - (7) The County Board may approve, deny or give conditional approval to the application. In cases of approval or conditional approval, the County Board shall issue written authorization to the Administrator to issue a zoning permit in full conformance with this subchapter. This authorization shall remain on permanent file with the application.
 - (8) The County Board may attach special conditions, including specified period of time for the permit, to ensure conformance with the intent of all comprehensive plan elements and to preserve the integrity of the zoning district in question.
- (D) A special use permit may be granted by the County Board after demonstration by evidence that:
- (1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
 - (2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
 - (3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - (4) Adequate utilities, access roads, drainage and necessary facilities have been or will be provided;
 - (5) Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets or roads; and
 - (6) The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

(E) Where a special use permit has been issued pursuant to the provisions of this chapter, the permit may become null and void by action of the County Board upon recommendation of the Planning Commission unless work thereon commences within one year of the date of granting the special use. A special use permit shall be deemed to authorize only one particular use and may be canceled by the County Board upon recommendation of the Planning Commission if that use ceases for more than 12 consecutive months.

(Prior Code, § 152.125) (Ord. passed 3-9-1976; Ord. passed 6-12-1986; Ord. passed 11-12-1992)

§ 155.131 AMENDMENTS.

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

(B) *Kinds of amendments.*

(1) An amendment to this chapter may be one of the following:

- (a) A change in a district's boundary (re-zoning);
- (b) A change in a district's regulations; and
- (c) A change in any other provision of this chapter.

(C) *Initiation of proceedings.* Proceedings for amending this chapter shall be initiated by at least one of the following three methods:

(1) By application of an owner or owners of property which is proposed to be rezoned, or for which zoning district rule and regulation changes are proposed. Any application for a rezoning or for a text amendment shall be accompanied by the required filing fee as established by the County Board;

(2) By recommendations of the Planning Commission; and/or

(3) By action of the County Board.

(D) *Exhibits.* Required exhibits for rezoning or district regulation changes initiated by property owners:

(1) The boundary survey and plot plan as required for building permit application; and

(2) A certified listing, by complete name and address, of all property owners within 250 feet of the property in question.

(E) *Procedures.*

(1) Upon any application for a proposed amendment, supplement or change being properly filed with the Administrator, the Administrator shall immediately cause a copy of same to be forwarded to the members of the Planning Commission and the members of the Zoning Board.

(2) The Planning Commission shall make an investigation as provided by its rules of procedure. The Planning Commission shall consider the proposed amendments of its next regularly scheduled monthly meeting; provided that, if 14 days have not elapsed since the above mailing of the proposed amendment, it 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.

(3) The recommendation and report stating reasons for the decision of the Planning Commission shall be forwarded to the Chairperson of the Zoning Board and to the Chairperson of the County Board without delay.

(4) The report of the Planning Commission may be considered by the Zoning Board in arriving at its decision, whether or not a member of the Planning Commission appears at the public hearing.

(5) The Zoning Board shall forward its report and decision, setting forth the reasons therefor, to the Chairperson of the County Board within a reasonable time after the public hearing.

(F) *Notice of public hearing for amendments.*

(1) The Zoning Board shall cause notice of a public hearing to be duly published, as prescribed by state statute.

(2) Hearings on text amendments shall be held in the courthouse of the county. Hearings on map amendments shall be held in the courthouse of the county; provided that, if the owner of any property affected by the proposed map amendment so requests, in writing, the hearing shall be held in the township or road district in which the affected property is located.

(3) 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.

(4) 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 the Administrator may provide courtesy notices to all owners of property within 250 feet of the property in question.

(G) *Passage of amendments.*

(1) Text and map amendments may be passed at a County Board meeting by a simple majority of the elected County

Board members; except that, in the following instances, no amendment shall be approved, except by the favorable vote of three-fourths of all members of the County Board:

- (a) Written protests against a proposed text amendment are signed by at least 5% of the land owners of the county;
- (b) Where land affected lies within one and one-half miles of the corporate limits of a zoned municipality, and a written resolution by the corporate authorities of the zoned municipality is filed protesting any amendment; and
- (c) Written protests against any proposed map amendment, signed by the owner or owners of 20% of the land to be rezoned, or signed by the owner or owners of land immediately touching, or immediately across a street, alley or public right-of-way from at least 20% of the perimeter of the land to be rezoned.

(2) In all instances involving protest of a proposed amendment, the protests shall be in writing and shall be filed with the County Clerk not less than five days before final action on the proposed amendment is scheduled to be taken. Additionally, a copy of the written protest shall be served by the protestors on the application for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of the applicant and attorney not less than five days before final action is scheduled to be taken.

(Prior Code, § 152.126) (Ord. passed 3-9-1976; Ord. passed 6-12-1986; Ord. passed 7-12-1990)

§ 155.132 FEES.

All fees are subject to revision by action of the County Board.

(Prior Code, § 152.127) (Ord. passed 3-9-1976)

Cross-reference:

Permits required; fees, see § 155.126

§ 155.999 PENALTY.

Any person who shall violate or refuse to comply with any of the provisions of this chapter shall be subject, upon conviction thereof, to a fine of not more than \$200, or imprisonment of not more than six months for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Prior Code, § 152.999) (Ord. passed 3-9-1976)

CHAPTER 157: SOLAR ENERGY SYSTEMS

Section

General Provisions

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GENERAL PROVISIONS

§ 157.01 TITLE.

This chapter shall be known as, referred to or cited as the "DeWitt County Solar Energy Systems Ordinance of DeWitt County, Illinois."

(Res. 2019-01, passed 3-21-19)

§ 157.02 STATUTORY AUTHORIZATION.

These regulations are adopted under the authority of state statutes. The County Board does hereby ordain this chapter.

(Res. 2019-01, passed 3-21-19)

§ 157.03 PURPOSE.

This chapter is adopted for the following purposes:

(A) To promote the use of renewable energy sources if cost effective and technically feasible; and

(B) It is in the best interests of the citizens of the county that zoning and other regulations be promulgated so as to implement restrictions on the placement and operation of solar energy systems within the county, which preserve and/or protect the public health and/or safety of all citizens residing in the county.

(Res. 2019-01, passed 3-21-19)

§ 157.04 INTENT.

The intent of this chapter is to provide a means to regulate and restrict the locations within the county where solar energy systems and facilities can be constructed.

(Res. 2019-01, passed 3-21-19)

§ 157.05 DEFINITIONS

The following terms shall apply to this chapter as written unless context indicates or requires a different meaning:

ACCESSORY. As applied to a building, structure or use, on which is on the same lot with the main or principal structure or the main or principal use; either detached from or attached to the main or principal structure, and is subordinate to and 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 facade and which does not alter the relief of the roof.

COMMERCIAL/LARGE SCALE SOLAR FARM. 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.

COMMUNITY SOLAR GARDEN. A community solar-electric (photovoltaic) array, of no more than five acres in size, 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.

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.

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. 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 general electricity or heat for later use.

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

SUBSCRIBER. Households or businesses receiving the direct benefit of electric power generated by a Community Solar Garden.

(Res. 2019-01, passed 3-21-19)

§ 157.06 GROUND MOUNT AND ROOF MOUNT (SES).

Ground Mount and Roof Mount (SES) shall be permitted in all zoning districts where there is a principal structure. A

building permit shall be required for ground mount only, technical requirements are:

(A) *Height.*

(1) The combined height of the building and the roof mounted solar system shall not exceed the maximum allowed height for principal structures in any zoning district.

(2) Ground mounted solar energy systems shall not exceed ten feet in height when oriented at maximum tilt.

(3) Ground mounted solar energy systems may not be placed in the front yard.

(B) *Setbacks.*

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

(2) Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt.

(3) 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,

(C) *Reflection angles.* Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

(D) *Aviation protection.* 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.

(E) *Visibility.* 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.

(F) *Safety.*

(1) 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.

(2) Roof or building mounted solar energy systems shall meet the requirements of the International Building Code.

(3) All solar energy systems shall be installed by a qualified solar installer.

(4) Any connection to the public utility grid shall be inspected and approved by the appropriate public utility.

(5) All solar energy shall be maintained and kept in good working order. If it is determined by the Zoning 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 function for six consecutive months, the property owner shall be given 30 day notice for removal of unit and all equipment. If the solar energy system is not removed within 30 days, the Zoning Administrator will forward violation onto the DeWitt County State's Attorney for prosecution on the violation.

(G) *Approved solar components.* Electric Solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have a Solar Rating and Certification Corporation (SRCC) rating.

(H) *Restrictions on solar energy limited.* Consistent with ILCS Ch. 765, Act 165 no homeowner's agreement, covenant, common interest community or other contracts between multiple property owners with a subdivision of unincorporated DeWitt County shall prohibit or restrict homeowners from installing solar energy system.

(Res. 2019-01, passed 3-21-19)

§ 157.07 COMMUNITY SOLAR GARDENS (SES).

Development of Community Solar Gardens is permitted by special use as a principal use in all zoning districts subject to the following requirements:

(A) *Rooftop gardens.* Rooftop gardens are permitted in all zoning districts. A building permit will not be required.

(B) *Ground mount gardens.* Ground mount community solar energy systems must be no more than five acres in total size, and require a special use in all districts. Ground-mount solar developments covering more than five acres shall be considered a Community/Large Scale Solar Farm (SES). A building permit shall be required.

(C) *Interconnection.* An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

(D) *Dimension standards.* 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.

- (E) A minimum separation distance of two miles between each community solar garden.
- (F) All participating subscribers of the community solar garden shall be a DeWitt County resident.
- (G) *Other standards.* All solar gardens shall comply with all other state and local requirements.

(Res. 2019-01, passed 3-21-19)

§ 157.08 COMMERCIAL/LARGE SCALE SOLAR FARM (SES).

Ground Mount solar energy systems that are primary use of the lot, designed for providing energy to off-site uses or export to the wholesale market require a special use and only allowed in the Agricultural (A) and Rural Development (RD-1) Districts.

(A) Design standards for the Commercial/Large Scale Solar Farm (SES). The design standards and bulk regulations listed in the Agricultural (A) and Rural Development (RD-1) Districts for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar farms and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.

(1) *Structure.* The foundation and design of the solar structures shall be designed and sealed by an Illinois licensed professional engineer. The design shall conform to applicable codes, standards and local soil and climate conditions.

(2) *Standards and codes.* All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, and the National Electric Code as amended.

(3) *Power and communication lines.* Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.

(4) *Minimum lot size.* No solar farm shall be erected on any lot of five acres or less in size.

(5) *Height.* Systems, equipment and structures shall not exceed 20 feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.

(6) *Setbacks.* Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment excluding fences a minimum of 100 feet on the front and 50 feet from all other property lines, with the exception of residential property lines, in which the solar energy system shall be setback 500 feet for residentially zoned lots and existing residential properties, with the setback distance to be measured from the property line of the solar farm to the property line of residentially zoned lots or existing residential properties.

(7) *Screening and fencing.* Systems equipment and structures shall be fully enclosed and secured by a fence with a height of eight feet. Knox Boxes and keys shall be provided at locked entrances for emergency personnel access. The zoning board of appeals shall have the discretion to recommend or at the discretion of the county board, a 30-foot wide buffer of which part shall be consisting of a compact evergreen hedge or other type of evergreen foliage which shall be recommended along the entire perimeter of the facility, or an alternative buffer may also be considered. The buffer shall be planted at a minimum of three feet tall and with the expectation that this hedge shall reach the height of at least eight feet within three years and shall be maintained in good condition. If a vegetative buffer is to be part of the solar farm development, a landscape plan should be submitted for review and approval. The landscape plan shall take into account the type(s) of evergreens to be planted, along with the proposed spacing of the plantings, along with an evaluation of the soils, An alternative buffer may also be considered. Earth berms other topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements, if they conceal the use from public view and are maintained.

(8) *Lighting.* If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.

(9) *Signage.* An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24-hour emergency contact number.

(10) *Outdoor storage.* Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein. The Zoning Administrator or their designee shall have the sole discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses.

(11) *Storm water management.* Existing drainage patterns shall be maintained. The applicant shall coordinate their drainage design with the local Soil and Water Conservation District and submit the results of that coordination with their special use permit application.

(12) *Noise.* Noise levels measured at the property line shall not exceed the lesser of 50 dbA or Illinois Pollution Control Board standards when located adjacent to a residence or residential district. The following information shall be submitted as part of the application.

(B) A site plan with existing conditions showing the following:

(1) Existing property lines and property lines extending 100 feet from the property boundaries including the names of adjacent property owners and the current use of the properties.

- (2) Existing public and private roads, showing widths of the road and any associated easements.
 - (3) Location and size of any abandoned wells, sewage treatment systems.
 - (4) Existing building and impervious surfaces.
 - (5) A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.
 - (6) Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas, etc.).
 - (7) Waterways, watercourses, lakes and public water wetlands.
 - (8) Any delineated wetland boundaries.
 - (9) A copy of the current FEMA FIRM map that shows the subject property. And, the 100-year flood elevation and any regulated flood protection elevation, if available.
 - (10) Floodway, flood fringe and/or general floodplain district boundary. If applicable, and not provided on the copy of the current FEMA FIRM map.
 - (11) Mapped soils according to the DeWitt County Soil Survey.
 - (12) Surface water drainage patterns.
 - (13) The location of any subsurface drainage tiles.
- (C) *A site plan of proposed conditions.*
- (1) Location and spacing of solar panels.
 - (2) Location of access roads and access points.
 - (3) Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
 - (4) New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.
 - (5) Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structures on adjacent land.
 - (6) *Fencing and weed grass control.* The applicant shall submit an acceptable weed/grass control plan for property inside and out the fenced area for the entire property. The weed/grass control plan must address the effect of storm water runoff on neighboring properties. The operating company or successor during the operation of the solar farm must maintain the fence and adhere to the weed/grass control plan. If the operating company does not there can be a fine of \$500 per week if the fence is not secure or the weed/grass control plan is not followed.
 - (7) Storm water managements plan including documentation of coordination with the local Soil and Water Conservation District.
- (D) *Manufactures specifications.* The manufacture's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and racks.
- (E) *Connection and interconnection.*
- (1) A description of the method of connecting the solar array to a building or substation.
 - (2) Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
- (F) *Setbacks.* List setbacks of all solar panels. Note a minimum of 100 feet on the front and 50 feet from all other property lines, with the exception of residential property lines, in which the solar energy system shall be setback 500 feet for residentially zoned lots and existing residential properties, with the setback distance to be measured from the property line of the solar farm to the property line of residentially zoned lots or existing residential properties.
- (G) A fire protection plan for the construction and the operation of the facility, and emergence access of the site.
- (H) *Aviation protection.* For solar energy systems 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.
- (I) *Endangered species and wetlands.* Solar farms developers 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 developer. All recommendations shall be executed.
- (J) Prior to the issuance of a building permit, the applicant shall submit an executed agreement between the solar power

plant owner/operator and all road district authorities with infrastructure affected by the solar power plant to the county. This agreement shall include at a minimum:

- (1) A final map identifying the routes that will be used.
- (2) A plan for maintaining and/or repairing the affected roads.
- (3) Other inclusions as specified by the zoning board of appeals, the county board or affected road authority.
- (4) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
- (5) A detailed list of costs showing the itemized total construction costs of the facility separated by parcel.
- (6) A description of the method of connecting the array to a building or substation.
- (7) At the time of applying for the special use application a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre-operation of the project, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the county.

(K) *Decommissioning plan.*

(1) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar energy system components, including but not limited to solar panels, must occur in the event that such components are not in use for 12 consecutive months. The operating company and or landowner shall have six months thereafter to complete the decommissioning under the plan or the county may take any action it deems necessary to decommission the solar energy system components. The plan shall include provisions for removal of all structures (including equipment, fencing and roads), foundations, and restoration of soil and vegetation. The special use permit applicant, and any subsequent solar energy system owner that may purchase the solar energy system from the original special use permit applicant or from a subsequent purchaser, shall provide adequate financial resources to completely decommission any solar energy system. An estimate of the decommissioning costs in current dollars shall be prepared under seal of an Illinois licensed professional engineer. The engineer recommended to provide this estimate will be approved by a majority vote of the DeWitt County Board before engaging in any decommissioning cost study and all costs associated with this engagement shall be borne by the applicant or its successors. Decommissioning security financing shall be required by the county in order to insure the proper decommissioning of the site. This security financing should be in the form of an irrevocable letter of credit or cash placed in a county escrow account. The fully executed decommissioning plan and financial security must be presented to and approved by a majority vote of the DeWitt County Board prior to the issuance of a building permit for the facility.

(2) An update to this decommissioning plan must be submitted to the county by the applicant or its successors every three years. Any change in decommissioning costs, as may be approved by a majority of the DeWitt County Board, after consideration of the engineer's report, shall be incorporated into the decommissioning plan. Any decommissioning plans signed by the party responsible for decommissioning and the landowner (if different) shall be submitted with the application for a special use permit.

(3) The county reserves the right to require additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

(Res. 2019-01, passed 3-21-19)

§ 157.09 COMPLIANCE WITH BUILDING CODE.

The applicant shall retain, at the applicant's expense, the services of an independent engineering consultant to observe construction of the SES. The consultant shall be approved by the County Board prior to beginning any work on the SES. The consultant shall be a state licensed professional engineer. The consultant shall visit the site at intervals appropriate to the stage of construction, or as otherwise directed by the county, in order to observe the progress and quality of work completed by the contractor. The consultant shall prepare reports for each visit to the site detailing observations of the work performed and forward those reports to the Zoning Administrator within three business days following the date of the site visit. The consultant shall file a certification of a final inspection to the County indicating the structure(s) meet compliance with the International Building Code, International Existing Building Code; International Property Maintenance Code, and the 2008 or later edition of the National Electrical Code (NFPA 70) - National Fire Protection Association.

(Res. 2019-01, passed 3-21-19)

§ 157.10 INDEMNIFICATION.

(A) The applicant shall defend, indemnify and hold harmless the county and its officials, employees and agents from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees (the liabilities together known as "liability") arising out of the applicant's selection, construction, operation and removal of the solar panels and affiliated equipment including, without limitation, liability for property or personal injury (including death), whether the liability is premised on contract or on tort (including, without limitation, strict liability or negligence).

(B) This general indemnification shall not be construed as limiting or qualifying the county's other indemnification rights

available under the law.

(Res. 2019-01, passed 3-21-19)

§ 157.11 LIABILITY INSURANCE.

The owner operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name DeWitt County as an additional insured with limits of at least \$2,000,000 per occurrence and \$5,000,000 in the aggregate with a deductible of no more than \$5,000.

(Res. 2019-01, passed 3-21-19)

§ 157.12 FEES CHARGED FOR BUILDING PERMIT APPLICATION AND SPECIAL USE PERMIT APPLICATION.

(A) Special use permit fee is \$5,000 per application.

(B) *Building permit fee.* The fees for processing the application of a building permit are as such:

0-4 kilowatts (kW-dc)	\$75
5-10 kilowatts (kW-de)	\$150
11-50 kilowatts (kW-dc)	\$300
51-100 kilowatts (kW-dc)	\$500
101-500 kilowatts (kW-dc)	\$1,000
501-1000 kilowatts (kW-dc)	\$3,000
1001-2000 kilowatts (kW-dc)	\$5,000

(Res. 2019-01, passed 3-21-19)

CHAPTER 153: COMMERCIAL WIND ENERGY CONVERSION

Section

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GENERAL PROVISIONS

§ 153.01 TITLE.

This chapter shall be known as, referred to or cited as the “DeWitt County Commercial Wind Energy Conversion Ordinance of DeWitt County, Illinois”.

(Ord. passed 4-23-2009)

§ 153.02 STATUTORY AUTHORIZATION.

These regulations are adopted under the authority of state statutes. The County Board does hereby ordain this chapter.

(Ord. passed 4-23-2009)

§ 153.03 PURPOSE.

This chapter is adopted for the following purposes:

(A) To promote the use of renewable energy sources if cost effective and technically feasible; and

(B) It is in the best interests of the citizens of the county that zoning and other regulations be promulgated so as to implement restrictions on the placement and operation of wind energy conversion systems within the county, which preserve and/or protect the public health and/or safety of all citizens residing in the county.

(Ord. passed 4-23-2009)

§ 153.04 INTENT.

The intent of this chapter is to provide a means to regulate and restrict the locations within the county where wind energy systems and facilities can be constructed.

(Ord. passed 4-23-2009)

§ 153.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. A person or entity applying for a special use permit to construct a wind energy conversion system or facility in the county.

GOOD UTILITY PRACTICE. Any of the practices, methods and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. **GOOD UTILITY PRACTICE** is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods or acts generally accepted in the region, including those practices required by Federal Power Act § 215(a)(4), being 18 C.F.R. § 215.

NON-PARTICIPATING RESIDENCE. All residences which are not subject to an agreement, authorization or lease with the wind energy system facility developer.

PARTICIPATING RESIDENCE. All residences which are subject to an agreement, authorization or lease with the wind energy system facility developer.

WIND ENERGY CONVERSION SYSTEMS (WECS). Equipment that converts and then stores or transfers energy from the wind into usable forms of energy.

WIND ENERGY SYSTEM FACILITY (WESF). All land and equipment used by the wind energy system and its support facilities including the wind turbine, tower, access roads, control facilities and all power collection and transmission systems.

WIND TURBINE. A mechanical device, which captures kinetic energy of the wind and converts it into electricity. The primary components of a **WIND TURBINE** are the blade assembly, electrical generator and tower.

TOWER HEIGHT. The distance from the tip of the rotor blade at its highest point to the top surface of the WECS foundation. For the purposes of this chapter, **TOTAL TOWER HEIGHT** and **TOTAL HEIGHT** shall be considered the same dimension as **TOWER HEIGHT**.

(Ord. passed 4-23-2009)

§ 153.06 INTERPRETATION.

The provisions of this chapter shall be interpreted and applied as minimum requirements; shall be liberally construed in favor of the county; and shall not be deemed a limitation or repeal of any other power granted by state statutes.

(Ord. passed 4-23-2009)

§ 153.07 JURISDICTION.

The jurisdiction of this chapter shall include all lands and waters within the county and within those municipalities not having in force their own wind energy conversion ordinance.

(Ord. passed 4-23-2009)

§ 153.08 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate, annul or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(Ord. passed 4-23-2009)

§ 153.09 INDEMNIFICATION.

(A) The applicant shall defend, indemnify and hold harmless the county and its officials, employees and agents from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees (the liabilities together known as "liability") arising out of the applicant's selection, construction, operation and removal of the wind turbines and affiliated equipment including, without limitation, liability for property or personal injury (including death), whether the liability is premised on contract or on tort (including, without limitation, strict liability or negligence).

(B) This general indemnification shall not be construed as limiting or qualifying the county's other indemnification rights available under the law.

(C) All costs incurred by the county shall be paid by the applicant, owner or operator. Cost incurred under this provision shall include, but not be limited to, the cost of experts and/or attorneys that may be used at any stage of the project, including the application review, hearing process, consideration of the application by the county (including County Board or Zoning Board of Appeals), permitting, operations phase and/or decommissioning phase. In addition, costs of any appeal or litigation resulting from any project, application, action, permit, or work undertaken or performed by the county shall be paid by the applicant, owner or operator, including, but not limited to, the cost of experts and attorney's fees.

(Ord. passed 4-23-2009; Res. 2021-05, passed 1-21-2021)

§ 153.10 FEES CHARGED FOR BUILDING PERMIT.

(A) A special use permit is required prior to obtaining a building permit.

(B) A building permit is required for the installment of each tower located within the unincorporated lands within the boundaries of DeWitt county. The building permit must be submitted to the county Zoning Administrator on the approved application form.

(C) All WECS building/construction plans shall include a certification by an Illinois Licensed Structural Engineer that the

foundation and tower design on the WECS is within accepted professional standards, given local soil and climate conditions.

(D) Site plan with all of the following items to the extent that items mentioned below are identifiable by landowner of ALTA survey:

- (1) Electrical cabling from the WECS Tower to the substation;
- (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; and
- (9) Wetland location, if any.

(E) Letter from the FAA stating the project is in compliance with FAA height and lighting requirements.

(F) A building permit fee is required in the amount of \$2,000 per tower constructed or erected; and building permit fee for conventional structures in accordance with county ordinances.

(G) The owner or operator of the WECS must submit, on a yearly basis, a summary of:

- (1) The operation and maintenance reports;
- (2) Any physical modifications to the WECS; and
- (3) Complaints pertaining to setbacks, noise, appearance, safety, lighting, use of roads, shadow flickers, etc.

(Ord. passed 4-23-2009; Ord. passed 4-20-2017)

§ 153.11 PROPOSALS FOR ERECTED STRUCTURES.

Any wind tower or electric-generating wind device proposed to be erected within 1.5 miles of the corporate limits of an incorporated village or municipality shall be subject to the approval of said incorporated village or municipality before a special use permit shall be granted for said proposed wind tower or electric-generating device.

(Res. 2018-02, passed 4-19-2018)

§ 153.12 EFFECTIVE DATE.

This chapter shall immediately take effect upon passage as provided by law.

(Ord. passed 4-23-2009)

SPECIAL USE REGULATIONS

§ 153.25 SITING APPROVAL APPLICATION.

Wind energy system facilities and parts thereof shall meet the following requirements:

- (A) Comply with application procedures required by Chapter 155 of this code of ordinances;
- (B) Provide properly executed agreements:
 - (1) "Road upgrade and maintenance agreement" with each highway authority having jurisdiction over potentially impacted highways, roads and streets by the development of the WESF;
 - (2) All drainage districts potentially impacted by the development of the WESF;
- (C) (1) Submit a site plan for the installation of WESFs 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 substations; interconnect substation; location and voltage of any buried and overhead transmission lines;
 - (d) Property lines (including identification of adjoining properties and owners);
 - (e) Setback lines;
 - (f) Public access roads and turnout locations;
 - (g) Location of all existing structures with principal residential structures identified; and
 - (h) Land use, zoning, public roads and structures indicating the required setbacks for the WECS site.

(2) The site plan shall include a legal description and plat of the WESF to be prepared by a licensed surveyor. The plat of survey to be furnished shall be a certified copy in recordable form.

(D) Submit all required federal, state and local regulatory agencies' studies, reports, certifications and approvals demonstrating compliance with the provisions of this chapter and other county ordinances;

(E) (1) Wind energy system facilities shall comply with all Federal Aviation Administration (FAA) and Federal Communication Commission (FCC) requirements. In addition, the WESF shall be required to use an FAA approved Aircraft Lighting Mitigation System to reduce the impacts of nighttime lighting on county residents and wildlife. The location of WESF components shall be modified or adjusted as necessary for an application to be accepted by FAA.

(2) If approved by the FAA the most effective system approved shall be utilized. In determining which system is more effective, sole discretion shall be vested with the DeWitt County Board, and shall be decided by majority vote. The County Board may grant a grace period in its discretion for the installation of lighting mitigation equipment by majority vote not to exceed a year upon the structure being constructed. No extensions may be granted beyond one year for any reason.

(3) If other multi-level structures excluding structures built and intended for family occupancy are built within 2,000 feet of existing WECS towers, a study shall be conducted as a pre-requisite to the issuing of a permit. Said study must show that there shall be no interference with existing lighting mitigation on currently standing WECS towers. If a study concludes that interference exists, then the builder of the structure must present proof that the interference is rectified prior to the issuance of a permit. Said study shall be conducted by an entity approved by the County Board of DeWitt County by majority vote, and the costs of said study shall be paid by the builder and/or owner of the proposed structure. The above requirements shall be a condition of any permit granted.

(4) The applicant shall prepare a shadow flicker study including the potential effects of each proposed WECS on all principal residential structures. The results will identify the locations and expected duration of shadow flicker over the course of a calendar year. This study shall be submitted as part of the special use permit application. Shadow flicker shall not affect a non-participating residence at any time. Non-participating residence may waive these requirements in writing.

(F) WESFs are permitted only in the A and RD-1 Zoning Districts by special use permit;

(G) (1) A special use permit is required for towers constructed or erected as part of the WESF with a special use application fee of:

- (a) Two hundred dollars if two acres or less;
- (b) Two hundred and fifty dollars if greater than two acres, but less than ten acres;
- (c) Three hundred dollars if ten acres or greater, but less than 26 acres; and
- (d) Twenty-six acres and over \$100 plus \$10 per acre.

(2) A single special use application may be submitted for multiple towers.

(3) This fee calculation shall supersede any other fee calculation for special use permits.

(H) All work on the approved WESF must be completed within three years of the date work begins on the first tower foundation of the permitted phase; and

(I) The Zoning Administrator and other agents, as designated by the County Board, shall have access to the WESF at all times during construction and maintenance to conduct inspections of the work being performed.

(Ord. passed 4-23-2009; Ord. passed 4-20-2017; Res. 2018-08, passed 8-22-2018; Res. 2021-01, passed 1-21-2021; Res. 2021-04, passed 1-21-2021; Res. 2021-06, passed 1-21-2021)

Cross reference:

For road upgrade and maintenance agreement adopted pursuant to §153.25, see T.S.O. I

§ 153.26 STANDARDS.

(A) *Construction standards.* WESF shall be constructed in compliance with good utility practice for WESF. The applicant shall provide, as part of the building permit application, engineering drawings of the proposed foundation and tower design sealed by a licensed professional structural engineer.

(B) *Construction observation.* The applicant shall retain, at the applicant's expense, the services of an independent engineering consultant to observe construction of the WESF. The consultant shall be approved by the County Board prior to beginning any work on the WESF. The consultant shall be a state licensed professional engineering firm pre-qualified with the State Department of Transportation in the following categories: structures (typical), highways (roads and streets), special services (land survey) and construction inspection. The consultant shall visit the site at intervals appropriate to the stage of construction, or as otherwise directed by the county, in order to observe the progress and quality of work completed by the contractor. The consultant shall prepare reports for each visit to the site detailing observations of the work performed and forward those reports to the Zoning Administrator within three business days following the date of the site visit.

(C) *Compliance.* If the county concludes that any part of the WESF was not constructed in compliance with the details of the permit application, good utility practice or constitutes a danger to persons or property, then upon notice being provided by the County Board, the applicant shall have 90 days to bring the non-compliant WESF(s) into compliance with the

standards specified herein. If 90 days is insufficient time to cure the non-compliance, the applicant shall present a plan to the county describing the reason for the delay and the time frame for the cure to be put in place. Failure to bring the non-compliant WESF(s) into compliance or failure to provide a plan for compliance within 90 days shall constitute grounds for the county to demand removal of the WESF(s) at the applicant's expense and all construction work on the WESF(s) shall cease until the non-compliances are resolved to the satisfaction of the County Board. The following minimum safety standards shall apply to the construction of the WESF.

- (1) All wiring between the wind turbines shall be underground.
- (2) The outside of the WECS shall not be climbable.
- (3) All access doors to the turbines and electrical equipment shall be locked.

(D) *Performance standards.* Any wind energy conversion system or wind energy system facility shall be operated and maintained consistent with good utility practice for comparable facilities.

(E) *State and federal standards.* Construction of WESF(s) shall meet or exceed current standards and regulations, if any, of any other agency of the state or federal government with the authority to regulate wind powered generators. If the standards and regulations are changed and retroactive application is required for the change, then the applicant shall bring the WESF(s) into compliance with the applicable revised standards and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is permitted by the controlling state or federal agency or approved by the county. A determination of "no hazard" for each wind turbine must be obtained from the FAA as a condition precedent for the installation of each turbine.

(Ord. passed 4-23-2009)

§ 153.27 TECHNICAL REQUIREMENTS.

(A) *Height.* There shall be no restriction on the height of any WESF, provided all other requirements of this chapter are met.

(B) *Setback.*

(1) Wind turbine towers shall be set back a distance of 1,000 feet from the nearest property line or 1.3 times the height of the tower, whichever is greater.

(2) WECS tower shall be set back a distance of 2,000 feet from any residence, nonparticipating residence, school, hospital, day care, church or commercial building. This setback distance shall be measured from the edge of the foundation closest to the WECS tower to the center of the WECS tower. The owner may waive these setback requirements in writing, but in no case shall the WECS tower be set back no less than 1.1 times the tower height of the WECS.

(3) Wind turbine towers shall be set back a distance of no less than their total height from the nearest above-ground public electric power line or telephone line, unless waived in writing by the affected property owner and utility company.

(C) *Noise.* The noise design limit for each wind energy system shall not exceed 50 dBA measured as the average dBA at the location of the nearest non-participating residence from the relevant wind energy conversion system. The dBA level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms. The WESF shall comply with State Pollution Control Board regulations at all times.

(D) *Color.* Except as may be required by the FAA, the coloration of the exterior components and each wind turbine tower shall be off-white, light gray or other neutral color, including the blades. The finish shall be flat or matte. The applicant shall maintain the required coloration and finish throughout the term of this permit.

(E) *Signage.*

(1) The applicant shall provide reasonable signage at the WESF, identifying the premises as being part of the WESF and providing appropriate safety notices and warnings against trespassing. The no trespassing signs shall be posted around the entire premises at an appropriate distance for posting, but no less than two conspicuous places for every 40 acres within the facility.

(2) No advertising material or signage other than warning, equipment information or indicia of ownership shall be allowed on the wind turbines. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

(F) *Public records.* The applicant shall, prior to the initiation of construction and use of public roads for hauling materials and equipment, consult with the County Engineer, the Highway Authority (Township Road Commissioner), the State Police and the County Sheriff's Office for load paths and restrictions on their respective impacted roads or bridges. The applicant shall obtain, at the applicant's expense, all necessary permits including the "road maintenance and upgrade agreement" from all applicable highway authorities and from the County Engineer.

(G) *Reporting and complaint resolution.* The applicant shall report to the county as follows.

(1) *Extraordinary events.* Within 24 hours of any extraordinary event, Applicant shall notify the County Sheriff's Office. **EXTRAORDINARY EVENTS** shall include tower collapse, catastrophic turbine failure, unauthorized entry to the tower base, thrown blade or hub, or other event that, in the applicant's opinion, reasonably impacts the public health and safety of the county.

(2) *Complaints.* The applicant of the WESF shall, at the applicant's expense and in coordination with the county, develop a system for logging and investigating all complaints related to the operational standards set forth in this chapter. If the county determines it is reasonable and necessary, it may undertake an investigation of the alleged operation violation by a qualified individual mutually acceptable to the county and the owner of the wind energy system facility. The reasonable cost and fees incurred by the county in retaining the qualified individual shall be reimbursed by the owner of the wind energy system facility. After the investigation, if the County Board reasonably concludes the operation violations are shown to be caused by the wind energy system facility, the applicant shall use reasonable efforts to mitigate the problems on a case by case basis.

(H) *Proximity to existing power transmission lines.* The WESF shall be sited near existing power transmission lines capable of accepting the power generated by the facility. The applicant shall provide the following:

(1) A report detailing the excess capacity available in the power transmission lines the WESF will use to connect to the power grid; and

(2) A map exhibit showing the location of the existing power transmissions lines relative to the proposed WESF site, the proposed route of connection to the existing power transmission lines and all affected landowners.

(Ord. passed 4-23-2009; Ord. passed 4-20-2017; Res. 2018-03A, passed 4-19-2018; Res. 2021-02, passed 1-21-2021)

§ 153.28 OPERATION.

(A) *Startup.* The applicant shall not begin producing energy for commercial sale prior to receiving written approval to start operation by the Zoning Administrator. The applicant shall make the request to the Zoning Administrator in writing. The applicant shall certify the WESF has been constructed in accordance with this chapter.

(B) *Electromagnetic interference.* Applicant shall not operate the facility so as to cause microwave, television, radio, radar systems or navigation interference. Any complaints received by the county shall be handled in accordance with § 153.27(G) (2).

(C) *Modification.* Any modification that alters the mechanical load, mechanical load path or major electrical components shall require it to be re-permitted under the terms and conditions of this chapter. Prior to making any physical modification (other than like-kind replacement), the owner or operator of the WESF shall hire an independent licensed professional civil, mechanical or electrical engineer to determine whether the physical modification requires re-permitting. Like-kind replacements shall not require re-permitting.

(D) *Damages.* Between initial construction and decommissioning, the WESF owner shall, at his, her or their expense, repair or replace, all soil compaction, drainage tile, utilities, public and private property damaged as part of on-going maintenance or other activities related to operation of the WESF.

(Ord. passed 4-23-2009; Res. 2021-03, passed 1-21-2021)

§ 153.29 INSURANCE.

All applicants shall maintain the following insurance coverages commencing upon construction of the facility.

(A) The dollar amounts listed herein are based on 2008 dollars. These sums shall be adjusted by the County Board for inflation in accordance with the Consumer Price Index as published by the United States Department of Labor, Bureau of Labor Statistics, to reflect the present value at the time of construction and shall be subject to re-evaluation by the County Board every three years thereafter.

(B) The applicant shall, at its expense, maintain a current broad form comprehensive general liability coverage insurance policy insuring the applicant and participating landowners against loss or liability caused by the applicant's occupation and use of the property under the lease, in an amount not less than \$10,000,000 of combined single-limit liability coverage per occurrence, accident or incident. All policies other than workers' compensation shall be written on an occurrence and not a claim-made basis. The county and participating landowners shall be named as an additional insured on the policy on a primary and non-contributory form.

(C) Workers' compensation coverage in an amount required by state law. The applicant shall require subcontractors and others not protected under its insurance to obtain and maintain workers' compensation and employer's liability insurance at \$1,000,000/\$1,000,000/\$1,000,000 limits. The policy shall contain "waiver of subrogation" in favor of the county and participating landowners.

(D) Certificates of insurance evidencing compliance with these requirements shall be provided upon request of the county. The insurer will provide notice to the county in the event there is a lapse in coverage exceeding 30 days. All policies other than workers' compensation shall be written on an occurrence and not on a claim made basis. The WESF owner shall provide certificates of insurance to the Zoning Administrator on an annual basis.

(E) The applicant shall maintain "environmental - pollution liability" coverage with a limit of not less than \$5,000,000.

(Ord. passed 4-23-2009)

§ 153.30 DECOMMISSIONING PLAN.

(A) The application for a WESF project must contain a decommissioning plan to ensure the WESF will be properly decommissioned upon the end of the project life or facility abandonment.

(B) The decommissioning plan shall include:

- (1) Removal of all structures (including transmission equipment and fencing) and debris to a depth of four feet;
- (2) Restoration of the soil and restoration of vegetation within six months of the end of project life or facility abandonment;
- (3) An estimated cost of decommissioning provided by a mutually agreed upon licensed professional engineer (at the expense of the applicant);
- (4) The financial resources to be used to accomplish decommissioning;
- (5) The financial agent with which the resources shall be deposited;
- (6) An agreement between the applicant and the county that:

(a) The financial resources for decommissioning shall be in the form of a reclamation bond, an irrevocable letter of credit or shall be deposited in an escrow account with an escrow agent acceptable to the Zoning Enforcement Officer, Final approval on the form of the financial resource shall rest solely with the County Board or its designee. The financial resource shall be reviewed and adjusted accordingly every three years based on the engineering's estimated cost.

(b) A written financial agreement will be prepared establishing upon what conditions the funds will be disbursed;

(c) The county shall have access to the financial account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six months of the end of 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; and

(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 the applicant or applicant's successor for decommissioning costs in excess of the amount deposited in financial account and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce the lien.

- (7) Financial provisions shall not be so onerous as to make wind power projects unfeasible.

(Ord. passed 4-23-2009; Am. Res. 2018-04, passed 4-19-2018)