

# ZONING ORDINANCE

for

## FORD COUNTY, ILLINOIS

Prepared for:

Ford County Zoning Commission  
Ford County Regional Planning Commission  
The Unincorporated Communities and the  
Villages of Cabery, Elliott,  
Kempton, Melvin, Roberts,  
and Sibley

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## **ZONING ORDINANCE FORD COUNTY, ILLINOIS**

**An ordinance establishing comprehensive Zoning Regulations for the Unincorporated Communities and the Villages of Cabery, Elliott, Kempton, Melvin, Roberts, Sibley, and all of Ford County except for the area within one and one-half miles of the Corporate Limits of Gibson, Paxton, and Piper City, and providing for the administration, enforcement, and amendment thereof, in accordance with provisions of Chapter 34, Sec. 3151-3161, Ill. Rev. Stats., 1967, and for the repeal of all ordinances in conflict herewith.**

### **Section 1. TITLE, INTENT AND PURPOSE**

A. Title. These standards may be referred to as the "ZONING ORDINANCE".

B. Intent and Purpose

- (1) These standards are adopted for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the county, and lessening or avoiding congestion in the public streets and highways. Due allowance is made for existing conditions and the uses to which property is devoted at the time of enactment of this ordinance.
- (2) Public services and facilities in both size and location depend upon the character and intensity of land use. Standards for the use of land is thus fundamental to the best coordinated physical development of the county or community. The land use standards are intended to be a major part of the process of improvement of the physical environment.
- (3) The land use standards divide the area into a number of zoning districts.
  - (a) Recreation opportunities, flooding areas, steep slopes and other adverse natural conditions require that some land areas be kept in their natural state. These areas are placed in a Conservation District.
  - (b) Careful estimates of the land area requirements have been made for the various land uses. The urban uses of commerce, residence, industry, transportation, and public uses should be directed into that land area where they may be most efficiently served by such public services and facilities as sewers, water, schools, parks, and similar uses. Remaining lands should be reserved generally for agricultural uses. Consequently, the standards include an Agricultural District for non-urban land uses.
  - (c) A few residential neighborhoods have deteriorated because they were invaded by small isolated commercial uses and by more intensive residential uses such as duplexes or apartment buildings. The great majority of the county's people desire to, and do, live in single-family homes which they own and which are located on fairly large lots. The standards establish residential, districts particularly designed to provide maximum protection for single-family homes.

- (d) Residential districts are established for single and two family homes and for apartments. Density, yard, and parking regulations will insure good living conditions in these areas. Some of present day building is by large projects instead of lot by lot. The standards provide for "planned unit developments" (10 acres or more) which may be located in any residential, commercial or industrial district with approval of the site plan and with conformity of the plan to the overall density standards of the district. This introduces an important measure of flexibility into the standards.
- (e) Commercial districts recognize the different types of commercial areas that will be needed by the future growth of the county. There is a highway business district and general business district is for downtown areas.
- (f) For industry there is one district for light manufacturing as a permitted use and heavy manufacturing as a conditional use.
- (g) The standards emphasize character as well as location and density of the land uses. Special inducements are offered for good design of apartment areas. Landscape planting is required in all front yards in residential, commercial and industrial areas. Advertising is carefully controlled.
- (h) The standards are reasonable in relation to existing conditions. Nonconforming uses are permitted to continue for adequate time periods.
- (i) All uses are required to provide their own off-street parking (with a few exceptions). Over a period of years enforcement of these standards will enable streets to be used primarily for traffic movement.
- (j) Each of the standards has been designed to work harmoniously with the others with the totality providing that minimum degree of land use control essential to the realization of the best urban and rural environment.

## **Section 2. DISTRICTS AND BOUNDARIES**

A. Districts. Ford County is hereby divided into eight types of districts:

- AG-1 Agricultural
- CO-1 Conservation
- R – 1 Residential (single family)
- R – 2 Residential (two family)
- R – 3 Residential (multiple family)
- B – 1 Highway Business
- B – 2 General Business
- I – 1 Industrial

B. District Boundaries

- (1) The boundaries of the districts are shown upon the maps made a part hereof, which maps are designated as "District Map". The district map and all notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if the district maps and all the notations, references and other information shown thereon were all fully set forth or described herein. The originals of the district maps are properly attested and prints are on file with the County Zoning Enforcing Officer.

- (2) Whenever any street, alley or other public way is vacated by official action of the Board of Supervisors, municipal council or trustees, any township or the State of Illinois, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

### **Section 3. GENERAL PROVISIONS**

A. Except as hereinafter provided:

- (1) No building or part thereof shall be erected, converted, moved, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- (2) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
- (3) No building, structure, concrete or masonry wall, no fence which cannot be viewed through, or other improvement shall be erected or structurally altered so that any part thereof is nearer than 100 feet to the center line of a state or federal highway or nearer than 75 feet from the center line of any county highway, or nearer than 50 feet from the center line of any township or road district highway. At the intersection of two public highways in rural areas no structures shall be built in an area formed by a diagonal line between two points 150 feet in both directions from the R.O.W. corner. If there is a conflict between setback regulations and the front yard regulation, the setback regulations shall govern. This regulation shall not be interpreted to reduce the buildable width or depth of a lot in single ownership subdivided and recorded by law at the time of the passage of this ordinance to less than 35 feet. In locations where the building line restrictions set forth herein will create an undue hardship or in locations where in the majority of existing buildings are not in conformity with these restrictions, appeals may be made for a variation in which the setback regulations may be modified.
- (4) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
- (5) The density and yard regulations of this ordinance are minimum regulations for each and every building existing at the effective date of this ordinance and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one main building.
- (6) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this ordinance.
- (7) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this ordinance.
- (8) Cooperatives, condominiums and all other forms of property ownership do not affect the

provisions of these standards, and all requirements shall be observed as though the property were under single ownership.

- (9) **Water and sewage disposal regulations.** Every residential building, trade, business, or industry hereafter established and requiring water supply and sewage disposal facilities, shall provide such facilities conforming to the suggested standards of the Illinois Department of Public Health, and any new water supply and sewage disposal facilities or alterations to existing facilities shall conform also to such standards. Requirements for sewage disposal are contained in circulars numbered 4.002 (Septic Tanks) and 4.704 (Sewage) and for water in circulars numbered 4.718 (Well Installation) and 4.719 (Well Construction). A permit is required from the Environmental Protection Agency for any sewer discharge into a stream, water course or lagoon.

#### **Section 4. USE REGULATIONS**

A. District Regulations. In the following established districts, a building or premise shall be used only for the following purposes.

- (1) AG-1 Agricultural District Preamble: The intent of this ordinance in establishing an agricultural district is to allow maximum freedom of operation for bona fide agricultural purposes and to protect such use from encroachment by other uses which are permitted in the district, but which are subject to the regulations and requirements for permit specified herein.

Permissive Uses:

- (a) Agriculture.
- (b) Experimental and proving grounds.
- (c) Government military reservations, not subject to rezoning unless leased or sold for private use.
- (d) Grain storage, commercial if not nearer than 300 feet to any residence other than that of the owner or lessee of the site.
- (e) Hospital and institutions of an educational, charitable, or philanthropic nature; provided that such buildings shall not be located upon sites containing an area of less than 5 acres, may occupy not over thirty percent of the total area of the lot, that the building shall be set back from all yards lines a distance of not less than 2 feet for each foot of building height.
- (f) Hunting if given permission by the land owner or tenant.
- (g) Libraries and museums.
- (h) Nursing homes and homes for the aged.
- (i) One stand for the display and sale of products that are produced on the premises provided:
  - 1. That the stand be set back from front property line at least 35 feet;
  - 2. That adequate parking for customers shall be placed off the right-of-way;

3. That stand does not obstruct view of highway drivers.

- (j) Pipe lines, electrical lines, transmission poles or towers, electric substations or transformer stations or electric switchyards, telephone repeater stations, and automatic exchange radio and television towers, microwave towers, police stations, fire stations, meteorological towers (including wind and weather measurement), and other similar public utility uses as defined by the County Zoning Enabling Act, but not including power generation or gas manufacturing plants.
- (k) Private and community sewage disposal, water supply and storage tanks.
- (l) Private lakes and drainage channels, not for commercial purposes.
- (m) Public and private fishing, hunting, and game preserves; boat houses and boat liveryes.
- (n) Public and private forestry use, logging and saw mills.
- (o) Public and private non-illuminated golf course, including "par 3"; but excluding pitch and putt, miniature course, or driving ranges, operated for profit.
- (p) Public and private riding stables, dog kennels, raising of fur bearing animals, pigeons, poultry, horses, mules, goats and swine.
- (q) Public open spaces, non-illuminated for night games, including forest preserves and wildlife reservations, parks and picnic grounds.
- (r) Religious institutions as follows:
  - 1. Churches, chapels, temples and synagogues.
  - 2. Convents, monasteries, seminaries and nunneries.
  - 3. Rectories, parsonages and parish houses.
  - 4. Religious retreat centers with customary buildings.
- (s) Room and board for twelve or less persons. People or families vacationing on a farm are permitted without regard to the number of people.
- (t) Seed processing plants.
- (u) Township and grange halls.
- (v) Manufactured homes on permanent foundations, modular homes and single family homes for persons engaged in agricultural pursuits, subject to sewage disposal and water supply regulations of the state and to highway setback requirements.
- (w) Waterways, lagoons, drainage channels and lakes constructed by municipal, county, state or federal governments.
- (x) Private Wind Energy Conversion Systems (see Appendix B).

Conditional Uses:

- (a) Airports, public and private, subject to the requirements of Illinois Aeronautical Department.

- (b) Camps or campgrounds, commercial or governmental tracts of land of a design or character suitable for, or used for seasonal recreation and other similar living purposes. The tracts may have located on them structures of a seasonal, temporary, or movable nature, such as a tent, travel trailer, (a vehicle identified by the manufacturer as a travel trailer, built on a chassis 8 feet or less wide and 30 feet or less long and designed to move on the highways), camping trailer (a canvas folding structure built on a chassis with wheels and designed to move on the highways), but not mobile homes (provided that the occupancy of any of the foregoing shall not be for an entire calendar year). Any permanent structures such as cabins for seasonal use only shall comply with the requirements for the R-3 District. It is also the intent of this paragraph that children of families using these areas shall not be provided school facilities and that roads within the areas shall be constructed and maintained by the developer or governmental organization, not the county or township.
- (c) Cemeteries, mausoleums, crematories or columbariums, in cemeteries of not less than 20 acres or enlargement of existing cemetery.
- (d) Children's fairgrounds, including pony riding, miniature railroads.
- (e) Circuses; provided that they shall not operate more than 15 consecutive days, nor sell beer or alcoholic beverage.
- (f) Dwellings, single family.
- (g) Extraction of clay, dirt, gravel, peat, coal, sand, stone, topsoil, and other natural resources.
- (h) Fairgrounds, race tracks, and county farms.
- (i) Fertilizer storage and manufacturing or blending.
- (j) Fishing in artificial or natural lakes, ponds, lagoons, or water impoundments, operated for profits, including sale of food and soft drinks, non-illuminated for night use.
- (k) Home occupations and farm home occupations.
- (l) Junk or auto wrecking yards which shall be screened from all public roads and highways and/or residences, except those of the owner or lessee of the junk or auto wrecking yard. It is desirable but not mandatory for existing junk yards to be screened. In the event funds become available, existing yards shall be screened as noted above.
- (m) Land fill method of disposal of collected garbage.
- (n) Livestock auction barns and yards with restaurant facilities.
- (o) Motels, restaurants, and tourist courts (provided they shall operate under the State Hotel Laws), automobile service stations, garages, farm implement sales and services and food stores.



- (p) Music festivals and other large group activities, provided adequate off-street parking and access, sanitary provisions, and security measures are provided as approved by the Zoning Enforcing Officer, Sheriff and Superintendent of Highways. Additional information required consists of:
1. Map of the surrounding area as required by the Superintendent of Highways showing:
    - a. Location of all entrances to and exits from the property;
    - b. Location of all sanitary facilities which will be on the property;
    - c. Location of uses within 880 yards (one-half mile) of the property.
  2. Average and peak attendance.
  3. Plan for trash clean-up and removal.
  4. County map showing major anticipated traffic flow in the county.
  5. Plan for the traffic control and other security measures.
- (q) Open air illumination for outdoor games such as golf, baseball, football, or other recreational uses.
- (r) Planned unit developments, under single ownership or control, in which incidental business and recreational facilities for the convenience of the occupants may be furnished provided that the property shall have a gross area of at least 10 acres and provided that permitted business uses shall be limited to those uses allowed in B-1 Districts and that they shall not occupy more than ten percent of the gross land area of the development. For such development the Zoning Board may vary the bulk regulations of this ordinance if such variations are consistent with the general purpose and intent of the ordinance and will result in better site planning and thus be of greater benefit both to the occupants of the development and to the surrounding neighborhood. See Section 4B(1).
- (s) Private or public outdoor operated recreation facilities on a site of not less than 5 acres, including riding stable, lake, swimming pool, tennis court and golf course.
- (t) Private clubs and lodges.
- (u) Private pistol or rifle ranges.
- (v) Removal of ledge rock with required approval for blasting, quarrying and crushing of stone.
- (w) Rooming and boarding or tourist houses providing lodging and/or board.
- (x) Sanitariums.
- (y) Sanitary land fill.
- (z) Skeet or trap shooting.

- (aa) Sludge disposal from sewage treatment plants which provide treatment wherein sludge is digested and dried, and then plowed under the soil on which it is applied.
- (bb) Stables, no closer than 100 feet to the nearest dwelling other than that of the stable owner or lessee.
- (cc) Storage and distribution of liquid petroleum gas, commonly know as L.P. gas, or similar related products, provided particular consideration is given to populous areas, prevailing wind direction and traffic.
- (dd) Temporary asphalt plants.
- (ee) Test borings and underground gas storage.
- (ff) Trailer courts in accordance with the provisions of Section 4B, page 15.
- (gg) Veterinary office, animal hospitals, and animal boarding.
- (hh) Accessory buildings in excess of the requirements listed in Section 4B(2)(d), page 18.

Special Use:

Wind Energy Conversion Systems, subject to Standards for Wind Energy Conversion Systems identified in Appendix A to the Zoning Ordinance for Ford County, IL.

- (2) CO-1 Conservation District Preamble: The Conservation District is designed to promote and protect the preservation of natural features; the preservation of scenic beauty; public health, safety, comfort, and general welfare by reducing the hardships and financial burdens imposed on the county by the periodic flooding and overflow of streams.

Permissive Uses:

Within any CO-1 Conservation District, except for bona fide agricultural uses as defined in Section 10, page 37, no building or premises shall be used except for one or more of the following uses which shall be subject to all regulations and requirements for permit of this ordinance.

- (a) Golf course.
- (b) Lakes.
- (c) Picnic grounds, marinas, and beaches.
- (d) Public parks, forest preserves, and conservation areas.
- (e) Public utility substations, booster stations, radio and television relay towers, repeater stations, etc., but not including power generation or gas manufacturing plants.
- (f) Private Wind Energy Conversion Systems (see Appendix B).

Conditional Uses:

- (a) Camps or campgrounds, commercial or governmental tracts of land of a design or character suitable for, or used for seasonal recreation and other similar living purposes. The tracts may have located on them structures of a seasonal, temporary, or movable nature, such as a tent, travel trailer (a vehicle identified by the manufacturer as a travel

trailer, built on a chassis 8 feet or less wide and 30 feet or less long and designed to move on the highways), camping trailer, (a canvas folding structure built on a chassis with wheels and designed to move on the highways), but not mobile homes (provided that the occupancy of any of the foregoing shall not be for an entire calendar year). Any permanent structures such as cabins for seasonal use only shall comply with the requirements for the R-3 District. It is also the intent of this paragraph that children of families using these areas shall not be provided school facilities and that roads within the areas shall be constructed and maintained by the developer or governmental organization not the county or township.

- (b) Extraction of sand or gravel.
- (c) Single family dwelling if protected from flooding.
- (d) Privately operated outdoor recreational facility, including camping facilities, riding stable, lake, swimming pool, tennis court and golf course on site of not less than five acres.
- (e) Motel, resort and incidental facilities, including swimming pool, restaurant, incidental retail sales and services, and personal services on site of not less than one acre, provided they are protected from flooding.
- (f) Guest ranch, hunting and fishing resort, ski resort and incidental facilities, including swimming pool, restaurant, incidental retail sales and services and personal services, on site of not less than 20 acres provided they are protected from flooding.
- (g) Marina, yacht club, boat house or bait shop.

(3) R-1 Residential District

Permissive Uses:

- (a) Agriculture, but not including the disposal or feeding of garbage, and provided that no poultry or livestock shall be housed or confined within 100 feet of any dwelling except that of the owner or lessee of the tract.
- (b) Boat houses, private.
- (c) Club houses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs, athletic fields and forest preserves, but not including hunting clubs.
- (d) Dwellings, one-family.
- (e) Garages and carports.
- (f) Greenhouses and conservatories, private.
- (g) Guest houses.
- (h) Hobby or play structures.
- (i) Home occupations.

- (j) Kennel, if not within 100 feet of any dwelling other than that of the owner or lessee of the site.
- (k) Manufactured homes on permanent foundations and modular homes.
- (l) Orchards.
- (m) Public utility uses as defined in County Zoning Enabling Act.
- (n) Recreation and social facilities, as follows:
  - 1. Athletic fields, non-commercial and non-illuminated.
  - 2. Forest Preserves.
  - 3. Golf course, standard, but not including "par 3" golf courses, pitch and putt, or miniature golf courses.
  - 4. Grounds of private clubs operated not for profit, but not including those whose chief activity is rendering services customarily carried on as a commercial enterprise.
  - 5. Public open spaces.
  - 6. Public recreation buildings and community centers.
- (o) Religious institutions, as follows:
  - 1. Churches, chapels, temples and synagogues.
  - 2. Rectories, parsonages and parish houses.
- (p) Roadside stands on lots where the principal use is agriculture, for the display and sale of agricultural products derived from such lot, set back from front property line not less than 35 feet, and providing adequate parking off right-of-way.
- (q) Schools, elementary and high, including playgrounds, athletic fields, dormitories, not operated for profit.
- (r) Servant quarters.
- (s) Sewage disposal units, individual.
- (t) Storage of building material and equipment and temporary buildings for construction purposes, for a period not to exceed the duration of such construction.
- (u) Tool houses, sheds and other small buildings for storage.
- (v) Truck gardening.
- (w) Water supply systems.
- (x) Private Wind Energy Conversion Systems (see Appendix B).

Conditional Uses:

- (a) Private artificial lakes, borrow pits, or topsoil removal on site of not less than five acres.
  - (b) Filling of holes, pits, quarries or lowlands with non-combustible materials free from refuse and food wastes.
  - (c) Planned unit developments in accordance with provisions of Section 4B, page 15.
  - (d) Public building erected by any governmental agency.
  - (e) Hospital, nursing home, and educational, philanthropic or religious institution on site of not less than five acres, provided not more than 50 percent of the site area may be occupied by buildings and provided further that the building shall be set back from all required yard lines an additional foot for each foot of building height.
  - (f) Parking lot located within 300 feet of a B or I District.
  - (g) Two-family home in those locations where on the effective date of this ordinance more than 40 percent of the frontage on one side of a street between two intersecting streets is used for two-family homes or two-family homes and multiple dwellings.
  - (h) Nursery, prekindergarten, kindergarten, play, special and other private schools.
  - (i) Private recreational facility where buildings do not occupy more than 10 percent of the site area.
  - (j) Greenhouse or nursery.
  - (k) Radio and television stations and towers (transmitting and receiving).
  - (l) Water works, reservoirs, pumping stations and filtration plants.
  - (m) Accessory buildings in excess of the square foot allowed in Section 4B(2)(a)
- (4) R-2 Residential District

Permissive Uses:

- (a) Any permissive use of the R- 1 District.
- (b) Two-family dwellings

Conditional uses:

- (a) Public building erected by any governmental agency.
- (b) Religious, educational and eleemosynary institution of a philanthropic nature, but not a penal or mental institution.
- (c) Hospital or sanitarium, except criminal, mental or animal hospital.
- (d) Nursing, rest or convalescent home.
- (e) Parking lot located with 300 feet of B or I District.
- (f) Planned unit developments in accordance with provisions of Section 4B, page 15.
- (g) Row house, town house, and three or four-family house where the area being developed is one-half acre or larger.

- (h) Private school.
  - (i) Greenhouse or nursery.
  - (j) Accessory buildings in excess of the square foot allowed in Section 4B(2)(a).
- (5) R-3 Residential District
- Permissive Uses:
- (a) Any permissive use of the R-2 District.
  - (b) Multiple dwelling.
- Conditional Uses:
- (a) Medical clinic.
  - (b) Planned unit developments in accordance with provisions of Section 4B, page 15.
  - (c) Tourist home when located on an officially designated state or federal highway.
  - (d) Rooming or boarding house.
  - (e) Religious, education and eleemosynary institution of a philanthropic nature, but not a penal or mental institution.
  - (f) Hospital or sanitarium, except criminal, mental or animal hospital.
  - (g) Nursing, rest or convalescent home.
  - (h) Private club, fraternity, sorority, or lodge, excepting when its chief activity is a service customarily carried on as a business.
  - (i) Public building erected by any governmental agency.
  - (j) Parking lot located within 300 feet of B or I District.
  - (k) Private school.
  - (l) Modular homes.
  - (m) Accessory buildings in excess of the square foot allowed in Section 4B(2)(a).
- (6) B-1 Highway Business District
- Permissive Uses:
- (a) Any permissive use of the R-1 Residential District, except dwellings may not be on the ground floor.
  - (b) Automobile sales parking lot.
  - (c) Bank, bowling alley, dance hall, or skating rink.
  - (d) Farm implements or agricultural service establishment, including feed and bottle gas.
  - (e) Hotel or motel.
  - (f) Commercial garage or automobile repair shop.
  - (g) Retail store, including florist shop and greenhouse in connection with such shop, but there shall be no slaughtering of animals or poultry on the premises of any retail store.
  - (h) Automobile service station and auto wash.
  - (i) Theatre, drive-in theatre, or assembly hall.
  - (j) Truck or bus terminal.
  - (k) Adult Uses (refer to Regulations Section 4B(1)(d), page 17A.
  - (l) Private Wind Energy Conversion Systems (see Appendix B).
- Conditional Use:
- (a) Planned unit developments in accordance with provisions of Section 4B, page 15.
- (7) B-2 General Business District
- Permissive Uses:
- (a) Agriculture, but not including the disposal or feeding of garbage, and provided that no poultry or livestock shall be housed or confined within 100 feet of any building except

that of the owner or lessee of the tract.

- (b) Dwelling units and lodging rooms provided that they are not located on the ground floor of buildings.
- (c) Retail trade uses as follows:
  1. Accessory uses.
  2. Antique shops.
  3. Art, school and office supply stores.
  4. Art galleries.
  5. Automobile service stations and auto wash.
  6. Banks and financial institutions.
  7. Barber shops.
  8. Beauty parlors.
  9. Bicycle sales, rental and repairs.
  10. Book and stationery stores.
  11. Bus depots and cab stands.
  12. Candy and ice cream stores or shops selling similar commodities where the commodities may be produced on the premises; but all such production shall be either sold at retail on the premises or sold in stores owned and operated by the producing company.
  13. Carpet and rug stores.
  14. China and glassware stores.
  15. Clothes pressing establishments.
  16. Coin and philatelic stores.
  17. Currency exchanges.
  18. Department stores.
  19. Drug stores.
  20. Dry cleaning and laundry receiving stations, processing to be done elsewhere.
  21. Dry goods stores.
  22. Electric and household appliances stores, including radio and television sales and repair.
  23. Florist shops.
  24. Food stores, grocery stores, meat markets, bakeries, delicatessens, and package liquor stores.
  25. Frozen food stores, including locker rental in conjunction therewith.
  26. Funeral home or mortuary.
  27. Furniture and interior decorating shops, including upholstery and making of draperies, slip covers and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
  28. Furrier shops, including the incidental storage and conditioning of furs.
  29. Garden supply and feed stores.
  30. Gift shops.
  31. Haberdashery.
  32. Hardware stores.
  33. Hobby shops for retail of items to be assembled or used away from the premises.
  34. Hotels and motels.
  35. Jewelry stores, including watch repair.
  36. Laboratories, medical and dental research and testing.
  37. Laundries, automatic self-service types or hand, employing not more than 2 persons in addition to one owner or manager, provided that laundry machines shall not exceed 10 pound capacity each.

38. Leather goods and luggage stores.
39. Libraries and reading rooms.
40. Loan offices.
41. Locksmith shops.
42. Medical and dental clinic.
43. Millinery shops.
44. Musical instruments, sales and repairs.
45. Newspaper office.
46. Offices, business and professional.
47. Paint and wallpaper stores.
48. Pet shops.
49. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
50. Physical culture and health service, gymnasium and reducing salons, masseurs and public baths.
51. Picture framing when conducted for retail trade on the premises only.
52. Post offices.
53. Public garages, including new and used car sales rooms, provided that no cars shall be sold or stored unless enclosed within a building, but this clause shall not prohibit the outdoor display of new cars.
54. Public meeting halls.
55. Radio and television broadcasting studios.
56. Restaurants, cocktail lounges, tea rooms.
57. Restricted production and repair limited to the following: art, needlework, clothing, custom manufacturing and alterations for retail only; jewelry from precious metals; watches, dentures and optical lenses.
58. Retail stores and shops.
59. Sales and display rooms.
60. Schools – music, dance, or business.
61. Service, cleaning or repair shops for personal, household or garden equipment.
62. Sewing machine sales and service, household machines only.
63. Shoe and hat repair stores.
64. Sporting goods stores.
65. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
66. Temporary outdoor demonstrations and exhibitions or merchandise primarily for outdoor use.
67. Tobacco shops.
68. Toy shops.
69. Variety stores.
70. Wearing apparel shops.
71. Adult Uses (refer to regulations Section 4B(1)(d), page 17A).

(d) Private Wind Energy Conversion Systems (see Appendix B).

Conditional Uses:

- (a) Those permitted in B-1 Highway Business District.
- (b) Bowling alleys and structures accommodating recreational activities.
- (c) Clubs and lodges – private, fraternal or religious.
- (d) Electric or telephone substations and other governmental and utility service uses.
- (e) Other business uses.



(f) Planned unit developments in accordance with provisions of Section 4B, page 15.

(8) I-1 Industrial District

Permissive Uses:

- (a) Any nonresidential use permitted in the B-2 Business District.
- (b) Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
- (c) Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.
- (d) Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products and vitreous enameled metal products.
- (e) Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
- (f) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
- (g) Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.
- (h) Generally those light manufacturing uses similar to those listed in items above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibrations, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
- (i) Private Wind Energy Conversion Systems (see Appendix B).

Conditional Uses:

- (a) Acid manufacture.
- (b) Distillation of bones.
- (c) Explosives, manufacture or storage.
- (d) Fat rendering.
- (e) Fertilizer manufacture.
- (f) Garbage, offal or dead animal reduction or dumping.
- (g) Glue manufacture.
- (h) Junk yard, salvage yard and auto graveyard.
- (i) Planned unit developments in accordance with provision of Section 4B, page 15.
- (j) Stockyard or slaughter of animals.
- (k) Wholesale storage of gasoline.
- (l) Any similar use that would be hazardous to the public health, safety or welfare.

B. Other Use Regulations:

(1) Special Provisions for Planned Unit Developments.

- (a) Planned unit developments, where permitted, are subject to the following conditions:
  - The site shall contain a minimum of 10 acres.
  - The housing type, minimum lot area, yard, height, and accessory uses shall be determined by the requirements and procedure set out below, which shall prevail over conflicting requirements of this ordinance or the ordinance governing the subdivision of land.

The final development plan shall follow all applicable procedures, standards and requirements of the ordinance governing the subdivision of land. The final development plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in the state. No permit shall be issued until a final plat of the proposed development is approved and recorded.

The Zoning Board and Commission shall review the conformity of the proposed development with recognized principals of civic design, land use planning and landscape architecture. The minimum yard and maximum height requirements of the district in which the development is located shall not apply except that minimum yards shall be provided around the boundaries of the area being developed. The Zoning Board may impose conditions regarding the layout, circulation and performance of the proposed development and may require that appropriate deed restrictions be filed enforceable by the county for a period of 20 years from date of filing. A plat of development shall be recorded regardless of whether a subdivision is proposed and such plat shall show building lines, common land, streets, easements and other applicable features required by the ordinance regulating the subdivision of land.

Lots within tracts which have received preliminary approval as planned unit developments may be issued permits though not meeting specific area and yard requirements of this ordinance providing that all lots are used in accordance with such previously approved plat. Should the Zoning Enforcing Officer find that any lot was used other than as indicated on the approved plat, he shall notify the County Supervisors and Zoning Boards that a violation was found to exist and shall issue no further permits for lots in that plat unless notified otherwise by the County Supervisors. Violations may be punishable by penalties prescribed herein. To assure that open space proceeds concurrently with development, the Zoning Enforcing Officer shall not issue building permits for an approved stage of any planned unit development until the common space contained in the approved stage of plan has been (1) conveyed either to a public entity or to a neighborhood association to assure its permanent ownership and maintenance or, (2) in lieu of such conveyance and where open space lands are acceptable to a city as park lands, a bond, corporate surety or other financial guarantee in form acceptable to the States Attorney and in amount adequate to insure purchase of such open space land is filed with County Treasurer.

If a neighborhood association is to be organized, a covenant shall require that all property owners in the planned unit development belong to such association and participate in its finances, common property maintenance, policies and other requirements of the association.

The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools, or other non-residential uses from the gross development area and deducting 20% of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.

- (b) Permitted commercial uses shall not occupy more than 10% of the gross land area of the development.
- (c) The Zoning Board and Commission may hold one or more public hearings on a final development plan, the first meeting to be held within 30 days of receiving the plan. Recommendations of the Zoning Board and Commission shall be forwarded to the Board of Supervisors within 60 days of the last Zoning Board meeting who shall approve or disapprove the action of the Zoning Board and Commission with or without modification. After approval by the Board of Supervisors and after required restrictions are in effect, the Zoning Enforcing Officer may issue permits enabling the approved final development plan to be carried out.
- (d) Adult Uses are permitted in Commercial districts subject to the following regulations.
  1. An Adult Use shall not be allowed within one thousand (1000) feet of another existing Adult Use.
  2. An Adult Use shall not be allowed within one thousand (1000) feet of any residential zoning district or within one thousand (1000) feet of an existing residential development containing five (5) or more dwellings in a compact area of ten (10) or less acres.
  3. An Adult Use shall not be allowed within one thousand (1000) feet of a pre-existing school, place of worship, public playground, or park.
  4. For the purpose of this Section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the lot containing the Adult Use to the nearest property line of the lot containing the other Adult Use or school, place of worship, residential zoning district or residential development.

(2) **Accessory Buildings and Uses** are Permitted when in Accordance with the Following:

- (a) In the R-1, R-2 and R-3 Districts accessory buildings and uses are limited to:

A noncommercial greenhouse that does not exceed in floor area 25% of the ground floor area of the main building.

Accessory building(s) used for residential purposes with a total floor area not to exceed 600sq. ft. An additional floor area of 1 sq. ft. may be added for each 10 sq. ft. of lot area by which such lot exceeds 6,000 sq. ft. provided that the total sq. ft. of floor area of all accessory buildings on said lot shall not exceed 1200 sq. ft.

Home occupation.

Vegetable or flower garden.

Raising and keeping of small animals and fowl, but not on a commercial basis or on a scale objectionable to neighboring property owners except in the AG-1 or CO-1 Districts.

Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses.

(b) In the Business and Industrial District there may also be:

Parking lots and garages conforming with the requirements of Section 8 hereof.

Use of not to exceed 40 percent of the floor area of a building for incidental storage or light industrial activity.

(c) Following are additional regulations for accessory buildings:

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material and equipment by a contractor during building construction.

No accessory building may be erected in front of a main building unless the accessory building is attached to the main building by a common wall.

Accessory buildings may not be used for dwelling purposes.

- (d) In the AG-1 and CO-1 Districts accessory buildings are limited to a total floor area not to exceed 2500 sq ft per one acre parcel. Square foot of buildings on parcels less than one acre will be pro-rated proportionately. Additional floor area of 1000 sq ft per acre or portion thereof pro-rated is allowed for each additional acre.

(3) Regulation Regarding **Signs** shall be as Follows:

- (a) The following signs are allowed in all districts:

Temporary signs not exceeding 12 sq. ft. in area advertising the sale or lease of real estate when located upon property to which the sign refers and when not located closer than 10 feet to a lot line, which signs shall be removed upon sale or lease of the property.

Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 30 square feet in area or remain longer than 6 months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or remain more than 90 days after the building is completed.

Church or public building bulletin boards not exceeding 12 square feet area.

Traffic and public signs.

- (b) In the B-1, B-2 and I-1 Districts illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way. There may be roof signs, wall signs, projecting signs, post signs, marquee signs, and awning signs when displaying no advertising matter except pertaining to the business conducted in the building or on the premises on which sign is placed. The total square foot area of roof signs, wall signs, projecting signs, marquee signs and awning signs shall not exceed one-fifth of the total square foot area of the face of the building on which they are placed. There shall not be more than one post sign for each 100 feet of street frontage. No post sign shall extend closer than 10 feet to a lot line. All portions of post signs must be erected and maintained behind the building line.
- (c) The following additional sign regulations shall be observed: (See Definitions – p 46; Sign:)

Ground signs are allowed in B-1, B-2, and I-1 Districts. No ground signs shall be at any point over 25 feet above the ground level and shall have an open space of 3 feet between the lower edge of such sign and ground level. Every ground sign shall be stoutly constructed in a secure and substantial manner. The ends of all such signs shall be at least 6 feet distant from any wall or fence or any obstruction that would prevent a clear passage around the ends and shall be at least 10 feet distant from any lot line. Where a ground sign is located adjacent to a Residential District, such sign shall be set back 50 feet from all property lines and public rights-of-way.

1. No ground sign may be built within 300 feet of a railroad grade crossing.
2. No ground sign may be erected closer than 100 feet to a public park, church, school, cemetery, or public monument.

3. Ground signs, giving travel information only, are permitted along interstate highways in agricultural districts provided they are set back 660 feet from the interstate highway right-of-way line and provided they are no larger than 20 feet by 80 feet. Such signs may be double faced and illuminated. No more than 5 such signs spaced a minimum of 1000 feet apart shall be permitted along 1-57.

Wall signs. No wall sign shall extend beyond the buildings more than 12 inches. No wall sign shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door or any fire escape of any building.

Projecting Signs. Projecting signs may extend not more than 4 feet 6 inches from the building into the front yard.

Post Signs. No post sign shall extend downward nearer than 10 feet to the ground or pavement. The maximum square foot area for each face of a post sign shall not exceed a total area of 50 square feet per face or total of 100 square feet for all faces.

Marquee signs. Marquees may extend 8 feet into a front yard. Marquees shall be not less than 11 feet above the ground at its lowest level. A sign may be placed upon a marquee provided such sign does not extend more than 3 feet above nor 1 foot below such marquee.

Portable Signs. Portable signs are prohibited except that there may be such portable signs on parking lots as permitted by the Zoning Enforcing Officer as being necessary to the satisfactory operation of the lot and except that each filling station may have one portable sign not exceeding 12 square feet of total sign area restricted solely to stating the price of gasoline.

Paper Poster and Certain Signs or Devices Prohibited. Paper posters applied directly to the wall or building or pole or other support, and letters or pictures in the form of advertising, printed or applied directly on the wall of a building, tree or pole are prohibited. Temporary signs may be displayed in or attached to the inside of show or display windows provided the total sign area does not exceed 20 percent of the show or display window area. Signs or devices which by color, location or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, excepting clocks.

(4) Regulation Regarding Fences and Hedges shall be as follows:

- (a) No fence more than 30 percent solid or more than 3 feet high may be located within 30 feet of a street intersection.
- (b) Except as provided in (a) above, fences less than 4 feet high may be located on any part of a lot.
- (c) Except as provided in (a) above, fences less than 6 feet 6 inches high may be erected on those parts of a lot that are as far back or farther back from the street than the main building.

(5) Regulations Regarding **Trailers and Mobile Home Courts** shall be as follows:

- (a) Except where otherwise permitted, all inhabited trailers shall be located in a trailer court which has received a conditional use permit and which conforms with the requirements of the following paragraph.
- (b) Trailer courts shall meet the following minimum standards.

Each lot provided for the occupancy of a single mobile home unit shall have an area of not less than 5,000 square feet and a width of not less than 50 feet, and no park shall be permitted an average density of trailer lots of more than 8 per acre, and each trailer court shall provide an area of not less than 5 acres.

All trailer courts shall provide lots sufficient in size so that no trailer or any structure, addition or appurtenance thereto is located less than 25 feet from the nearest adjacent court boundary.

Space between trailers may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least 10 feet from the nearest adjacent court boundary.

Each trailer site shall abut or face a clear unoccupied space, driveway, roadway, or street of not less than 20 feet in width, which shall have unobstructed access to a public highway, street or alley.

The trailer court shall be surrounded by a landscaped strip of open space 50 feet wide along the street frontage of a major street and 25 feet wide along all other lot lines or street frontage.

Trailers and trailer courts shall conform with the State of Illinois regulations.

(6) **Nonconforming Uses** are Regulated:

- (a) Nonconforming Use of Land. In districts where open land is being used as a nonconforming use, and such use is the principal use and not accessory to the main use conducted in a building, such use shall be discontinued not later than ten years from the date of passage of this ordinance. During the ten-year period such nonconforming use shall not be extended or enlarged, either on the same or adjoining property. Any building incident and subordinate to such use of land, such as a shed, tool house, storage building, office or trailer, shall be removed at the end of the 10-year period or, if such building is so constructed as to permit the issuance of a permit for a use not excluded from the district, such building may remain as a conforming use; thereafter, both land and building be removed within 2 years. Non-operable automobiles parked within street, road or highway rights-of-way shall be removed within 30 days. Non-operable automobiles not enclosed in a building and parked other than in a permitted automobile wrecking yard shall be removed if not made operable within four months.
- (b) Nonconforming Use of Buildings. Except as otherwise provided herein, the lawful use of a building existing at the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a

nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this ordinance.

- (c) **Time Limit for Nonconforming Uses.** All nonconforming commercial or industrial buildings located within the Residential Districts, and built before June 1, 1930, shall be removed or converted and the building thereafter devoted to a use permitted in the district in which such building is located, on or before June 1, 1980, and that nonconforming commercial or industrial buildings located within the Residential District built after June 1, 1930 shall be removed or converted, and the building thereafter devoted to a use permitted in the district in which such building is located, within forty (40) years from the year built, but in all cases on or before June 1, 2000.
- (d) **Discontinuance of Nonconforming Uses.** No building or portion thereof used in whole or in part for a nonconforming use in a Residential District, which remains idle or unused for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the Residential District in which it is located.
- (e) **Destruction of a Nonconforming Use.** No building which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of this ordinance and all rights as a nonconforming use are terminated. If a building is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within 12 months of the date of such damages.
- (f) **Nonconforming Advertising Signs.** All advertising signs in violation of the provisions of Section 4B hereof shall be removed and said signs brought into conformity with all requirements of Section 4B on or before a date not later than 5 years from the effective date of this ordinance.
- (g) **Conditional Uses Not Nonconforming.** Existing uses eligible for conditional use permits shall not be nonconforming uses but shall require a conditional use permit for any alteration, enlargement, or extension.
- (h) **Intermittent Use.** The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.
- (i) **Existence of a Nonconforming Use.** Whether a nonconforming use exists shall be a question of fact and shall be decided by the Zoning Board after public notice and hearing and in accordance with the rules of the Board.



- (j) Nonconforming Uses Not Validated. A nonconforming use in violation of a provision of the ordinance which this ordinance repeals shall not be validated by the adoption of this ordinance.

## **Section 5. HEIGHT REGULATIONS**

A. Maximum height limits established for buildings and structures are as follows:

- (1) Thirty-five feet in the CO-1, R-1 and R-2 Districts.
- (2) Forty-five feet in the R-3, B-1, B-2 and I-1 Districts.

B. The above height limits may be exceeded in the following instances:

- (1) Public, semi-public or public service buildings, hospitals, institutions, or schools when permitted in a district may be erected to a height not exceeding 110 feet, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least one foot of each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.
- (2) Television and radio towers, church spires, belfries, monuments, tanks, water and fire towers and spires, chimneys, stacks and flag poles may be erected to such height as may be authorized by the County Board.
- (3) Commercial grain elevators, elevator bulkheads and conveyors may be erected to such height as authorized by the Zoning Enforcing Officer after investigation of safety, health or nuisance hazards.

C. The following special regulations shall apply to any land airport other than a helicopter landing facility, owned and operated by a public agency:

- (1) Within the air space above the approach zone to each end of a runway designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 50 (horizontal) projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet, said plane to be in the shape of a symmetrical trapezoid 1,000 feet in width at its lowest point and 4,000 feet in width at its highest point; combined with a second plane with a slope of 1 (vertical) to 40 (horizontal) extending from the upper edge of the first plane for an additional distance of 40,000 feet, said plane to be in the shape of a symmetrical trapezoid 4,000 feet in width at its lowest point and 16,000 feet in width at its highest point.
- (2) Within the air space above the approach zone to each end of a runway not designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 40 (horizontal) projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet, said plane to be a symmetrical trapezoid (\*) feet wide at its lowest point and (\*) wide at its highest point.
- (3) Within the established transition zones adjacent to each instrument and noninstrument runway and approach zone, no building or structure shall be erected or altered to project

above a plane with a slope of 1 (vertical) to 7 (horizontal). Transition zones extend outward and upward from a line (\*) feet on either side of the center line of noninstrument runways for the length of such runway plus 200 feet on each end; and 500 feet on either side of the center-line of instrument runways for the length of such runway plus 200 feet on each end; to a height 150 feet above the elevation of the airport reference point. In addition, transition zones are established adjacent to both instrument and noninstrument approach zones which flare outward and upward symmetrically along the entire length of each approach zone to where they intersect the surfaces of the horizontal and conical zones.

(\*) The applicable distance in feet must be based on runway lengths as set forth in Section 77.27 of Part 77 of the Federal Aviation Regulations.

- (4) Within (\*\*) feet from the established airport reference point, no building or structure shall be erected or altered to project above a horizontal plane 150 feet above the established airport elevation. This horizontal zone does not include the approach or transition zones.
- (5) Within the conical zone, which commences at the periphery of the horizontal zone and extends outward therefrom a distance of (\*\*) feet, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 20 (horizontal).

(\*\*) The applicable distance in feet must be based on runway lengths as set forth in Section 77.25 of Part 77 of the Federal Aviation Regulations.

- (6) Nothing in this subparagraph shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 20 feet above the surface of the land.

**Section 6. YARD REGULATIONS**

**A. Minimum Yard Requirements**

The following minimum yards, measured in feet, shall be provided within the districts indicated below:

<b>District</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>
AG-1	50	20	50
CO-1	50	20	50
R - 1	30	10	30
R - 2	25	5	25
R - 3	25	5	25
B - 1	25	None	25
B - 2	None	None	None
I - 1	25	20	25

Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard. For the purpose of side yard regulations, a two-family dwelling or multiple dwelling shall be considered as one building occupying one lot.

Where a B or I lot abuts a R District front and side yard requirements shall be the same as in the district it abuts.

## B. Additional Requirements

The following additional yard requirements must also be observed:

- (1) On lots fronting on two nonintersecting streets, a front yard must be provided on both streets.
- (2) On corner lots there must be a front yard on both streets. On corner lots that are lots of record the buildable width cannot be reduced to less than 28 feet, except that there shall be a yard along the side street side of such a lot of at least 5 feet.
- (3) Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- (4) In the B and I Districts there may be more than one building on a lot provided that the required yards be maintained around the group of buildings.
- (5) There may be two or more related multi-family, hotel, motel or institutional buildings on a lot provided that (a) the required yards be maintained around the group of buildings, and (b) buildings that are parallel or that are within 45 degrees of being parallel be separated by a horizontal distance that is at least equal to the height of the highest building.
- (6) Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered.
- (7) Required front yards shall be devoted entirely to landscaped area except for guest parking and the necessary paving of driveways and sidewalks to reach parking or loading areas in the side or rear yard.
- (8) Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- (9) The minimum width of side yards for schools, libraries, churches, community buildings and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a commercial or industrial district, in which case the width of that yard shall be as required in the district in which the building is located.
- (10) No sign, fence, wall, shrub or other obstruction to vision exceeding 3 feet in height above the established street grade shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 30 feet distant from the intersection of the street lines.

## C. Exceptions to Yard Requirements

The following exceptions may be made to the yard requirements:

- (1) Where, on the effective date of this ordinance, 40 percent or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:

- (a) Where the building farthest from the street provides a front yard not more than 10 feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
  - (b) Where this (a) is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
  - (c) Where neither (a) nor (b) is the case, and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
- (2) Sills, belt courses, window air-conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed 24 inches.
  - (3) Filling station pumps and pump islands may occupy required yards provided, however, that they are not less than 15 feet from all lot lines.
  - (4) Signs in accordance with Section 4B.
  - (5) Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as to not obstruct light and ventilation, may be permitted by the Zoning Enforcing Officer.
  - (6) Open, unenclosed porches (not glassed in) may extend 10 feet into a front yard.
  - (7) Terraces which do not extend above the level of ground (first) floor may project into a required yard, provided these projections be distant at least 2 feet from the adjacent side lot line.
  - (8) No side yards are required where dwellings are erected above commercial structures, except such side yard as may be required for a commercial building on the side of a lot adjoining a Residential District.
  - (9) Accessory buildings may be located in a rear yard but may not occupy more than 30 percent of a rear yard.
  - (10) Any accessory building closer than 10 feet to a main building shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.
  - (11) An accessory building more than 10 feet from a main building may be erected within 2 feet of a side or rear lot line, but must be located at least 60 feet from the front street line.
  - (12) Where a garage is entered from an alley, it must be kept 10 feet from the alley line.
  - (13) On corner lots the minimum buildable width of 28 feet for main buildings is reduced to 22 feet for accessory buildings.
  - (14) Vacant "lots of record" prior to the adoption of this ordinance, may be built upon subject to

the approval of the Zoning Enforcing Officer who may modify yard requirements if the “lot of record” does not meet lot area requirements set forth herein. (See Section 7B(1).)

**Section 7. DENSITY REGULATIONS**

**A. Minimum Lot Area and Width**

The following minimum lot areas and lot widths must be provided in the district indicated.

**Lot Area Per Family in Sq. Ft.**

Dist.	Lot Width In Ft.	Lot Area in Sq.Ft.	Single Family Dwelling	Two Family Dwelling	Multiple Dwelling	Regional Water Sewer Systems		
						Water	Sewer	
AG-1	150	43,560	43,560	N. A.	N. A.	*	**	
CO-1	150	43,560	43,560	N. A.	N. A.	*	**	
R – 1	100	20,000	20,000	N. A.	N. A.	Water	**	
R – 2	65	7,800	7,800	4,000	4,000	Water & Sewer		
R – 3	60	6,000	6,000	3,500	3,000	Water & Sewer		
B – 1	None	None	6,000	3,000	1,000	Water & Sewer		
B – 2	None	None	6,000	3,000	750	Water & Sewer		
I – 1	None	None	Dwellings Prohibited					

N. A. – Not Applicable

\* - Well

\*\* - Septic Tank

**B. Exceptions to Lot Area and Width Requirements.**

The minimum lot area and lot width requirements established above may be modified as follows:

- (1) Where a lot of record at the time of the effective date of this ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for a one-family dwelling or for any nondwelling use permitted in the district in which it is located.
- (2) The number of permitted dwelling units for multiple dwellings may be increased in the following instances:
  - (a) By 20 percent if architectural plans for the project are reviewed by a county-appointed consulting architect and his recommendations followed with the cost of such review paid for by the applicant.
  - (b) By 10 percent if soundproofing between apartments is provided at or in excess of an Impact Noise Rating (I.N.R.) of plus 5 as described in the publication of the Federal Housing Administration entitled, “A Guide to Impact Noise Control in Multi-Family Dwelling”, dated January 1963.

- (c) By 5 percent if a landscaped buffer area not used for off-street parking with a minimum depth of 10 feet or a masonry wall 6 feet in height is provided on all lots lines that are also district boundaries with a less restricted zoning district.
- (d) By 10 percent if the project provides at least two off-street parking spaces for each dwelling unit.
- (e) By 5 percent if all of the required parking spaces are enclosed or in an underground structure.
- (f) By 10 percent if the project includes a club, tennis court, swimming pool or other area for each square foot of floor area in the buildings.
- (g) By 5 percent if the buildings proposed in the project meet the requirements of the Department of Defense, Office of Civil Defense and can be officially designated as Fallout Shelters having a capacity equal to or greater than the number of residents allowed in the project.

The above percentages are to be applied individually and not cumulatively.

- (3) Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements.
- (4) Lot area per family requirements shall not apply to dormitories, fraternities, sororities, nursing homes or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.
- (5) In the AG-1 or CO-1 District, the minimum lot area per family may be reduced to 20,000 square feet and the lot width to 100 feet where public water service is available but where there is not public sewer service, or to 15,000 square feet and 80 feet, respectively, where both public water and public sewer services are available.

## **Section 8. OFF-STREET PARKING AND LOADING REGULATIONS**

### **A. Off-Street Parking Requirements**

Off-street parking spaces shall be provided as follows:

- (1) Single-family and two-family dwellings. One space for each bathroom or fraction thereof in the dwelling unit.
- (2) Multiple dwellings. One and one-half spaces for each dwelling unit in the R-2 and R-3 Districts. One and two-tenths spaces for each dwelling unit in all other districts.
- (3) Rooming and boarding houses, sororities, and fraternities. One parking space for each 200 square feet of floor area.
- (4) Private club or lodge. One parking space for each 400 square feet of floor area.
- (5) Church or Temple. One parking space for each four seats in the main auditorium.

- (6) School. For high schools, colleges and universities, 10 spaces per classroom; for elementary schools two parking spaces per classroom.
- (7) Hospital. Two parking spaces for each bed.
- (8) Sanitarium or institutional home. One parking space for each three beds.
- (9) Funeral Homes. Ten parking spaces for each chapel plus one for each funeral home vehicle plus one for each family residing on the premises.
- (10) Auditorium, theatres and other places of public assembly. One parking space for each five seats.
- (11) Community Center, library, museum or similar public or semi-public building. One parking space for each 300 square feet of floor area in the building.
- (12) Hotel or motel. Five parking spaces plus one space for each sleeping room or suit. Places of public assembly in hotels or motels; one parking space for each five seats.
- (13) Medical office building. Buildings in which 20 percent or more of the gross area is occupied by members of the healing profession. One parking space for each 200 square feet of the gross area used for this purpose.
- (14) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or other similar establishments. Two parking spaces for every three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
- (15) All nonresidential buildings, except those above specified. One space for each 300 square feet of floor area.

#### B. Rules for Computing Parking Spaces.

In computing the number of required off-street parking spaces the following rules shall apply:

- (1) Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof, used for parking, as herein defined.
- (2) Where fractional spaces result, the parking spaces required shall be the nearest whole number.
- (3) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (4) Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is reconstructed or is enlarged to the extent of 20 percent or more in floor

area, said building or use in its entirety shall then and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than 20 percent of the gross floor area shall be provided with parking based on the enlargement or change.

#### C. Location of Required Parking Spaces.

All parking spaces required herein shall be located as follows:

- (1) The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served. The parking spaces required for any other building or use may be located on an area within 300 feet of said building and two or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract upon which said parking spaces are provided shall be restricted by an instrument of record describing the premises for which said parking is provided and assuring the retention of such parking so long as required by this ordinance.

#### D. Minimum Improvement and Maintenance Standards

All open parking areas containing 10 or more parking spaces, provided in compliance with this ordinance shall be surfaced with a durable dustproof surface consisting of concrete, bituminous concrete, or compacted gravel or crushed stone properly sealed and surface treated as approved by the County Superintendent of Highways. The parking areas shall be maintained in a usable dustproof condition and graded and drained to dispose of all surface water. Whenever lighting is provided, it shall be so hooded or shielded as to reflect the light away from abutting or neighboring property, including public rights-of-way. The location of each parking space and the direction of movement along the access driveways shall be indicated by painting upon the surface of the lot. A structurally sound wall, abutment, or five-foot setback, shall be installed and so placed around each side of the parking lot to insure that no part of an automobile either extends over or is capable of accidentally rolling across the property line of the parking lot. Shrubs and standard trees and/or a wall are required to screen adjacent residential uses.

#### E. Off-Street Loading Requirements

There shall be provided at the time any building is erected or structurally altered off-street loading space in accordance with the following requirements:

- (1) Office Buildings, Apartments, Apartment Hotels, Motels and Hotels. One space for each 5,000 to 50,000 square feet of gross floor area; two spaces for each 50,000 to 200,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 200,000 square feet.
- (2) Retail or Service Establishment or Wholesale Commercial Use. One space for each 2,000 to 20,000 square feet of gross floor area; two spaces for each 20,000 to 100,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 100,000 square feet.
- (3) Manufacturing or Industrial Use. One space for each 10,000 square feet of floor area or fraction thereof in excess of 5,000 square feet.



- (4) In all cases where the off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than 50 feet shall be provided on the lot on which the industrial use is located.

## **Section 9. ADMINISTRATION**

### **A. Board of Appeals**

- (1) A Board of Appeals is hereby created. Such Board shall consist of five (5) members to be appointed by the Board of Supervisors, all of whom shall be residents of separate congressional townships and from the area controlled by the zoning ordinance. Terms of all members shall be of such length and so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board of Appeals shall be removable for nonperformance of duty, misconduct in office, or other cause by the Board of Supervisors upon written charges having been filed with the Board of Supervisors and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board of Supervisors and shall be for the unexpired term.
- (2) The Board of Appeals shall organize and adopt rules in accordance with the provisions of this ordinance. Meetings of the Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board of Appeals may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and the Board of Appeals may compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. All business of the Board of Appeals shall be transacted at such meetings. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Supervisors and shall be a public record.
- (3) Appeals to the Board of Appeals may be taken by any person aggrieved. Such appeal shall be taken within 20 days after the decision by filing with the Zoning Enforcing Officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the ground thereof. The Zoning Enforcing Officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give 10 days notice to the parties of interest, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney.
- (4) The powers of the Board of Appeals are:
  - (a) To interpret the ordinance, being:

To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this ordinance.

To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying

and made a part of this ordinance where the street layout on the ground varies from the street layout as shown on the map aforesaid.

- (b) To permit the following two exceptions:  
Use of premises for public utility and railroad purposes or for a radio or television tower or broadcasting station.

Reconstruction of a non-conforming building that would otherwise be prohibited by Section 4B(6), where such action would not constitute continuation of a monopoly.

- (c) To permit the following two variations:  
Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.

Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this ordinance, but providing that such a reduction not be more than 50 percent of the usual requirements.

- (d) To grant conditional use permits:

To hear and decide upon applications for conditional use permits specifically listed in the district regulations of this ordinance. Before issuance of permit for any conditional use, the Board of Appeals shall refer the proposed application to the commission, which commission shall be given 30 days in which to make an advisory report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the public health, public safety, or general welfare. No action shall be taken upon any application for a proposed building or use above referred to until or unless the report of the commission has been filed provided, however, that if no report is received from the commission within 30 days, it shall be assumed that approval of the application has been given by the commission. Before authorizing the issuance of such a conditional use permit, the Board of Appeals shall hold a public meeting in the area of the use after duly advertising the meeting in a newspaper of general circulation in the County at least 15 days in advance of the meeting and may impose such conditions as will, in its judgment, insure that:

The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

The conditional 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.

The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.

Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and the Board of Appeals shall find that there is a public necessity for the conditional use.

- (e) To make recommendations to the County Board on special use permits.

## B. Enforcement of the Ordinance

### (1) Zoning Enforcing Officer

- (a) Construction Permit. No buildings shall hereafter be erected, reconstructed or structurally altered, nor shall any work be started upon same until a construction permit for same has been issued by the Zoning Enforcing Officer, which permit shall state that the proposed building complies with all the provisions of this ordinance.
- (b) Occupancy Permit. Subsequent to the effective date of this ordinance, no change in the use or occupancy of land, other than for farming purposes, nor any change of use or occupancy in an existing building, other than for single-family dwelling or farming purposes, shall be made, nor shall any new building be occupied for any purpose other than a single-family dwelling or a farming use until a Certificate of Occupancy has been issued by the Zoning Enforcing Officer. Every Certificate of Occupancy shall state that the new occupancy complies with all provision of this ordinance.
- (c) Appointment. The Chairman of the Board of Supervisors shall appoint, with the approval of the Board of Supervisors, a Zoning Enforcing Officer whose duty it is to enforce this ordinance.
- (d) Duties. It shall be the duty of the Zoning Enforcing Officer to enforce this ordinance. The Zoning Enforcing Officer shall receive applications required by this ordinance, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for. He shall, when requested by the Board of Supervisors, or when the interests of the municipality so require, make investigations in connection with matters referred to in this ordinance and render written reports on the same. For the purpose of enforcing compliance with law, he shall issue such notices or orders as may be necessary.
- (e) Inspections. Inspections shall be made by the Zoning Enforcing Officer or a duly appointed assistant.
- (f) Rules. For carrying into effect its provisions, the Zoning Enforcing Officer may adopt rules consistent with this ordinance.
- (g) Records. The Zoning Enforcing Officer shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the Zoning Enforcing Officer.
- (h) Cooperation of Other Officials. The Zoning Enforcing Officer may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Superintendent of Highways in fixing grades, of the Sheriff in enforcing orders, of the State's Attorney in prosecuting violations, and of other officials.

### (2) Permits

- (a) When Required. It shall be unlawful to construct, alter, remove or to commence the construction, alteration, or removal of a building or structure without first filing with

the Zoning Enforcing Officer an application in writing and obtaining a formal permit. They may be requested by telephone, the request later to be in written form and mailed or brought to the Zoning Enforcing Officer at the Courthouse.

- (b) Form. An application for a permit shall be submitted in such form as the Zoning Enforcing Officer may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Such application shall contain the full names and addresses of the applicant and of the owner and, if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Zoning Enforcing Officer for an intelligent understanding of the proposed work. Such application shall be accompanied by payment of such fees as the Board of Supervisors may determine from time to time.
- (c) Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations and structural details, as the Zoning Enforcing Officer may require.
- (d) Plot Diagram. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished, and of all existing buildings prepared by, and signed by, a registered surveyor, engineer or architect.
- (e) Amendments. Nothing in this section shall prohibit the filling of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- (f) Completion of Existing Buildings. Nothing contained in this ordinance shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of this ordinance; provided, however, construction under such permit or approval shall have been started within six months and the ground story framework, including structural parts of the second floor, shall have been completed within one year and the entire building completed within two years after the effective date of this ordinance.
- (g) Action on Application. It shall be the duty of the Zoning Enforcing Officer to examine applications for permits within a reasonable time after filing. If, after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a permit for the proposed work as soon as practicable. If his examination reveals otherwise, he will reject such application, noting his finding in a report to be attached to the application and delivering a copy to the applicant.

- (h) Approval in Part. Nothing in this section shall be construed to prevent the Zoning Enforcing Officer from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this ordinance.
- (i) Condition of the Permit. All work performed under a permit issued by the Zoning Enforcing Officer shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.
- (j) Signature to Permit. Every permit issued by the Zoning Enforcing Officer under the provisions of this ordinance shall have his signature affixed thereto; but this shall not prevent him from authorizing a subordinate to affix such signature.
- (k) Limitation. A permit under which no work is commenced within one (1) year after issuance shall expire by limitation.
- (l) Posting of Permit. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The Zoning Enforcing Officer may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Zoning Enforcing Officer shall be given at least twelve (12) hours notice of the starting of work under a permit.
- (m) Revocation. The Zoning Enforcing Officer may revoke a permit or approval issued under the provisions of this ordinance in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
- (n) Certificate of Occupancy for a Building. No building requiring a building permit shall be occupied before a Certificate of Occupancy has been issued. Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three days after the request for same shall have been made in writing to the Zoning Enforcing Officer after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Zoning Enforcing Officer for a period not exceeding one year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective right, duties or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

- (o) Certificate of Occupancy for Land. Certificate of Occupancy for the use of vacant land or the change in the character of the use of land as herein provided shall be applied for before any such land shall be occupied or used, and a Certificate of Occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of these regulations.
- (p) Content of Certificate of Occupancy. Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provision of these regulations. A record of all certificates shall be kept on file in the office of the Zoning Enforcing Officer and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected.
- (q) Certificate of Occupancy for Nonconforming Uses. A Certificate of Occupancy shall be required of all nonconforming uses. Applications for such certificate for nonconforming uses shall be filed within 12 months from the effective date of this ordinance.
- (r) Excavation Permit. No permit for excavation for any building shall be issued before application has been made for Certificate of Occupancy. (See (o) above.)
- (s) Fees. The fee for a construction permit for the construction, reconstruction, or alteration of a building is as follows:

Structure Price per sq ft	Permit Fee
Up to 200 sq ft	\$ 20.00
Over 200 sq ft	\$ .15 per sq ft

Cellular Towers and Wind Energy Conversion System (WECS) Towers

Cellular Tower	\$ 10.00 per foot of tower height
To add equipment to existing tower	\$ 400.00
WECS Tower	\$ 5,000.00
Private WECS Tower	\$ 100.00
Variance	\$ 75.00
Conditional Use Permit	\$ 100.00
Special Use Permit	\$ 100.00 per tower

Agricultural Use Buildings No Fee (55 ILCS 5/5-12001)

If application is filed after the construction of a foundation or erection of any structure is made, then the construction permit fee is double the amount stated above.

Such fees as are required in this section shall be paid to the Zoning Enforcing Officer who shall deliver same to the Treasurer of Ford County.

C. Boundaries of Districts

Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map accompanying and made a part of this ordinance, the following rules apply:

- (1) The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are

bounded approximately by street or alley lines, the center line of the street or alley shall be construed to be the boundary of the district.

- (2) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines and where the districts designated on the District Map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- (3) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

#### D. Interpretation

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this ordinance imposes a greater restriction, this ordinance shall control.

#### E. Amendment of the Ordinance

- (1) The Board of Supervisors, from time to time, on its own motion or on petition, after public notice and hearings as provided by law and after report by the Commission and Zoning Board may amend, supplement or change the boundaries or regulations herein or subsequently established. In case the Zoning Board disapproves the proposed change, such amendment shall not be passed except by the favorable vote of three-fourths of all members of the Board of Supervisors. If no report is received from the Commission or Zoning Board in sixty (60) days, it may be assumed that said Commission has approved the amendment.
- (2) Before any action shall be taken as provided in this section, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the County Treasurer the sum of One Hundred dollars (\$100.00) to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Board of Supervisors.

#### F. Appeals to Court

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

### Section 10. DEFINITIONS

For the purpose of this ordinance certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the words "structure" and "premises"; the word "shall" is mandatory and not directory; the words "used" or "occupied" include the words "intended", "designed" or "arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel"; and the word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. Any word not herein defined shall be as defined in any recognized Standard English dictionary.

**Adult Bookstore.**

“Adult Bookstore” is an establishment having as a substantial portion of its stock in trade, books, magazines, video recordings or films for sale or viewing on the premises, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to ‘Specified Sexual Activities’ or ‘Specified Anatomical Areas’; or an establishment with a segment or section devoted to the sale or display of such material.”

**Adult Motion Picture Theater.**

“Adult Motion Picture Theater” is a building used regularly and routinely for presenting motion pictures having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to ‘Specified Sexual Activities’ or ‘Specified Anatomical Areas’ for observation by patrons therein.

**Adult Entertainment Cabaret.**

“Adult Entertainment Cabaret” is a public or private establishment which is licensed to serve food or alcoholic beverages or both, which features topless dancers, strippers, male or female impersonators, mud-wrestlers, or similar entertainers.

**Adult Use.**

“Adult Use” shall mean any Adult Bookstore, Adult Motion Picture Theater, Adult Entertainment Cabaret, Body Shop or Model Studio, Massage Establishment, or any similar use.

**Affiliate.**

“Affiliate” shall include any parent or subsidiary corporation, any person owning of record or beneficially more than ten percent (10%) of the voting stock of any corporation or other association of individuals, and any partner.



**Agriculture.**

"Agriculture" shall mean the use of a tract of land of not less than five acres for the growing, harvesting and storing of crops including legume, hay, grain, fruit, and truck or vegetable crops, floriculture, horticulture, mushroom growing, nurseries, orchards, forestry and greenhouses; the keeping, raising and feeding of livestock or poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, the immediate families thereof, operators, tenants or seasonal or year round hired farm workers.

Whenever a farm dwelling is to be constructed as an agricultural use on a tract or plot comprising less than five acres, or property comprising less than five acres and containing a farm dwelling, is to be transferred for agricultural uses, the applicant shall submit to the Zoning Enforcing Officer a signed statement upon a form prescribed by the Zoning Enforcing Officer attesting to the authenticity of the agricultural use. It shall be determined authentic if: (1) a substantial portion of the total cash income of the applicant is or shall be derived from pursuit of the occupations enumerated herein, on the premises involved, or (2) the applicant is a member of the immediate family of a bona fide farmer owning land contiguous to or on the opposite frontage to the premises involved, or (3) an authorized official of the Township Board of the township concerned signed the statement as recognition by the Board that the applicant is engaged in bona fide agricultural pursuits. Such signed statement shall be filed in the records of the Zoning Enforcing Officer. The placing of burden of proof upon the applicant for farm dwelling structures upon small tracts for agricultural uses is intended to protect bona fide agricultural uses from encroachment by incompatible use in violation of the regulations and requirements of permit prescribed in the ordinance.

**Aircraft.**

Any contrivance, now known or hereafter invented, for use or designed for navigation of or flight in the air.

**Airport. (Land Field or Heliport)**

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 or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

**Alley.**

A public right-of-way which affords a secondary means of access to abutting property.

**Animal Hospital.**

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

**Apartment.**

See Dwelling Unit.

**Auto Laundry.**

A building or portion thereof where automobiles are washed with the use of a conveyor and blower, or other cleaning device.

**Auto Service Station (Gas Station).**

Any building or premises used for dispensing, sale, or offering for sale any automotive fuels or oils; having pumps and storage tanks; also where battery, tire, and other services are rendered but only if rendered wholly within lot lines. When such dispensing, sale, or offering for sale of any fuels or oils is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Auto service stations do not include automobile or trailer sales lots, new or used, on which such vehicles are parked for purposes of inspection and sale.

**Auto Wrecking Yard.**

Any land, building, or structure used for the wrecking or storing of non-operable automobiles or parts thereof, but excluding antique vehicles in enclosed storage and farm trucks in use as wagons for agricultural operations.

**Auxiliary Use.**

A use customarily incidental and accessory to the permitted use of the lot.

**Basement.**

A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purposes of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

**Block.**

A tract of land bounded by streets, or by a combination of street and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines.

**Boarding House (Rooming or Lodging House).**

A building containing a single dwelling unit and lodging rooms accommodating, for compensation, 3 or more persons, but not exceeding 12 except as otherwise permitted in the Agricultural District, who are not of the keeper's family. Lodging may be provided with or without meals.

**Body Shop or Model Studio.**

Any public or private establishment: (a) which describes itself as a body shop or model studio, or (b) where, for any form of consideration or gratuity, figure models who display 'Specified Anatomical Areas' are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or (c) where, for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting, or other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' are provided for observation by or communication to persons paying such consideration or gratuity.

**Building.**

Any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

**Building, Accessory.**

A subordinate building or a portion of a principal building, the use of which is incidental and customary to that of the principal building and located on same lot. Where an accessory building is attached to and made a part of the principal building, such accessory building shall comply in all respects with the requirements of this ordinance applicable to the principal building.

**Building Area.**

The area bounded by the exterior dimensions of the outer walls at the ground line.

**Building, Completely Enclosed.**

A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior or party walls, pierced only by windows and entrance or exit doors normal to the conforming use of the building.

**Building, Detached.**

A building surrounded by open space on the same lot.

**Building, Height of.**

The vertical distance from the grade to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip, and gambrel roofs.

**Building, Principal.**

A non-accessory building in which the principal use of the lot on which it is located is conducted.

**Building, Temporary.**

Any building not designated to be permanently located in the place where it is, or where it is intended to be placed or affixed.

**Buildable Width.**

The width of the lot left to be built upon after the side yards are provided.

**Business.**

Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor, and materials, or where services are offered for compensation.

**Cellar.**

That part of a building having more than one-half of its height below the average grade of the adjoining ground.

**Clinic.**

A clinic is an establishment where patients who are not lodged over night are admitted for examination and treatment by dentists or physicians practicing medicine together.

**Club or Lodge, Private.**

A "private club or lodge" is a non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed providing such sale is secondary and incidental to the operation of the dining room for the purpose of serving food and meals, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and municipal laws.

**Commission.**

Means Ford County Regional Planning Commission.

**Conditional Use.**

A use allowed in a zoning district after a permit is granted by the Board of Appeals according to provisions of Section 9.

**Constructed.**

Set up, erected, built, raised or moved into place.

**County.**

Means Ford County.

**County Board.**

Means the Ford County Board of Supervisors.

**Court.**

An open space more than one-half surrounded by buildings.

**Curb Level.**

The curb level for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, it shall be deemed to be the elevation of the center line of the street surface measured at right angles to the curb line.

**Curb Line.**

Established curb alignment or where not so established the edge of the vehicular-way pavement.

**District.**

A section or part of the county for which the use regulations are uniform.

**Dwelling.**

A residential building, or portion thereof; but not including hotels, motels, boarding or rooming houses, tourist homes, trailers or mobile homes.

**Dwelling Unit.**

A group of rooms constituting all or part of a dwelling which is arranged, designed, used, or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers or boarders, and which includes complete kitchen facilities permanently installed.

**Dwelling, Detached.**

A residential building containing one dwelling unit, including detached, semi-detached dwellings.

**Dwelling, Single-Family.**

A residential building containing one dwelling unit, including detached, semi-detached, and attached dwellings.

**Dwelling, Two-Family.**

A residential building containing two dwelling units, including detached, semi-detached, and attached dwellings.

**Dwelling, Multiple – Family (Apartment or Apartment Hotel).**

A building or portion thereof containing three or more dwelling units.

**Erect.**

The act of placing or affixing a component of a structure upon the ground or upon another such component.

**Family.**

One or more persons related by blood, marriage or adoption, or a group of not more than two persons not so related, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.

**Farm Home Occupation.**

A "farm home occupation" is an occupation or profession customarily carried on by an occupant of a farm as a secondary use which is clearly incidental to the use of the farm for agricultural purposes. Such a "farm home occupation" shall be carried on wholly within the grounds of the farm, and not more than one person outside the family or the usual number of farm help shall be employed. There shall be no exterior sign except as allowed in the sign regulations for the district in which such "farm home occupation" is located, and no offensive noise, vibration, smoke, dust, electrical disturbances, odors, heat or glare shall be produced.

**Fence.**

A structure for enclosure or screening.

**Floor Area.**

The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

**Frontage.**

All the property on one side of a street or highway, between two intersecting streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street, but not including property more than 400 feet distant on either side of a proposed building or structure.

**Garage, Private.**

An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry connected directly or indirectly with automotive vehicles is carried on; provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one or two-car capacity may be so rented. Such a garage shall not be used for more than one commercial vehicle and the load capacity of such commercial vehicle shall not exceed five tons.

**Garage, Public.**

Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.

**Garbage.**

Any odorous, putrescible, or combustible waste materials.

**Garbage Disposal.**

Collected or community garbage disposal by covered burial or incineration within a fully enclosed building.

**Garbage Farming.**

The feeding or storage of community or collected garbage and similar food wastes.

**Golf Course.**

Public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental hereto, and consisting of at least 60 acres for each standard nine-hole course; and 25 acres for each nine-hole "par 3" course.

**Group or Row House.**

A "group house" is any one of three or more one-family attached dwellings in a continuous row or rows.

**Home Occupation.**

A "home occupation" is an occupation or profession customarily carried on by an occupant of a dwelling unit as secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. Such a "home occupation" shall be carried on wholly within the principal building or within a building accessory thereto, and not more than one person outside the family shall be employed. There shall be no exterior display, no exterior sign except as allowed in the sign regulations for the district in which such "home occupation" is located, no exterior storage of materials, no other exterior indication of the "home occupation" or variation from the residential character of the principal building, and no offensive noise, vibration, smoke, dust, electrical disturbances, odors, heat or glare shall be produced. "Home occupation" includes but is not limited to the following: art studio; dressmaking; professional office of physician, dentist, architect, engineer, or accountant, when located in a dwelling unit occupied by the same; and teaching, with musical instruction limited to one pupil at a time. However, "home occupation" shall not be construed to include the following: barber shop or beauty parlor employing more than two people; commercial stable or kennel; real estate office employing more than 2 people; or restaurant.

**Hotel.**

A building in which lodging or boarding and lodging are provided for more than twelve (12) persons and offered to the public for compensation, and in which ingress or egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, its open to the public and is contradistinguished to a boarding house, a rooming house, or a multiple dwelling, as herein separately defined.

**Institution.**

A non-profit corporation or a non-profit establishment for public use.

**Junk Yard.**

An open area where waste, used, or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.

**Kennel.**

Any place where house pets are kept for purposes other than those customary and incidental to a household.

**Landscaped Area.**

An area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.

**Laundromat.**

A business that provides home type washing, drying and/or ironing machines for hire to be used by customers on the premises.

**Loading Space.**

A space within the main building or on the same lot for the standing, loading, or unloading of trucks, having a minimum area of 540 square feet, a minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet.

**Lot.**

A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one main building together with its accessory buildings, the open spaces and parking spaces required by its ordinance and having its principal frontage upon a street.

**Lot Area.**

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

**Lot, Corner.**

A lot situated at the junction of and abutting on two or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

**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 street or alley line.

**Lot Line, Front.**

That boundary of a lot which is along an existing or dedicated street. The owner of a corner lot may select either street lot line as the front lot line.

**Lot Line, Rear.**

That boundary of a lot which is most distance from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot of Record.**

A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Ford County, Illinois; or a parcel of land, the deed to which was recorded in the office of the Recorder of Deeds prior to the adoption of this ordinance.

**Lot Line, Side.**

Any boundary of a lot which is not a front or rear lot line.

**Lot, Reversed Corner.**

A corner lot the side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

**Lot, Through.**

A lot which has a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

**Lot Width.**

The mean horizontal distance between the side lot lines of a lot measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area.

**Massage.**

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the human body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance, with or without supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparation.

**Massage Establishment.**

Any public or private establishment where, for any form of consideration or gratuity, a "Massage" is provided to persons paying such consideration or gratuity.

**Modular Home or Manufactured Home.**

A prefabricated or factory-built dwelling unit, constructed in a modular manner with elements attached together which may be transported to a building site, all means of transportation removed and the modular dwelling unit then attached to a permanent foundation.

**Motel or Motor Court.**

An establishment consisting of a group of attached living or sleeping accommodations with individual bathrooms, and designed for use by transients. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and up-keep of furniture. In a motel less than 50 percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

**Motor Freight Terminal.**

A building in which freight brought by motor truck is assembled and sorted for routing in intrastate or interstate shipment.

**Moved Structure.**

A structure permanently established upon a piece of land after removing same from another part of the same or different premises.

**Nameplate.**

A sign indicating the name and/or address of a building or the name of an occupant thereof and/or the practice of a permitted occupation therein.



**Nursing Home or Rest Home.**

A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept or provided with food or shelter and care for compensation; but not including hospital, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

**Open Area.**

That part of a lot on which no part of a building or structure extends above the following elevations:

- (a) Two feet above the highest curb elevation of the street or streets that bound the lot;
- (b) One foot above the adjacent curb elevation for each one and one-fourth foot the building or structure is set back from the street lot line, except that no portion of the structure shall exceed 12 feet above the adjacent curb elevation. This provision shall not apply to walls or structures that do not extend more than four feet above the adjacent curb elevation.

**Off-Street Loading.**

A space, accessible from a street, alley or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials.

**Open Sales Lot.**

Any land used or occupied for the purpose of buying and selling second-hand passenger cars and/or trucks, motor scooters, motorcycles, boats, trailers, aircraft, farm equipment, and monuments, and for the storing of same prior to sale.

**Parking Space.**

A suitable surfaced and permanently maintained area on privately-owned property, either within or outside of a building, of sufficient size to store one standard automobile, but in no instance less than 180 square feet, exclusive of passageways, driveways, or other means of circulation or access.

**Place.**

An open, unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved and officially approved by the proper agency as the principal means of access to abutting property.

**Premises.**

A lot together with all buildings and structures thereon.

**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 or lease.

**Retail.**

"Retail" refers to the sale of relatively small quantities of commodities and services directly to customers.

**Sanitary Land Fill.**

A method of disposing of refuse by spreading and covering with earth on the top surface and sides of the bank.

**Screening.**

The erection of a fence or plant material (trees and shrubs) of sufficient height and thickness that the object cannot be viewed from locations specified in the ordinance.

**Setback, Front-Yard.**

The minimum horizontal distance between the front line or side line of the building and nearest the street line, disregarding steps and unroofed porches.

**Sign.**

An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business.

**Ground Sign.**

Any sign erected, constructed or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building.

**Roof Sign.**

Any sign erected, constructed or maintained upon the roof of any building.

**Wall Sign.**

Any painted sign or poster on any surface or plane that may be affixed to the front, side, or rear wall of any building.

**Post Sign.**

Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.

**Marquee Sign.**

Any sign affixed to a marquee over the entrance to a building and supported from the building.

**Sign Area.**

The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.

**Advertising Device.**

Banners affixed on poles, wires, or ropes and streamers, wind operated devices, flashing lights, and other similar devices.

**Special Use.**

A conditional use allowed in a zoning district which requires final approval by the County Board after recommendation by the Board of Appeals according to provisions of Section 9.

**Specified Anatomical Areas.**

- (a) Less than completely and opaquely covered;
  - (1) human genitals or pubic region,
  - (2) human buttock, or
  - (3) human female breast below a point immediately above the top of the areola, and
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities.**

- (a) Human genitals in a state of sexual arousal or stimulation; and
- (b) Acts, or representations of acts, of human masturbation, sexual intercourse, sodomy, bestiality, oral copulation, or flagellation; and
- (c) Acts, or representations of acts, of fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts; and
- (d) Excretory functions as part of or in connection with any activities set forth in (b) or (c) above.

**Stable, Private.**

A stable is any building which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

**Stable, Public.**

A building where horses are kept for remuneration, hire or sale.

**Stand Roadside.**

A structure for the display and sale of only farm products which are produced on the premises.

**Standard Tree.**

A standard tree is a tree with a minimum trunk caliper of 2 ½ inches, 10 to 12 feet high, of a variety normally capable of attaining a 25 foot height when the tree is 20 years old.

**Standard Shrub.**

A standard shrub is any bush or small evergreen tree occupying a space of at least 18 cubic feet.

**Street.**

A public way which affords the principal means of access to abutting property.

**Street Centerline.**

The street centerline is a line halfway between the street lines.

**Street Line.**

A dividing line between a lot and a contiguous street.

**Structure.**

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

**Structural Alteration.**

Any change except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

**Tourist Home.**

An establishment used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation.

**Town House.**

A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

**Trailer.**

A vehicle equipped for use as a dwelling and designed to be hauled along a highway or railroad.

**Use.**

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

**Use, Accessory.**

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

**Use, Principal.**

The main use of land or buildings as distinguished from a subordinate or accessory use.

**Use, Non-Conforming.**

Any lawfully established use of a building or premises which on the effective date of this ordinance, or amendment thereto, does not conform with all of the applicable use regulations of the district in which such building or premises shall be located.

**Yard.**

An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided herein. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

**Yard, Front.**

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

**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.

**Zoning Board.**

The Ford County Zoning Board of Appeals.

**Zoning Enforcing Officer.**

Wherever in this ordinance the term Zoning Enforcing Officer is used, it shall mean the Zoning Enforcing Officer appointed by the County Board and such deputies or assistants as have been or shall be duly appointed by the County Board. The officer is hereby authorized and it is his duty to administer and enforce the provisions of the Zoning Ordinance, making such determinations, interpretations and orders as are necessary therefore and requiring such plats, plans, and other descriptive material in connection with applications for permits as are necessary for him to judge compliance with this ordinance.

**Section 11. VIOLATIONS AND PENALTY**

A. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the proper authorities of the county, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceedings in equity to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct business, or use in or about such premises.

B. The violation of the terms of this ordinance shall be punishable by a fine not exceeding \$200 per day of violation or imprisonment not exceeding six months, or both in the discretion of the court.

**Section 12. VALIDITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. All other resolutions and parts of resolutions in conflict with the provisions of this ordinance are hereby appealed.

**Section 13. EFFECTIVE DATE**

This ordinance shall be in full force and effect immediately upon its due passage.

**Passed this 11<sup>th</sup> day of April, 1972 by the Board of Supervisors of Ford County, Illinois.**

**Robert R. Currie**  
Chairman

ATTEST:  
**C. W. Reep**  
County Clerk

(SEAL)

RESOLUTION 22 - 58


**WHEREAS**, Ford County has no "Solar" Ordinance; and


**WHEREAS**, <sup>an</sup>~~the~~ ordinance is currently being reviewed by the Zone Committee more time for review is needed; and

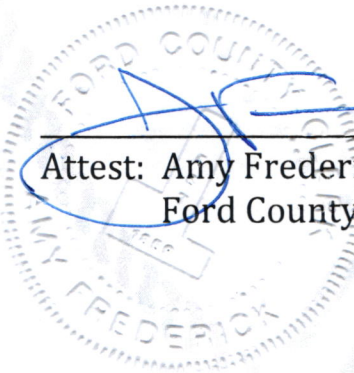
**WHEREAS**, there is the potential for new solar construction; and

**THEREFORE BE IT RESOLVED**, that a moratorium be set on new Solar <sup>commercial (greater than 2500 Kilowatts)</sup> construction from June 14, 2022 for a period of 120 working days to allow review of said ordinance and changes to be made.

Dated: June 13, 2022

  
\_\_\_\_\_  
Debbie Smith  
Ford County Chairman of the Board

  
\_\_\_\_\_  
Attest: Amy Frederick  
Ford County Clerk & Recorder



Rev. 21-80

FORD COUNTY  
ZONING ORDINANCE

APPENDIX A  
STANDARDS FOR  
WIND ENERGY  
CONVERSION SYSTEMS

ADOPTED: MARCH 13, 2006  
Resolution 06-17

Revised: June 2009  
Revised: September 13, 2021



**APPENDIX A**  
**STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS**

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  - B. PURPOSE**
  
- II. DEFINITIONS**
  
- III. APPLICABILITY**
  
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- V. SPECIAL USE PERMIT APPLICATION**
  
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- VIII. NOISE LEVELS**
  
- IX. SHADOW FLICKER**
  
- X. BIRDS BATS, AND WILDLIFE**
  
- XI. PUBLIC PARTICIPATION**
  
- XII. LIABILITY INSURANCE AND INDEMNIFICATION**

- XIII. DECOMMISSIONING PLAN**
- XIV. DISPUTE RESOLUTION**
- XV. REMEDIES**
- XVI. CONSTRUCTION PERMIT FEES**
- XVII. PUBLIC NUISANCE**
- XVIII. SEVERANCE**

**I. INTRODUCTION**

**A. *Title***

This Ordinance shall amend the Ford County Zoning Ordinance and be known, cited and referred to as Appendix A Standards for Wind Energy Conversion System.

**B. *Purpose***

This Ordinance is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Ford County is safe and effective.
2. To facilitate economic opportunities security and stability of Ford County.
3. To allow the supply of wind energy in support of Illinois' statutory goal of increasing energy production from renewable energy sources.

**II. DEFINITIONS**

- A.** "Applicant" means the entity or person who submits to the County, pursuant to Section V of this Ordinance, an application for the special use permit for any WECS.
- B.** "Board" means the Ford County Board as it exists on the date of adoption of this Appendix A Standards for Wind Energy Conversion System, and as it shall be constituted in the future.
- C.** "County" means Ford County, Illinois, a body corporate and politic.
- D.** "Financial Assurance" means reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit, or whose credit is rated by Moody's at no less than A. (reviewed on an annual basis).

- E.** “Operator” means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third-party subcontractors.
- F.** “Owner” means the entity or entities with a direct equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.
- G.** “Professional Engineer” means a qualified individual who is licensed as a professional engineer in Illinois.
- H.** (Right of Way) A general term denoting land, property, or interest therein, usually a strip acquired for or devoted to transportation purposes.
- I.** “Primary Structure” means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, churches, schools and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.
- J.** “Wind Energy Conversion System” (“WECS”) means all necessary facilities that together convert wind energy into electricity and deliver that electricity to a utility’s transmission lines, including, but not limited to, the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, electrical cabling from the WECS Tower to the substations(s)/switchyard(s), communications facilities, transmission lines, poles, and/or towers, operations and maintenance building, and other related devices, facilities, and equipment.
- K.** “WECS Project” means the collection of WECS as specified in the special use permit application pursuant to Section V of this Ordinance;
- L.** Rotor Diameter – is the diameter of the circle created by rotating turbine blade tips.
- M.** Shadow Flicker - means alternating changes in light intensity caused by the moving blade of a wind power generator casting shadows on the ground and stationary objects.
- N.** Sub-Station – means the apparatus that connects the electrical collections system of the WECS(s) and increases the voltage for connection with the utility’s transmission lines.
- O.** “WECS Tower” means the support structure to which the nacelle and rotor are attached.

- P.** “WECS Tower Hub Height” means the distance from the center of the rotor hub to the top surface of the WECS Tower foundation.
- Q.** “WECS Tower Tip Height” means the distance from the rotor blade at its highest point to the ground at base of the WECS foundation.
- R.** MET Towers – Meteorological Tower means those towers which are erected primarily to measure wind speed and direction plus other data relevant to siting and operation of WECS Projects. For purposes of this ordinance, Meteorological Towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.
- S.** Commencement of Commercial Operation or Date of Operation shall mean the first date on which the project produces electrical power, transmitted from the first operating turbine onto the power grid.
- T.** Participating Landowner - A landowner in Ford County that has entered into a contractual agreement with a wind company that is applying for a Special Use Permit.

### **III. APPLICABILITY**

This Ordinance governs the special use of WECS(s) and WECS Projects that generate electricity to be sold to wholesale or retail markets and private owners of WECS(s) over 100kw who locate the WECS(s) on their own property for their own personal use.

### **IV. PROHIBITION**

No WECS or Substation governed by Section III of this Ordinance shall be constructed, erected, installed, or located within Ford County unless prior Special Use Permit Application has been approved for each individual WECS Tower or Substation pursuant to this Ordinance. Upon special use approval a Road Use Agreement shall be obtained from the Road Authority prior to the issuance of any building permits for, WECS Project or Substation or any part thereof.

### **V. SPECIAL USE PERMIT APPLICATION**

- A.** To obtain special use approval, the Applicant must first submit a special use permit application to the Ford County Zoning Officer. This application must be submitted in English.
- B.** The special use permit application shall contain or be accompanied by the following information:
  - 1.** A WECS Project summary, including: (1) a general description of the project, including its name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), maximum number of

WECS, and approximate name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures.

2. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s).
  3. A site plan for the installation of WECS showing the planned location of each WECS Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substations(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
  4. All required studies, including but not limited to shadow flicker, noise impact, flood plain maps and wildlife impact, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance; studies for shadow flicker and noise impact using computer modeling must be conducted under worse case weather and atmospheric conditions. (ie. Frozen ground, high humidity, no vegetation) and submit documentation evidencing compliance with all applicable FAA requirements.
  5. A color sample shall be submitted and approved by the Board at the time the Applicant applies for a Special Use Permit under this Ordinance.
  6. Financial Assurance that the project can be developed as proposed; and
  7. Any other information normally required by the County as part of its Zoning Ordinance.
  8. The developer will commit to comply with, for the duration of the project, the Illinois law on wind energy conservation system assessment (35 ILCS 200/10 605). In case the state of Illinois lowers the assessment, the developer will continue to pay an amount equal to the property taxes assessed under the initial act (35 ILCS 200/10 605). In case the state of Illinois increases the assessment, the developer will pay property taxes according to such increased program.
  9. Decommissioning Plan
- C. The Applicant shall notify the Board of any changes to the information provided in Section V(B) within thirty (30) days of said changes being identified.

- D. The applicant shall pay a flat fee of fifty thousand dollars (\$50,000). For this fee, the Ford County Zoning Officer will review the application, get the necessary reviews by the Ford County State's Attorney or their appointed Special Assistant State's Attorney and engineering consultants, publish the legal notices, hold the Zoning Board of Appeals Hearing, and send their recommendations, with their findings of fact to the Board for final approval. If the County's expenses exceed fifty thousand dollars (\$50,000) including but not limited to any and all costs and fees for all outside consultants and attorneys, the applicant will be billed and shall reimburse the County of Ford within thirty (30) days.

## VI. DESIGN AND INSTALLATION

### A. *Design Safety Certification*

1. MET towers, WECS(s) and the WECS Project shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Prior to the issuance of construction permits, Applicant shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energy ("GL"), or an equivalent third party. All turbines shall be new equipment commercially available; no used or experimental equipment shall be approved by the Zoning Enforcing Officer or the Zoning Board of Appeals without the issuance of a variance.
2. Following the granting of the special use permit under this Ordinance, a Professional Engineer shall certify, as part of the construction permit application that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

### B. *Controls and Brakes*

All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulations shall not be considered a sufficient braking system for over-speed protection.

### C. *Electrical Components*

All electrical components of the WECS in the WECS Project shall conform to applicable codes and standards. Standards including but are not limited to Nation Electric Code, ANSI, UL and International Electric Commission.

### D. *Color*

WECS towers and blades shall be painted white or gray or another non-reflective, unobtrusive color. Color sample shall be submitted and approved by the Board at

the time the Applicant applies for a Special Use Permit under this Ordinance.

**E. *Turbine Consistency***

To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. All turbines shall rotate in the same direction.

**F. *Compliance with the Federal Aviation Administration***

The WECS in the WECS Project shall comply with all applicable FAA requirements and submit documentation evidencing compliance with all applicable FAA requirements.

**G. *Lighting***

Projects shall utilize minimal lighting. No exterior tower lighting other than normal security lighting shall be permitted except as may be required by the FAA. All WECS Projects are required to use ADLS (aircraft detection lighting system) or equivalent system to reduce the impact of nighttime lighting on nearby residents, communities and migratory birds in accordance with the FAA Advisory circular: 70/7460-IL section 14.1. In the event lighting is required by the FAA, any outage of said lighting due to power outage or storms, must be reported to the FAA, as in a NOTAM (Notice to Airman).

**H. *Warnings***

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
3. No wind turbine generator tower or anemometer tower or site shall include any advertising sign, but logos of the Owner or Operator or the wind turbine generator manufacturer shall not be considered “advertising” for the purpose of this Ordinance.
4. At each entrance of a WECS Tower per Ford County ESTB regulations Owner/Operator shall place an eight-foot, six-inch (8’ 6”) above-ground galvanized post and shall include a blue sign with three-inch (3”) letters and/or numbers in white. The sign/plate shall be eight inches by eighteen inches (8” x 18”) and shall be maintained and visible at all times and shall be in compliance with current highway sign standards.
5. Warning signs identifying underground wire locations shall be placed and maintained at all road crossings.

**I. *Climb Prevention***

All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:

- A. Fences with locking portals at least six feet high; or
- B. Anti-climbing devices 12 feet vertically from the base of the WECS Tower; or
- C. Locked doors and interior ladders.

**J. *Height***

WECS Tower Tip Height shall not exceed five hundred - ( 500) feet.

**K. *Blade Clearance***

The minimum distance between the ground and any protruding blades(s) utilized on a WECS shall be fifty (50) feet, as measured at the lowest point of the arc of the blades.

**L. *Setbacks***

1. From property lines upon which a primary structure is located, all WECS Towers shall be set back a distance of ) not less than two thousand, two hundred fifty (2,250) feet as follows: For non-participating landowners, the distance will be measured in a straight line from the center of the WECS Tower Foundation to the nearest point of the property line of the non-participating owner's property. Participating and non-participating property owners may waive this setback requirement, but in no instances shall a WECS tower be located closer than one thousand (1,000) feet, as measured from the center of the WECS Tower Foundation to the nearest point of a Primary Structure existing at the time of the execution of the waiver.
2. All WECS Towers shall be set back a distance of at least two and sixty-four hundredths (2.64) times the WECS Tower Tip Height or one thousand – three hundred and twenty feet (1320') whichever is greater from adjacent non-participating property lines without a primary structure, established as of the date of approval of the special use permit, unless waived in writing by the affected adjacent property owner(s). Distance shall be measured from such adjacent property line to the center of the WECS Tower foundation.
3. No WECS Tower shall be sited within one- and one-half miles of the corporate limits of any incorporated municipality without waiver of this restriction being executed by the governing body of that municipality.



4. All WECS Towers shall be set back a distance of one- and one-half miles (1.5) from the legally established boundaries, as of the date of approval of the special use permit, of any municipality which enforces its own government. Distance shall be measured from the closest municipal boundary line to the center of the WECS Tower foundation.
5. All WECS Towers shall be set back a distance of at least one and one tenth (1.10) times the WECS Tower Tip Height from the nearest above-ground third party transmission lines, telephone lines and communication towers, in existence as of the date of approval of the special use permit, unless waived in writing by the affected property owner(s) and utility company. Distance shall be measured from the center of the WECS Tower foundation to the closest point on such above-ground public electric power line, third party transmission line, telephone line and center of the base of the communication tower.
6. All WECS Towers shall be set back a distance of at least one and one tenth (1.10) times the WECS Tower Tip Height from the nearest edge of the existing Right of Way of public roads as of the date of approval of the special use permit. Distance shall be measured from the center of the WECS Tower foundation to the nearest edge of the road Right of Way of such public road in existence as of the date of approval of the special use permit. The Township Road Commissioner or County Highway Engineer may waive this setback requirement as to roads within their respective jurisdictions.
7. The Applicant does need to obtain a variance or other approval from the County upon written waiver by the applicable State, County, Township, utility company or property owner(s) of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be filed with the application and be recorded within thirty (30) days as part of the chain of title in the deed of the subject property.

**M. *Drainage Repair***

The Owner or Operator will repair waterways, drainage ditches, field tiles, or any other infrastructures damaged by the Applicant, Owner or Operator during construction and maintenance phases- within fourteen (14) days of notification, field conditions permitting or obtaining knowledge of the fact that Applicant, Owner/Operator caused such damage. For non-participating landowners, any damages to drainage caused by owner/operator will be at the expense of the project owner for the lifetime of the project.

**N. *Pre and Post Well Inspections***

A pre-construction well water test within one mile of the project will be done by the WECS Tower company/operator/owner through the Ford County Health Dept. If within the first year after Commencement of operation any well shows

noticeable fluctuation or changes in quality of water, it shall be considered an emergency situation and the Wind Company shall provide clean water to the affected homes during the investigation and repair.

**O. *Property Values:***

A property value impact study shall be performed by a qualified real estate appraiser to determine the effects on property and home values in the surrounding areas. The subsection shall include the qualifications of the individual and company that completed the study. The study shall include, but not limited to:

- A.** Information regarding the existing property and home values within a distance of 1 mile of the WECS project. The information should be based upon a survey of property values based on transactions occurring within the past five years. Where transaction data is unavailable, tax assessments shall be used provided they are adjusted to account for local differences between market values and assessed values;
- B.** An analysis of the proposed facility's impact on property values within the distances identified in this section; and
- C.** A description and analysis of factors relating to the proposed site that may impact property values in the area along with a description of the design features and operating procedures that will be used to minimize that impact on property values if any.

**P. *Compliance with Additional Regulations***

Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.

**Q. *Use of Public Roads***

An Applicant, Owner, or Operator proposing to use any county, municipality, township or village road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of WECS(s) or Substations(s), shall, prior to the issuance of construction permits:

- A.** Identify all such public roads; and
- B.** Identify all agencies involved; and
- C.** Complete a Road Use Agreement: enter into legal agreement concerning road upgrade and maintenance with each of the affected jurisdictions; and
- D.** Obtain applicable weight and size permits from relevant government agencies prior to construction and/or maintenance activities.

- E. Conduct a pre-construction or pre-maintenance baseline survey to determine existing road conditions and Right of Way for assessing potential future damage; and
- F. Expectations of the Road Authority when road reconstruction is involved.
- G. Easement on private property will be the sole responsibility of the applicant, owner or operator.
- H. Outline of time schedule including any and all provisions of the Ford County Engineer approval.
- I. Outline any and all permits required for entrance off the Road Authority Roads.
- J. Secure Financial Assurance, in a reasonable amount agreed to by the Ford County Highway Engineer and Road Authority for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS.
- K. Reasonable dust control measures as determined in the sole discretion of the Board, the Ford County Highway Engineer and/or the Township Road Commissioner shall be required during construction of the WECS.

***R. Term***

Notwithstanding any other provisions of the Ford County Zoning Ordinance, a special use permit for a WECS shall be effective and may be relied upon so long as construction of the WECS is commenced within 36 months from date of approval of the special use permits associated with the WECS Project. If updated studies are in compliance with the current Ford County Zoning Ordinance Appendix A, a single one-year extension may be granted by the Board approval without further ZBA public hearing.

**VII. OPERATION**

***A. Maintenance***

- 1. The owner or Operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the above annual summary, the Owner or Operator must furnish such operation and maintenance reports as the County reasonably requests.
- 2. It being understood that nothing in this Section VII. shall be construed as to require any Owner or Operator of the WECS to violate any non-disclosure or confidentiality covenant that the Owner or Operator may have with any of (i) equipment supplier(s), (ii) the purchasers of electricity and/or environmental attributes

from the WECS, or (iii) any debt or equity financier of the WECS.

3. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section VI(A)(1) of this Ordinance from the original third-party certifying entity of the WECS (ie: NV, GL, UL, etc.). Then the Owner or Operator of the WECS shall obtain such recertification. Like-kind replacements shall not require recertification. Prior to making any physical modification (other than a like-kind replacement), the Owner or Operator shall confer with a relevant third- party certifying entity identified in Section VI(A)(1) of this Ordinance to determine whether the physical modification require re-certification.
4. Any variation to foundations and/or tower structures from the approved Special Use Permit with the exception of like-kind replacement constitutes a new project and a new Special Use Permit procedure.

### ***B. Interference.***

1. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary, a pre-construction baseline study of all properties within a 5-mile radius of all WECS in the WECS Project, and site plan, as set forth in Section V(B)(1) and V(B)(3) of this Ordinance. The baseline study shall include radio communication services (commercial stations as well as emergency county communications), television (satellite and over the air antenna reception), and internet reception. The baseline study shall be paid for by the applicant and approved by the Board. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant shall take measures to mitigate and eliminate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above- mentioned interference, or any other type of interference with the regulated airwaves, the Owner or Operator shall take all steps required to mitigate and eliminate such complaint being brought to the Board. All interference issues must first be taken to the Owner or Operator for consideration before The Owner or Operator shall respond to the complaint within thirty (30) days.(Refer to Section XV Remedies contained herein)
2. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with radio communication services or any other regulated airwave (commercial stations as well as emergency county

communications), local broadcast, residential television (satellite and over the air antenna reception), and internet reception, the Owner or Operator shall respond to the complaint within thirty (30) days--and provide a copy of its response to the Ford County Zoning Officer (Refer to Section XV Remedies contained herein)

**C. *Coordination with Local Fire Department***

1. Prior to commencement of construction, the Applicant, Owner or Operator shall submit to the local fire department(s) a copy of the site plan.
2. Prior to the issuance of construction permits, the Owner or Operator shall cooperate with the local fire department to develop and implement a fire protection plan in coordination with local emergency response authorities to ensure that all the appropriate emergency services agencies are cognizant of actions required in the event of a fire or other emergency at the WECS Project. The Owner or Operator shall be responsible for any on site emergencies and any costs incurred related to their WECS Project. In addition, the Owner or Operator of the WECS Project shall provide training for, and the necessary equipment to, local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the WECS Project. Proof of training shall be provided and paid for by the Applicant.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

**D. *Materials Handling, Storage and Disposal***

1. At the expense of the Owner/Operator all wastes related to the construction, operation and maintenance of the WECS in the WECS Project shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. At the expense of the Owner/Operator all hazardous materials related to the construction, operation and maintenance of the WECS in the WECS Project shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

**E. *Production Reporting***

The Owner/Operator shall notify the Board in writing of the date of commencement of commercial operation. Once the WECS Project is operational, the Owner or Operator shall provide quarterly production reports (January 15, April 15, and October 15 of each

year) to the County Board for each turbine. If a turbine is considered non producing electricity for 6 (six) months, the Owner or Operator must provide a remedy to get the turbine back in working order within six (6) months. The applicant shall update the Board on the progress of this issue every thirty (30) days. The Board, in its sole discretion, may grant an extension to the six (6) month deadline. The Board shall be notified in writing of any turbine that has not generated power for a six (6) month period and an explanation why. When a minimum of 50% of the WECS turbines have not been producing electricity for 6 (six) months, the Board can declare a WECS Project to be decommissioned. When a project is decommissioned, all WECS shall be removed.(This requirement may NOT be waived.);

### **VIII. NOISE LEVELS**

Noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant, through the use of a qualified acoustic professional, as part of the special use application process, shall appropriately demonstrate compliance with the above noise requirements. This will be presented as a graph (plot) of physical distance and db contour mapplot at one-foot intervals. The cost of this is paid for by the applicant no noise levels shall exceed IPCB regulations at the property line of a primary structure and shall not exceed 40 Laeq at a primary structure, between the hours of nine P.M. (9:00 P.M.) and six A.M. (6:00 A.M.). The non-participating property owner may waive this requirement. When a resident sends a written complaint to the Board and explaining their noise related problem and is deemed relevant as stated in VIII - Noise Levels above an acoustic engineer firm licensed in the state of Illinois shall be hired by the County to conduct acoustic sound studies. This study shall be paid for by the owner of the WECS facility to determine compliance. A written complaint to the Board that is deemed credible by the Board shall refer to XV. Remedies.

If noise exceeds IPCB noise levels measured from a non-participating landowner's property line or low frequency levels above 40 Laeq according to WHO standards for rural nighttime noise levels found at any structure during nighttime hours, then:

- A.** The participating landowner where nuisance turbine is located is notified of the non-compliance.
- B.** Owner/Operator shall be required to shut down the problem turbine(s).
- C.** If after fifteen (15) days following the complaint, the problem is not resolved the county shall refer to the State's Attorney for enforcement under "Remedies".
- D.** If a resolution cannot be met, the turbine(s) in question must be

turned off during the time period that the turbine is in default. If the problem is not resolved in sixty (60) days, the County has the authority to decommission said turbine(s) at the WECS Owner's expense.

#### **IX. SHADOW FLICKER**

With the use of shadow mitigation technology, there shall be zero hours per year of shadow flicker allowed on a non-participating landowner's primary Structure. The non-participant landowner and/or participant may waive this requirement. If the shadow flicker is present, said turbine(s) will be shut down during periods where shadow flicker encroaches onto a non-participating landowner's primary structure. Shadow mitigation Technology shall be used on all non-participating areas determined as modeling dictates. After receiving a written complaint to the Board; refer to the Dispute Section.

#### **X. BIRDS, BATS AND WILDLIFE**

The Applicant, through the use of a qualified professional at their expense, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the special use application process, to determine impact of the installation of WECS(s) will have on birds, bats and wildlife. A copy of said study shall be provided to the County and the Ford County Soil and Water Conservation with the Special Use Application. The Applicant must take action to mitigate such adverse impacts on habitat and migration. Prior to the substantial completion of the physical aerial erection of the wind turbines, the Applicant shall develop the reasonable satisfaction of the Illinois Department of Natural Resources ("IDNR") and the United States Fish and Wildlife Service ("USFWS") (to the extent the IDNR and the USFWS choose to participate in the process), a professional monitoring program of reasonable duration and scope, consistent with common practice in the wind power industry, to assess a migratory bird mortalities resulting from the operation of the WECS Project. The monitoring program shall be undertaken at the Owner's expense and shall be performed at the direction of a qualified independent professional to be mutually agreed upon by the aforesaid parties in good faith. Such monitoring program shall commence upon the substantial completion of the physical aerial erection of the wind turbine generators, unless otherwise mutually agreed to by the Applicant, IDNR and USFWS (to the extent the IDNR and the USFWS choose to participate in the process). If the results of the monitoring program demonstrate the need, the Applicant of the WECS Project shall work with IDNR and USFWS (to the extent the IDNR and the USFWS each, respectively, choose to participate) to develop an appropriate response, including the potential further study and implementation of practicable mitigation measures that may either directly or indirectly minimize migratory bird mortality or increase bird populations. The Applicant shall review and consider and shall decide to follow the guidelines suggested by the Illinois Department of Natural Resources ("IDNR") and United States Fish and Wildlife Services ("USFWS") Endangered Species Consultation Program. All WECS towers shall be set back

at least one and one-half (1.5) miles from any identified active eagle's nest. Special consideration shall be given to NRI and LESA reports when citing turbines.

## **XI. PUBLIC PARTICIPATION**

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation in the County's consideration of the special use application.

## **XII. LIABILITY INSURANCE AND INDEMNIFICATION**

- A.** Commencing with the issuance of Special Use Application, the Applicant, Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence and ten million (\$10,000,000.00) in the aggregate. Such insurance may be provided, pursuant to a plan of self-insurance, by a party with a net worth of \$50 million or more. The County shall be named as an additional insured with the designation of primary and non-contributory on the policy to the extent the County is entitled to indemnification in accordance with Section XII.B. Workman's Compensation on all employees shall be maintained. Owner/Operator shall maintain and provide a copy of Certificate of Liability Insurance yearly and file with the County.
- B.** Applicant, Owner or Operators shall defend, indemnify and hold harmless the County and its officials, employees and agents (collectively and individually, the "Indemnified Parties") from and against any and all claim, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or in part out of the negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant, Owner or Operators selection, construction, operation and removal of the WECS in the WECS Project and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law. In the event of a lawsuit against the Board or the citizens of Ford County, if the courts deem it a frivolous lawsuit, the Applicant, owner/Operator of the WECS project suing shall be responsible for all the Ford County and private citizens legal fees. Venue for all disputes shall be in Ford County.



### **XIII. DECOMMISSIONING PLAN**

Prior to the issuance of Special Use Applications, Owner or Operator shall prepare a Decommissioning Plan and shall be financially responsible for implementation of the Decommissioning Plan, said plan shall include the following elements:

- A.** Description of the triggering events for decommissioning of the WECS Project, which shall include, but not be limited to any wind turbine generator and/or any equipment not being used or generating electricity for a continuous period of six months.
- B.** Removal of all above-ground structures, debris and cabling, and all physical material pertaining to the project improvements and provisions for the removal of underground foundations down to a depth of 5 feet below the soil surface and hauled to a certified concrete recycling facility. Access drives(lanes) may be left in place if the owner of the property waives the removal of such. Any waivers(including but not limited to setbacks, removal, etc.) between landowners and the Owner or Operator shall in no way cause the Board or Ford County employees to be liable in any way. Any waiver of any of the removal of such access drives shall run with the land and be recorded as part of the chain of title in the deed of the subject property. No WECS Tower shall be left standing, and all materials shall be handled and disposed of according to local, State and Federal Law.
- C.** Provisions for the restoration of the soil surface and vegetation to the same condition that existed immediately before construction of such improvements. Items required to be repaired after decommissioning are required but not limited to county and township roads, bridges and culverts. An independent professional engineer shall be present to ensure drainage tiles, waterways, culverts, etc. are repaired as work progresses for any county, and township properties. All storm water management, floodplain, and other surface water codes and ordinances shall be followed.
- D.** An estimate of the decommissioning costs and salvage value, certified by a Professional Engineer with expertise in decommissioning wind farms before approved by the Board, which shall be updated and submitted to the Ford County Zoning Enforcing Officer every two years; from the commencement of commercial operation.
- E.** Financial Assurance, secured by the Owner or Operator, for the purpose of adequately performing decommissioning, in an amount equal to 110% of the estimate set forth in paragraph D above. The costs associated with the Professional Engineer's certified estimate of the decommissioning costs shall be paid by the Applicant, Owner, or Operator, but in no instance shall it be paid by the County. Fifty

thousand dollars (\$50,000.00) cash per turbine shall be deposited in the cash escrow account within sixty (60) days of the Special Use Permit approval. Then every two (2) years at the time of the Engineers update, fifty thousand dollars (\$50,000.00) per turbine or twenty percent (20%) of the balance whichever is greater shall be deposited ~~in~~ into a cash escrow within sixty days (60) of the Board approval of the estimate and a certified letter is sent to the owner/operator. If the payment is not received, refer to Remedies Section XV. The balance of the estimate shall be secured in another acceptable financial assurance. The WECS Owner/Operator shall grant perfected security in the escrow account by the use of a control agreement establishing the county as owner of record pursuant to the secured transit article of the uniform code (810 ILCS 9ETSEQ). The estimate may include net savings from salvage value. The Financial Assurance shall not decrease over time, but may be increased by the County if necessary to cover the reviewed estimated cost every two years. The Financial Assurance instrument shall be in place before any construction permits are issued; an affidavit to the Ford County Zoning Officer representing that all easements for wind turbines shall contain terms that provide financial assurance, including access to the salvage value of the equipment, and for the property owners to ensure that the WECS and related improvements are properly decommissioned within six (6) months of abandonment or earlier termination of the wind project. After the six (6) month period, any turbines left standing will be deemed a health hazard. At this time all escrow funds will be utilized by the County which will have the right to remove the towers and access any related salvageable materials for the County to sell. Additionally, the County is not obligated to remove the concrete improvements which provide the structural base for the towers, this will be the sole responsibility of the property owner. Further, any costs exceeding the escrow funds relating to decommissioning, will become the sole responsibility of the property owner. If this money is not readily available, this will result in a Lien on the property until the remaining expense is paid in full.

- F.** Identification of and procedures for County access to Financial Assurances updated annually;
- G.** A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs; and
- H.** A provision that any authorized Ford County representative shall have access to the site, pursuant to reasonable written notice, to inspect, monitor and concur until the decommissioning process has been satisfactorily.

#### **XIV. DISPUTE RESOLUTION**

- A.** The Applicant's, Owner's or Operator's failure to materially comply with any of the above provisions shall constitute a default under this Ordinance.
- B.** The Applicant, Owner and Operator shall have up to sixty (60) days from receipt of written notice of the alleged default(s) to enter into negotiations with the affected party(ies), and to determine the reasonable actions to be taken to reach a mutual resolution. The agreed upon steps to resolution and anticipated timeline shall be shared with the Board in writing.
- C.** Based on the alleged default(s) and required actions to reach a resolution, the Board shall grant the Applicant, Owner or Operator a 30-day cure period, to implement said cure. If after the designated cure period: (i) the Applicant, Owner or Operator has not cured the alleged default, or (ii) the Board determines in its sole discretion, that the parties cannot resolve the alleged default(s) within the 30-day negotiation period, the existing County Ordinance provisions addressing the resolution of such default(s) shall govern. (See XV Remedies)

#### **XV. REMEDIES**

- A.** Any violation of this Ordinance shall be an offense punishable by fine not to exceed five hundred dollars (\$500). Each violation shall be a separate offense. Each day a violation occurs or continues shall be a separate offense. A court may set any appropriate per day fine for each day the infraction exists or until such infraction is remedied. It is the goal of the Ordinance to promote structural safety to protect the public, and the court in setting any appropriate fine shall consider the nature of the offense, the degree of public safety involved, the efforts of the County and responsible Owner or Applicant to resolve any infractions quickly and safely. It is the intent that any disputes between the parties be resolved promptly and where possible by informal discussion as outlined elsewhere in this Ordinance.
- B.** In the event of a failure to reasonably comply with Section XIII of this Ordinance, the Board may in their sole discretion refer their alleged violations to the State's Attorney of Ford County for enforcement under this section. The cure period of the alleged default(s). The cure period may be extended by the Board if a reasonable solution is provided for the default/complaint. If the Board grants an extension of the cure period, then the Applicant, Owner or Operator will provide an update on the progress towards resolution every 30 days to the Board; and/or
- C.** If any violation continues for an uninterrupted period of sixty (60) days, the Board may, in its sole discretion, revoke the Special Use Permit for the WECS Project in writing to the Applicant, Owner or Operator, which will trigger decommissioning of the project.

- D.** The Applicant Owner/Operator is liable for payment of cost and fees, including Attorney's fees related to enforcement of this section.

## **XVI. CONSTRUCTION PERMIT FEES**

Upon application for construction of each WECS Tower, payment of a fee for each generator in the WECS Project of fifty thousand dollars (\$50,000) for the first two (2) megawatts and an additional amount of ten thousand dollars (\$10,000) for each additional megawatt the generator is rated for or prorated portion thereof.

## **XVII. PUBLIC NUISANCE**

Any WECS declared to be unsafe by the Board by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure set forth in this Ordinance.

## **XVIII. SEVERANCE**

If any section, clause, or provision of the Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.