

XI

ORDINANCE

Solar Siting Ordinance for Henderson
County

This Ordinance shall amend the Henderson County Zoning Ordinance and be known, cited, and referred to as the Solar Siting Ordinance of Henderson County, and will become Section XV of the Henderson County Zoning Ordinance.

WHEREAS Henderson County, Illinois has been granted authority to regulate and restrict location and use of structures pursuant to 55 ILCS 5/5-12001 et. seq. and make rules and regulations (a) governing the construction and alteration of all buildings pursuant to 55 ILCS 5/5-1063,

NOW, THEREFORE, BE IT ORDAINED by the Henderson County Board as follows:

1. Purpose and Intent

- A. Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a jurisdiction's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar energy is generated.
- B. The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is something the Henderson County Board supports, but regulation is necessary to promote the public health, safety, morals, and general welfare.
- C. The ordinance aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefore.

2. Definitions

ACCESSORY STRUCTURE

A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto, and is located on the same lot or premises as the principal building.

ALTERNATIVE ENERGY SYSTEMS

Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEMS

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

COLLECTIVE SOLAR

Solar installations owned collectively through subdivision homeowner associations, college student groups, "adopt-a-solar-pane" programs, or other similar arrangements.

COMMERCIAL/LARGE SCALE SOLAR

Refers to a utility scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity.

CONCENTRATING SOLAR POWER (CPS)

A solar energy system that produces using heat from the sun (thermal energy) to drive utility-scale, electric turbines; and heating and cooling systems, which collect thermal energy to provide hot water and air conditioning.

DISTRIBUTED GENERATION

A solar energy system that produces using equipment is located on rooftops or ground-mounted arrays close to where the energy is used.

FLUSH MOUNTED SOLAR PANEL

Any type of solar panels, tiles or shingles, that are installed flush to the surface of a roof and which cannot be angled or raised.

FREE STANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.

INVERTER

An electronic device or circuitry that changes direct current (DC) to alternating current (AC).

NET METERING

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

PERMIT GRANTING AUTHORITY

The Henderson County Zoning Office will be charged with the authority of granting permits for the operation of solar energy systems within its jurisdiction.

PHOTOVOLTAIC (PV) SYSTEMS

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

QUALIFIED SOLAR INSTALLER

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

RECLAMATION BOND

A Reclamation Bond, also known as a Decommissioning Bond, is a type of performance surety bond. This type of surety bond is required by Henderson County prior to issuing permits for solar installations of all types. A reclamation bond provides a financial guarantee that the land being disturbed for the installation and operation of the solar installation, will be returned back to either its original state or an acceptable condition agreed upon by the land owner and the developer. Reclamation bond amounts are not standard. The amount required is usually based on a form of cost analysis used to determine the approximate cost to reclaim the land after the solar installation is decommissioned.

ROOFTOP OR BUILDING MOUNTED SOLAR SYSTEM

A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

SMALL SCALE SOLAR ENERGY SYSTEM

Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use onsite. However, the energy output may be delivered to a power grid to offset the cost of energy on site.

SOLAR ACCESS

Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR COLLECTOR

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation or transfer of stored heat.

SOLAR ENERGY EQUIPMENT/SYSTEM

Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy storage, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

SOLAR HEATING & COOLING (SHC)

A solar energy system that produces thermal (heat) energy for water & pool heating and space heating.

SOLAR PANEL

A device for the direct conversion of solar energy into electricity.

SOLAR STORAGE BATTERY

A device that stores energy from the sun and makes it available in an electrical form.

SOLAR STORAGE BATTERY CONTAINMENT

Spill containment for stationary battery systems, in compliance with all federal and state laws.

SOLAR THERMAL SYSTEMS

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

3. Applicability

- A. The requirements of this Ordinance shall apply to all Small Scale and Commercial/Large Scale solar energy systems modified or installed after the effective date of this Ordinance.
- B. Solar energy systems for which installation has commenced prior to the effective date of this Ordinance or that are less than 25 square feet shall not be required to meet the requirements of this Ordinance unless they are connected to the utility grid. If they are connected to the utility grid, the local utility company must be contacted for an inspection and the installation must be permitted by the utility.
- C. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and standards.
- D. All solar energy systems must have proof of liability insurance prior to the start of construction and show the coverage will continue through any decommissioning phase.

4. Permitting

- A. No solar energy system or device shall be installed or operated in the County of Henderson except in compliance with this Ordinance.
- B. To the extent practicable, the accommodation of solar energy systems and equipment and the protection of access to sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of the Henderson County Zoning Ordinance.
- C. Small scale solar energy systems shall be permitted in residential, business districts and agricultural/conservation districts.
- D. Commercial/Large scale solar energy systems shall be permitted as a conditional use in agricultural/conservation and industrial districts.

E. Small scale solar energy systems will be permitted subject to the following conditions:

- a. Devices must be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- b. The total height of the building including the solar collection devices shall comply with the height regulations of the zoning district.
- c. Roof mounted solar collectors shall be constructed so as not to obstruct solar access on neighboring properties.
- d. The setback requirements for ground mounted solar collectors shall meet all applicable setback requirements for an accessory structure within the zoning district.
- e. All solar collector installations must be performed by trained and qualified electrical professional. All installations must be in compliance with all applicable construction codes.
- f. All local electrical utility companies must be notified by the applicant prior to installation
- g. Any entity connecting to the public utility grid must contact the appropriate utility company, comply with their standards, and have a satisfactory inspection prior to becoming operational.
- h. Solar energy systems shall be maintained in good working order.
- i. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment by no later than 90 days after the twelve month period.
- j. Those facilities under 50 kW shall not use any hazardous materials, such as lead, mercury, or asbestos in the construction of the facility.

F. Utility scale solar energy systems will be permitted subject to the following conditions:

- a. A solar collection device or combination of devices will be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
- b. The total height of the building including the solar collection devices shall comply with the height regulations of the zoning district.
- c. In AC districts the solar collection system shall be incidental to the use of the farm.
- d. Installation of the solar collection system shall not adversely impact adjacent properties.
- e. All commercial/large scale solar collection devices shall register with the Regional Transmission Operator and shall submit a map noting the location of the solar collection devices and the panel disconnect.

- f. The developer must provide evidence of the physical control of the site to be developed as well as provide a land description of the ground that is being used. For the protection of the developer's property, a security fence must surround the property. The security fence shall be at least eight (8) feet high with a setback of at least a ten (10) feet. The security fence shall be a cyclone type or chain link type. The security fence shall follow the perimeter of the land description of the ground to be developed. Perimeters of the land description where waterways of any type interact, setbacks must be at least fifty (50) feet.
- g. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, or a structure listed by the Henderson County Historical Society. The setback requirements for ground mounted solar collectors shall meet all applicable setback requirements for an accessory structure in the zoning district.
- h. As part of the application process, plans for future decommissioning shall need to be established prior to a permit being issued.
- i. A lease agreement must be entered into by all commercial/large scale solar developers.
- j. All solar collector installations must be performed by trained and qualified electrical professional. All installations must be in compliance with all applicable construction codes.
- k. During the construction phase of a solar collector; roadways will likely be impacted by an increase in traffic from construction equipment; the developer will provide mediation of road usage, with local road officials.
- l. All local utility companies must be notified by the applicant prior to any site work.
- m. All applicants shall obtain a Reclamation Bond, also known as a Decommissioning Bond, equal to \$30,000.00 per megawatt of the solar collector. If a project will have battery storage or if battery storage is added later, an additional \$30,000.00 per megawatt shall be added to the bond. All Reclamation Bonds, also known as a Decommissioning Bond, must be obtained by firms licensed in the State of Illinois and must have a B+ rating by AM Best Company, Inc. All Reclamation Bonds must be issued to Henderson County. The Reclamation Bond, also known as a Decommissioning Bond will apply to the initial developer and all successors who occupy the property before the project is decommissioned and returned to original state or better.
- n. Solar energy systems shall be maintained in good working order.
- o. If after a period of two years, if a lease property has not been developed, the conditional use permit will be subject to review and upgraded to meet current ordinance standards.
- p. If a solar collector ceases to perform its originally intended function for more than 90 days, the developer shall remove the collector, mount, and associated equipment by no later than 90 days.

- q. The developer, upon deciding to decommission a solar collector, shall give a 90 days' notice to all involved parties prior to beginning the decommissioning work, in the form of a certified letter outlining their plans.
- r. The developer, upon completion of the decommissioning of a solar collector, shall return the land to a condition that it was before the installation of a solar collector, or better. The Henderson County Assessor's Office will determine the value of the land once decommissioning has been completed.
- s. A developer purposing to use any public roadway, for the purpose of transporting materials of any type used in the construction, operation or maintenance of a solar array must identify all public roadways, obtain applicable weight and size permits from the relevant government agencies prior to construction, conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage. A developer must create a pre-construction agreement with the appropriate highway authorities concerning the standard on which the road will be repaired after construction, maintenance purposed during the life of the solar site as well as during the decommissioning phase.

5. Fees

Solar Fee Schedule

System Size	One-Time Permit Fee
5-20 kW	\$150.00
21-50 kW	\$300.00
51-100 kW	\$500.00
101-500 kW	\$1,000.00
501-1 MW	\$3,000.00
Above 1 MW	\$3,000.00 + \$500.00 per MW

6. Validity

- a. This ordinance shall be a supplement to, and shall not nullify or usurp any state or federal law. This ordinance shall supersede any and all resolutions or ordinances that have been passed prior.
- b. If any section, paragraph, sentences, clause or other portion of this ordinance is held or deemed to be unenforceable or invalid, then such holdings or finding of unenforceability or invalidity shall not affect the validity of the remaining provisions of this ordinance
- c. This ordinance shall become effective immediately. Be it further ordained, that this ordinance be recorded in the permanent records of the Henderson County Board and published according to law.

PRESENTED and ADOPTED this 10 day of July A.D. 2018 by the Henderson County Board

Brasley Platt

HENDERSON COUNTY BOARD
CHAIRMAN

ATTEST:

Amanda Rousonelo

Clerk of the Henderson County Board

ZONING ORDINANCE

ARTICLE X

SITING OF WIND ENERGY CONVERSION SYSTEMS (WECS)

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I **PURPOSE:** Establish a permitting process for regulation of wind energy generation systems within Henderson County.

II **APPLICABILITY:**

A. This ordinance applies to all unincorporated land within the boundaries of Henderson County but outside the zoning jurisdiction of any municipality, including the 1.5 mile setback requirement surrounding the zoning jurisdiction of a municipality.

B. This ordinance governs the siting of WECS(s) and substations that generate electricity to be sold to wholesale or retail markets. Agricultural and residential wind generating systems are not covered by this Ordinance.

III **AUTHORITY:** This ordinance is adopted pursuant to authority granted counties by ILCS Chapter 55, Counties Section:

Section 5/5-1063	Building Construction, Alteration & Maintenance
Section 5/5/12020	Wind Farms
Section 5/1-6007	Review under the Administrative Review Law

IV **DEFINITIONS:**

'Applicant' - the entity or person who has submitted an application for siting of any WECS or substation per requirements in Section VI of this Ordinance

'Operator' - The entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.

'Owner' - The entity or entities with an equity interest in the WECS project including successors and assignees. Owner does not mean:

(a) The property owner from whom land is leased for locating the WECS, unless the property owner has an equity interest in the WECS.

(b) Any entity holding a security interest in the WECS solely as an investment or for the purpose of obtaining an extension of credit.

(c) A person foreclosing on such security interest in the WECS provided that after foreclosure, such person seeks to sell the WECS at the earliest practical date.

'Primary Structure'- A structure that one or more persons occupy as a home, schools, commercial buildings and churches. Excluded are agricultural buildings, garages, storage sheds and other building not normally occupied by people.

'Professional Engineer' - means a qualified individual who is licensed as a professional engineer in any state in the United States

'Substation' - any apparatus that connects the electrical collection system of the WECS(s) and increases voltage for connection with the utility's transmission lines.

'Total WECS Height' - the distance from the top surface of the WECS foundation to the tip of the rotor blade at its highest point.

'WECS Project' - One or more WECs and Substations as specified in the Siting Approval Application.

'WECS Tower' - the support structure to which the nacelle, generator and rotor are attached.

'Wind Energy Conversion System' (WECS) - all necessary devices that together convert wind energy into electricity, including the tower, generator, rotor, nacelle and electrical components, foundation, transformer and electrical cabling from the WECS to the Substation.

V **PROHIBITION:** No WECS or substation governed by Section III of the ordinance shall be constructed, erected, installed or located within Henderson County unless prior siting approval has been obtained for each individual WECS Project and Substation pursuant to this Ordinance.

VI **SITING APPROVAL APPLICATION PROCESS:** To obtain siting approval, the applicant must first submit a site approval application to the County Zoning Office. The site approval application shall contain or be accompanied by the following information:

A. WECS Project Summary , including, to the extent available:

1. A general description of the project, including its approximate total name plate generating capacity, equipment manufacturers name(s), types(s) of WECS, the number of generator systems, generating capacity of each, Total WECS height of individual towers, max diameter of the rotor blades and general location of the project.
2. Name(s) and/or description of the Applicant, Owner(s) and Operator(s), including their respective business structure and contact information. The contact information of the property owner(s) where the proposed WECS Project will be located is also required.
3. A site plan for the installation of the WECS(s) showing planned location of each generator tower, guyed wires and anchor base(s) (if any), property lines, identification of adjoining properties, setback lines, public and private access roads and turnout locations, substation(s), electrical cabling from the generator towers to the substation(s), ancillary equipment, third party transmission lines, field tile locations (if known) and layout of all Primary and non-Primary structures within the geographic boundaries of the project.
4. All required studies, reports, certification, and approvals demonstrating compliance with other requirements of this Ordinance.
5. Any other information normally required by the County as part of its Zoning Ordinance.

B. The Applicant shall notify the County of any changes to the information provided in the Section VI, subsection A that occur while the siting approval is pending.

C. **FEES:**

1. The application for a siting permit must be accompanied by a consideration fee in the amount of seventy-five (\$75.00), required for each wind turbine tower.
2. Upon approval of a siting permit by the Board, a fee of twenty-five (\$25.00) per vertical foot, measured from the base of the tower to the center of the rotor hub, is due upon issuance of the Notice of Construction by the Owner or Developer of the WECS, or upon the commencement of the construction of the wind energy system.
3. An agricultural or residential wind system are exempt from fees.

VII **DESIGN AND INSTALLATION:**

A. **Design Safety Certification:**

1. A Professional Engineer or Authorized Factory Representative shall certify that the construction and installation of the WECS project meet or exceeds the manufacturer's construction and installation standards.
2. WECS shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energies (GL),

or an equivalent third party.

3. Following the granting of siting approval under this Ordinance, a Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within acceptable professional standards, given the local soil and climate conditions for the site.

B. Controls and Brakes: All WECS units shall be equipped with manual and automatic controls and mechanical brakes to limit rotation of lades to a speed below the designed limits of the WECS. A Professional Engineer or Authorized Factory Representative must certify that the rotor and over speed control design and fabrication conforms to good engineering practice. No changes or alterations from certified design shall be permitted unless accompanied by A Professional Engineer's or Authorized Factory Representative's statement of certification.

C. Electrical Wiring and Components:

1. All electrical wires associated with a wind energy system, other than wires necessary to connect the generator to its base and to overhead collection lines, shall be located underground.

2. All electrical components of the WECS shall conform to all applicable local, state and national codes.

D. Color: Towers and blades shall be painted a neutral non-reflective unobtrusive color.

E. Lighting: No tower lighting, other than normal security lighting, shall be permitted. FAA safety lighting, as required, shall be constructed only in accordance with FAA regulations.

F. Compliance with the FAA: The application for the WECS shall comply with all applicable FAA requirements. It shall be the responsibility of the Applicant for the WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project including a determination of no significant impact on air navigation.

G. Warning Signs:

1. A visible warning sign stating 'High Voltage' must be placed at the base of all generator towers, pad mounted transformers, and substations. Signs shall also be placed at all points of site ingress.

2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guyed wires, at ground level, and on the guy wires to a minimum height of 15 feet from the ground.

H. Climb prevention: All WECS project towers or poles must be un-climbable by design or protected by devices such as:

1. Fences, at least six foot high, with locking portals.

2. Anti-climbing devices 12 feet vertically from the base of the WECS tower.

3. Anchor points for guyed wires supporting a tower shall be enclosed by a six foot high fence unless located within the confines of WECS that is completely fenced.

I. Setbacks:

1. All WECS towers shall be setback a minimum of 1,000 feet from any Primary Structure. The distance for this setback shall be measured from the closest point on the Primary Structures foundation to the center line of the closest WECS tower. The owner of the primary structure may waive this setback requirement but in no case shall a WECS tower be located closer to a Primary Structure than 1.10 times the Total WECS Height.

2. All WECS units shall be setback a distance of at least 1.10 times the Total WECS Height from public roads, third party transmission lines and communication towers.

3. All WECS towers shall be set back a distance of at least 1.10 times the Total WECS Height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.

4. The Applicant does not need to obtain a variance from the County upon issuance of a waiver by either the property owner on which a WECS project is to be located or an adjacent property owner.

5. A waiver of the above setback requirement shall be recorded as part of the chain of title in the deed of the subject property.

6. Spacing and density- Two or more WECS systems shall be separated by a minimum of 200 feet rotor tip clearance.

J. Height: The Total WECS Height must comply with all applicable FAA regulations.

K. Compliance with Additional Regulations: Nothing in this ordinance is intended to preempt other applicable State and Federal laws and requirements. It shall be the responsibility of the Applicant for the WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal/State regulations for the installation prior to the Henderson County Board granting a permit.

L. Use of Public Roads: Any Applicant, Owner or Operator proposing to use any county, village or township roads for the purpose of transporting WECS or substation parts and/or equipment for construction, operation or maintenance of the WECS(s) or Substation(s) shall, prior to issuance of a use permit:

1. Identify all such public roads and obtain the necessary weight and size permits from the respective governmental bodies.

2. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damages.

3. Secure financial assurance, in a reasonable amount agreed to by the relevant parties for the purpose of repairing any damage to public roads caused by construction, operating or

ongoing long term maintenance of the WECS.

4. Any road damage caused by the transport of the facilities equipment, installation, maintenance, or removal, must be completely repaired to the satisfaction of the respective governing body.

M. Treatment of Existing Drainage Tile:

1. It shall be the responsibility of the WECS Owner and/or Applicant and land owner to identify known existing drainage tile locations. A plan sufficient to provide remediation shall be approved by the property owner.

2. All existing drainage tiles that will be crossed on public and private access roads shall be removed and replaced with a load resistant tile as specified by the County Engineer. The replacement tile must be installed before the public and private access road is used for construction purposes. The load bearing tile shall extend a minimum of 15 feet each way laterally from the center line of the road and shall be of the same diameter of the existing tile.

VIII OPERATION AND MAINTENANCE:

A. It is the responsibility of the owner of the WECS to contact the FAA and FCC and obtain any and all necessary permits to be in compliance.

B. Annual Inspection: Every WECS project must be inspected annually by an Authorized Factory Representative to certify that is in good working condition and is not a hazard to the public. A copy of said annual inspection must be filed with the Henderson County Zoning Office within fifteen (15) days after the inspection report is received by the project owner or operator.

C. Interference:

1. If the Applicant determines that the WECS project causes interference with microwave transmissions, residential television or radio reception, the WECS owner must take commercially reasonable steps to correct the problem. Evidence that the Applicant has determined that no such interference will occur or that interference has been corrected must be presented before the Zoning Board of Appeals.

2. The Applicant shall provide the applicable microwave transmission providers and local emergency service responders (911) copies of the project summary and site plan. To the extent that the above providers demonstrate a likelihood of interference with it communications resulting from the WECS(s), the Applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above mentioned, the Owner or Operator shall take reasonable steps to respond to the complaint.

3. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take reasonable steps to respond to the complaint.

C. Materials Handling, Storage and Disposal:

1. All solid waste related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local law.
2. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable federal, state and local laws.

D. Coordination with Local Emergency Management and Fire Departments:

1. The Applicant shall submit a copy of the site plan to the Henderson County Emergency Services and Disaster Director and fire departments in Biggsville, Gladstone and Oquawka, IL.
2. If requested by local fire departments, the Applicant shall cooperate in development of an emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

IX NOISE LEVELS: Noise levels shall be in compliance with applicable Illinois Pollution Control Board rules and regulations. The applicant, through the use of a qualified professional, shall demonstrate compliance with applicable noise requirements.

X BIRDS: An avian habitat study shall be conducted by a qualified third-party professional, such as an ornithologist or wildlife biologist, to determine if the installation of the WECS will have a substantial adverse impact on birds. The study shall be submitted with the Site Approval application.

XI PUBLIC NOTICE:

1. Nothing in this Ordinance is meant to augment or diminish existing opportunities for public input.
2. A notice of the intent to construct a WECS Project shall be advertised in local newspapers frequently subscribed to within Henderson County. The advertisement must be placed in the newspapers at least thirty (30) days prior to County approval of the Siting permit.

XII LIABILITY INSURANCE: The WECS project Owner shall maintain a current insurance policy to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of permit approval.

XIII DECOMMISSIONING PLAN: The WECS project must contain a decommissioning plan to ensure it is properly decommissioned upon the end of the useful project life or facility abandonment. For the purpose of this section, 'facility abandonment' shall mean the ceasing of operations for a period of not less than one (1) year. Decommissioning shall include:

1. Removal of all structures including transmission equipment, fencing, debris and the foundation to a depth of four (4) feet below ground line.

2. Restoration of the soil and vegetation within (6) months of the end of the project life or facility abandonment.
3. The decommissioning plan shall state how the facility will be decommissioned, a professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County which states:
 - (a) Financial resources for decommissioning which shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the County Board.
 - (b) If the Applicant chooses an escrow agreement the written agreement will be prepared, establishing upon what condition the funds will be disbursed. The County shall have access to the escrow account funds for the express purpose of completing decommissioning if not completed by the applicant within (6) months of the end of the project life or facility abandonment.
4. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
5. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have and interest, for the amount of the excess, and to take all steps allowed to enforce said lien.
6. The financial provisions of this Ordinance shall not be so onerous as to make WECS projects unfeasible.

XIV PROBLEM RESOLUTION:

1. The Applicants, Owners, or Operators failure to materially comply with any of the above provisions shall constitute a default under this ordinance.
2. Prior to implementation of the existing County procedures for resolution of such default(s), the Zoning Office shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed (60) days, for good faith negotiations to resolve the alleged default(s).
3. If the County determines, at its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern.

This ORDINANCE is hereby enacted this _____ day of _____ 2010.

Marty Lafary
Henderson County Board Chairman

Marcella Cisna
Henderson County Clerk

ZONING ORDINANCE

ARTICLE X

SITING OF WIND ENERGY CONVERSION SYSTEMS (WECS)

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I **PURPOSE:** Establish a permitting process for regulation of wind energy generation systems within Henderson County.

II **APPLICABILITY:**

A. This ordinance applies to all unincorporated land within the boundaries of Henderson County but outside the zoning jurisdiction of any municipality, including the 1.5 mile setback requirement surrounding the zoning jurisdiction of a municipality.

B. This ordinance governs the siting of WECS(s) and substations that generate electricity to be sold to wholesale or retail markets. Agricultural and residential wind generating systems are not covered by this Ordinance.

III **AUTHORITY:** This ordinance is adopted pursuant to authority granted counties by ILCS Chapter 55, Counties Section:

Section 5/5-1063	Building Construction, Alteration & Maintenance
Section 5/5/12020	Wind Farms
Section 5/1-6007	Review under the Administrative Review Law

IV **DEFINITIONS:**

'**Applicant**' - the entity or person who has submitted an application for siting of any WECS or substation per requirements in Section VI of this Ordinance

'**Operator**' - The entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.

'**Owner**' - The entity or entities with an equity interest in the WECS project including successors and assignees. Owner does not mean:

(a) The property owner from whom land is leased for locating the WECS, unless the property owner has an equity interest in the WECS.

(b) Any entity holding a security interest in the WECS solely as an investment or for the purpose of obtaining an extension of credit.

(c) A person foreclosing on such security interest in the WECS provided that after foreclosure, such person seeks to sell the WECS at the earliest practical date.

'**Primary Structure**' - A structure that one or more persons occupy as a home, schools, commercial buildings and churches. Excluded are agricultural buildings, garages, storage sheds and other building not normally occupied by people.

'**Professional Engineer**' - means a qualified individual who is licensed as a professional engineer in any state in the United States

'**Substation**' - any apparatus that connects the electrical collection system of the WECS(s) and increases voltage for connection with the utility's transmission lines.

'**Total WECS Height**' - the distance from the top surface of the WECS foundation to the tip of the rotor blade at its highest point.

'**WECS Project**' - One or more WECS and Substations as specified in the Siting Approval Application.

'**WECS Tower**' - the support structure to which the nacelle, generator and rotor are attached.

'**Wind Energy Conversion System**' (WECS) - all necessary devices that together convert wind energy into electricity, including the tower, generator, rotor, nacelle and electrical components, foundation, transformer and electrical cabling from the WECS to the Substation.

V **PROHIBITION:** No WECS or substation governed by Section III of the ordinance shall be constructed, erected, installed or located within Henderson County unless prior siting approval has been obtained for each individual WECS Project and Substation pursuant to this Ordinance.

VI **SITING APPROVAL APPLICATION PROCESS:** To obtain siting approval, the applicant must first submit a site approval application to the County Zoning Office. The site approval application shall contain or be accompanied by the following information:

A. WECS Project Summary , including, to the extent available:

1. A general description of the project, including its approximate total name plate generating capacity, equipment manufacturers name(s), types(s) of WECS, the number of generator systems, generating capacity of each, Total WECS height of individual towers, max diameter of the rotor blades and general location of the project.
2. Name(s) and/or description of the Applicant, Owner(s) and Operator(s), including their respective business structure and contact information. The contact information of the property owner(s) where the proposed WECS Project will be located is also required.
3. A site plan for the installation of the WECS(s) showing planned location of each generator tower, guyed wires and anchor base(s) (if any), property lines, identification of adjoining properties, setback lines, public and private access roads and turnout locations, substation(s), electrical cabling from the generator towers to the substation(s), ancillary equipment, third party transmission lines, field tile locations (if known) and layout of all Primary and non-Primary structures within the geographic boundaries of the project.
4. All required studies, reports, certification, and approvals demonstrating compliance with other requirements of this Ordinance.
5. Any other information normally required by the County as part of its Zoning Ordinance.

B. The Applicant shall notify the County of any changes to the information provided in the Section VI, subsection A that occur while the siting approval is pending.

C. FEES:

1. The application for a siting permit must be accompanied by a consideration fee in the amount of seventy-five (\$75.00), required for each wind turbine tower.
2. Upon approval of a siting permit by the Board, a fee of twenty-five (\$25.00) per vertical foot, measured from the base of the tower to the center of the rotor hub, is due upon issuance of the Notice of Construction by the Owner or Developer of the WECS, or upon the commencement of the construction of the wind energy system.
3. An agricultural or residential wind system are exempt from fees.

VII DESIGN AND INSTALLATION:

A. Design Safety Certification:

1. A Professional Engineer or Authorized Factory Representative shall certify that the construction and installation of the WECS project meet or exceeds the manufacturer's construction and installation standards.
2. WECS shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energies (GL),

or an equivalent third party.

3. Following the granting of siting approval under this Ordinance, a Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within acceptable professional standards, given the local soil and climate conditions for the site.

B. Controls and Brakes: All WECS units shall be equipped with manual and automatic controls and mechanical brakes to limit rotation of blades to a speed below the designed limits of the WECS. A Professional Engineer or Authorized Factory Representative must certify that the rotor and over speed control design and fabrication conforms to good engineering practice. No changes or alterations from certified design shall be permitted unless accompanied by A Professional Engineer's or Authorized Factory Representative's statement of certification.

C. Electrical Wiring and Components:

1. All electrical wires associated with a wind energy system, other than wires necessary to connect the generator to its base and to overhead collection lines, shall be located underground.

2. All electrical components of the WECS shall conform to all applicable local, state and national codes.

D. Color: Towers and blades shall be painted a neutral non-reflective unobtrusive color.

E. Lighting: No tower lighting, other than normal security lighting, shall be permitted. FAA safety lighting, as required, shall be constructed only in accordance with FAA regulations.

F. Compliance with the FAA: The application for the WECS shall comply with all applicable FAA requirements. It shall be the responsibility of the Applicant for the WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project including a determination of no significant impact on air navigation.

G. Warning Signs:

1. A visible warning sign stating 'High Voltage' must be placed at the base of all generator towers, pad mounted transformers, and substations. Signs shall also be placed at all points of site ingress.

2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guyed wires, at ground level, and on the guy wires to a minimum height of 15 feet from the ground.

H. Climb prevention: All WECS project towers or poles must be un-climbable by design or protected by devices such as:

1. Fences, at least six foot high, with locking portals.

2. Anti-climbing devices 12 feet vertically from the base of the WECS tower.

3. Anchor points for guyed wires supporting a tower shall be enclosed by a six foot high fence unless located within the confines of WECS that is completely fenced.

I. Setbacks:

1. All WECS towers shall be setback a minimum of 1,000 feet from any Primary Structure. The distance for this setback shall be measured from the closest point on the Primary Structures foundation to the center line of the closest WECS tower. The owner of the primary structure may waive this setback requirement but in no case shall a WECS tower be located closer to a Primary Structure than 1.10 times the Total WECS Height.

2. All WECS units shall be setback a distance of at least 1.10 times the Total WECS Height from public roads, third party transmission lines and communication towers.

3. All WECS towers shall be set back a distance of at least 1.10 times the Total WECS Height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.

4. The Applicant does not need to obtain a variance from the County upon issuance of a waiver by either the property owner on which a WECS project is to be located or an adjacent property owner.

5. A waiver of the above setback requirement shall be recorded as part of the chain of title in the deed of the subject property.

6. Spacing and density- Two or more WECS systems shall be separated by a minimum of 200 feet rotor tip clearance.

J. Height: The Total WECS Height must comply with all applicable FAA regulations.

K. Compliance with Additional Regulations: Nothing in this ordinance is intended to preempt other applicable State and Federal laws and requirements. It shall be the responsibility of the Applicant for the WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal/State regulations for the installation prior to the Henderson County Board granting a permit.

L. Use of Public Roads: Any Applicant, Owner or Operator proposing to use any county, village or township roads for the purpose of transporting WECS or substation parts and/or equipment for construction, operation or maintenance of the WECS(s) or Substation(s) shall, prior to issuance of a use permit:

1. Identify all such public roads and obtain the necessary weight and size permits from the respective governmental bodies.

2. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damages.

3. Secure financial assurance, in a reasonable amount agreed to by the relevant parties for the purpose of repairing any damage to public roads caused by construction, operating or

ongoing long term maintenance of the WECS.

4. Any road damage caused by the transport of the facilities equipment, installation, maintenance, or removal, must be completely repaired to the satisfaction of the respective governing body.

M. Treatment of Existing Drainage Tile:

1. It shall be the responsibility of the WECS Owner and/or Applicant and land owner to identify known existing drainage tile locations. A plan sufficient to provide remediation shall be approved by the property owner.

2. All existing drainage tiles that will be crossed on public and private access roads shall be removed and replaced with a load resistant tile as specified by the County Engineer. The replacement tile must be installed before the public and private access road is used for construction purposes. The load bearing tile shall extend a minimum of 15 feet each way laterally from the center line of the road and shall be of the same diameter of the existing tile.

VIII OPERATION AND MAINTENANCE:

A. It is the responsibility of the owner of the WECS to contact the FAA and FCC and obtain any and all necessary permits to be in compliance.

B. Annual Inspection: Every WECS project must be inspected annually by an Authorized Factory Representative to certify that is in good working condition and is not a hazard to the

public. A copy of said annual inspection must be filed with the Henderson County Zoning Office within fifteen (15) days after the inspection report is received by the project owner or operator.

C. Interference:

1. If the Applicant determines that the WECS project causes interference with microwave transmissions, residential television or radio reception, the WECS owner must take commercially reasonable steps to correct the problem. Evidence that the Applicant has determined that no such interference will occur or that interference has been corrected must be presented before the Zoning Board of Appeals.

2. The Applicant shall provide the applicable microwave transmission providers and local emergency service responders (911) copies of the project summary and site plan. To the extent that the above providers demonstrate a likelihood of interference with it communications resulting from the WECS(s), the Applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above mentioned, the Owner or Operator shall take reasonable steps to respond to the complaint.

3. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take reasonable steps to respond to the complaint.

C. Materials Handling, Storage and Disposal:

1. All solid waste related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local law.
2. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable federal, state and local laws.

D. Coordination with Local Emergency Management and Fire Departments:

1. The Applicant shall submit a copy of the site plan to the Henderson County Emergency Services and Disaster Director and fire departments in Biggsville, Gladstone, Oquawka, MST (Media, Stronghurst & Terre Haute), Raritan & Lomax, IL.
2. If requested by local fire departments, the Applicant shall cooperate in development of an emergency response plan.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

IX NOISE LEVELS: Noise levels shall be in compliance with applicable Illinois Pollution Control Board rules and regulations. The applicant, through the use of a qualified professional, shall demonstrate compliance with applicable noise requirements.

X BIRDS: An avian habitat study shall be conducted by a qualified third-party professional, such as an ornithologist or wildlife biologist, to determine if the installation of the WECS will have a substantial adverse impact on birds. The study shall be submitted with the Site Approval application.

XI PUBLIC NOTICE:

1. Nothing in this Ordinance is meant to augment or diminish existing opportunities for public input.
2. A notice of the intent to construct a WECS Project shall be advertised in local newspapers frequently subscribed to within Henderson County. The advertisement must be placed in the newspapers at least thirty (30) days prior to County approval of the Siting permit.

XII LIABILITY INSURANCE: The WECS project Owner shall maintain a current insurance policy to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of permit approval.

XIII DECOMMISSIONING PLAN: The WECS project must contain a decommissioning plan to ensure it is properly decommissioned upon the end of the useful project life or facility abandonment. For the purpose of this section, 'facility abandonment' shall mean the ceasing of operations for a period of not less than one (1) year. Decommissioning shall include:

1. Removal of all structures including transmission equipment, fencing, debris and the foundation to a depth of four (4) feet below ground line.

2. Restoration of the soil and vegetation within (6) months of the end of the project life or facility abandonment.
3. The decommissioning plan shall state how the facility will be decommissioned, a professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County which states:
 - (a) Financial resources for decommissioning which shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the County Board.
 - (b) If the Applicant chooses an escrow agreement the written agreement will be prepared, establishing upon what condition the funds will be disbursed. The County shall have access to the escrow account funds for the express purpose of completing decommissioning if not completed by the applicant within (6) months of the end of the project life or facility abandonment.
4. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
5. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed to enforce said lien.
6. The financial provisions of this Ordinance shall not be so onerous as to make WECS projects unfeasible.

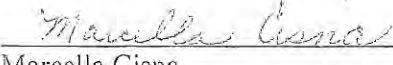
XIV PROBLEM RESOLUTION:

1. The Applicants, Owners, or Operators failure to materially comply with any of the above provisions shall constitute a default under this ordinance.
2. Prior to implementation of the existing County procedures for resolution of such default(s), the Zoning Office shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed (60) days, for good faith negotiations to resolve the alleged default(s).
3. If the County determines, at its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern.

This ORDINANCE is hereby enacted this 10th day of August 2010.



Marty Lafary
Henderson County Board Chairman



Marcella Cisna
Henderson County Clerk

- Revision A: Preliminary proposed Wind Energy Conversion System ordinance
- Revision B: Added 'MST (Media, Stronghurst & Terre Haute) Raritan & Lomax' to Section VIII, D, (1).

ZONING ORDINANCE

ARTICLE IX

SECTION 1.D

REGULATING DEVELOPMENT IN FLOODPLAIN AREAS

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

Section 1. Purpose. This ordinance is enacted pursuant to the police powers granted to Henderson County by the County Statutory Authority in 55 ILCS 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

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

Section 2. Definitions. For the purposes of this ordinance, the following definitions are adopted:

Base Flood- The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.

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

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

Building- A walled and roofed structure, including gas or liquid storage tank, that is

principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

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

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

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

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

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

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

Expansion to an Existing Manufactured Home Park or Subdivision- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA- Federal Emergency Management Agency

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

Flood Fringe- That portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map- A map prepared by the FEMA that depicts the floodplain or special flood hazard area (SFHS) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Flood Insurance Study - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain and Special Flood Hazard Area (SFHA)- These two terms are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the Mississippi River are generally identified on the countywide Flood Insurance Rate Map of Henderson County prepared by FEMA and dated June 18, 2010. Floodplain also includes those other areas of known flooding as identified by the County.

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

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

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

Floodway- That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Mississippi River shall be as delineated on the countywide Flood Insurance Rate Map of Henderson County prepared by FEMA and dated June 18, 2010. The floodways for each of the remaining floodplains of the County of Henderson shall be according to the best data available from the Federal, State, or other sources.

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

Historic Structure- Any structure that is:

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

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

Lowest Floor- the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this ordinance.

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

Manufactured Home Park or Subdivision- A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

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

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

NFIP- National Flood Insurance Program.

Recreational Vehicle or Travel Trailer- A vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less in size;

3. designed to be self-propelled or permanently tow-able by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

SFHA- See definition of floodplain.

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

Structure (see “Building”)

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

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

1. Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or increases the floor area by more than twenty percent (20%).
2. “Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

2. any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

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

Section 3. Base Flood Elevation. This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- A. The base flood elevation for the floodplains of Mississippi River shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Henderson County prepared by FEMA and the June 18, 2010 Flood Insurance Study.
- B. The base flood elevation for each floodplain delineated as an "AH Zone" or AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of Henderson County.
- C. The base flood elevation for each of the remaining floodplains delineated as a "A Zone" on the countywide Flood Insurance Rate Map of Henderson County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

Section 4. Duties of the Henderson County Zoning Officer. The Zoning Officer shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of Henderson County meet the requirements of this ordinance. Specifically, the Zoning Officer shall:

- A. Process development permits in accordance with Section 5;
- B. ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- C. ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or flood-proof certificate;
- D. assure that all subdivisions and annexations meet the requirements of Section 8;
- E. ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;

- F. if a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;
- G. inspect all development projects and take any and all penalty actions outlined in Section 13 as a necessary to ensure compliance with this ordinance;
- H. assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I. notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- K. cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- L. maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- M. perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and
- N. maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

Section 5. Development Permit. No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Zoning Officer. The Zoning Officer shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- A. The application for development permit shall be accompanied by:
 - 1. drawings of the site, drawn to scale showing property line dimensions;
 - 2. existing grade elevations and all changes in grade resulting from excavation or filling;
 - 3. the location and dimensions of all buildings and additions to buildings;
 - 4. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance, and

5. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- B. Upon receipt of an application for a development permit, the Zoning Officer shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

The Zoning Officer shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

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

Section 6. Preventing Increased Flood Heights and Resulting Damages. Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in Section 6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
1. Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
 - a. the crossing will not result in an increase in water surface profile elevation in excess of 1.0 feet, and
 - b. the crossing will not result in an increase in water surface profile elevation in excess of one half (0.5) feet at a point one thousand (1,000) feet upstream of the proposed structure.
 - c. There are no buildings in the area impacted by the increases in water surface profile.
 - d. The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.

- e. The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit.
 - f. The design must be certified by a second licensed professional engineer.
- 2. Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:
 - a. The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
- 3. Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4:
 - a. The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.
 - b. A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.
 - c. No supporting towers or poles shall be located in a river, lake or stream.
 - d. Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.
 - e. All disturbed areas shall be returned to pre-construction grades and re-vegetated.
 - f. All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.
- 4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
 - a. The boat dock must not extend more than fifty (50) feet into a waterway and no more than one quarter (1/4) of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.
 - b. The width of the boat dock shall not be more than ten (10) feet.
 - c. For L-Shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage nor fifty (50) feet.

- d. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the projected property line.
 - e. Dock posts must be marked by reflective devices.
 - f. The boat dock must be securely anchored to prevent detachment during times of high wind or water.
 - g. Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
 - h. This permit does not authorize any other related construction activity such as shore protection or fill.
 - i. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
 - j. At any future date, the permit holder must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers
5. Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit Number 6:
- a. the following activities (not involving fill or positive change in grade) are covered by this permit:
 - i. The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.
 - ii. The construction of light poles, sign posts, and similar structures.
 - iii. The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.
 - iv. The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports.
 - v. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) square feet in any dimension. Only one such building on a property is authorized by this statewide permit.
 - vi. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.
6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7;

- a. Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.
 - b. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.
 - c. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
 - d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
- a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.
 - b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
 - c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.
 - d. If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.
8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:
- a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered

urban).

- b. In addition to the materials listed in Section 6(8)(a), other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.
- c. The following materials shall **not** be used in any case: auto bodies, garbage of debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protections Act (415 ILCS 5).
- d. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1000) feet.
- e. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.
- f. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
- g. Materials shall not be placed higher than the existing top of the bank.
- h. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site.

For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.

- i. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.
- j. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
- k. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:
 - i. It is constructed in alignment with an existing seawall(s) or gabion structure(s), and

- ii. the volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.
 - i. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.
9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
- a. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
 - b. The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).
 - c. The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property, and
 - d. must not involve the placement of any fill material.
 - e. No construction shall be undertaken in, or within fifty (50) feet of the bank of the stream channel.
 - f. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
 - g. Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.
 - h. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.
10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
- a. The affected length of the stream shall not either singularly or cumulatively exceed one thousand (1000) feet.
 - b. The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel, and
 - c. the cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and down stream of the site.

- d. Dredged or spoil material shall not be disposed of in a wetland and shall be either:
 - i. removed from the floodway;
 - ii. used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of stream bank;
 - iii. used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;
 - iv. used to stabilize an existing levee provided the height of the levee would not be increased nor its alignment changed;
 - v. placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or
 - vi. used for beach nourishment, provided the material meets all applicable water quality standards.
- e. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.

11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:

- a. A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
 - i. No buildings or structures have been impacted by the backwater induced by the existing structure, and
 - ii. there is no record of complaints of flood damages associated with the existing structure.
- b. A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.
- c. The project shall not include any appreciable raising of the approach roads.

(This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).

- d. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, Channel and Stream Bank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).
 - e. The permit holder shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.
12. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:
- a. No temporary construction activity shall be commenced until the individual permit holder determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.
 - b. The term "temporary" shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.
 - c. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.
 - d. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.
 - e. No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
 - f. The permit holder shall maintain records of projects authorized by this permit

necessary to document compliance with the above condition.

- g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
- h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).

13. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

B. Other development activities not listed in 6(A) may be permitted only if:

- 1. A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
- 2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

Section 7. Protecting Buildings.

A. In addition to the damage prevention requirements of Section 6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- 1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
- 2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
- 3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this ordinance. If substantially damaged the entire structure must meet the flood protection standards of this section.
- 4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).

5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
 6. Repetitive loss to an existing building as defined in Section 2(CC).
- B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
1. The building may be constructed on permanent land fill in accordance with the following:
 - a. The lowest floor (including basement) shall be at or above the flood protection elevation.
 - b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
 - e. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary storm water management techniques such as swales or basins shall be incorporated.
 2. The building may be elevated in accordance with the following:
 - a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
 - b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
 - c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and

- d. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 - ii. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 - iii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
 - iv. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
 - v. The finished interior grade shall not be less than the finished exterior grade.
3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
 4. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 5. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.
 6. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
 7. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
 8. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
 9. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and

7. Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.
8. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
10. must either:
 - a. entirely be supported by jacks, or
 - b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.

F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

1. The garage or shed must be non-habitable.
2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
8. The garage or shed must be less than ten thousand dollars (\$10,000) in market value or replacement cost whichever is greater or less than five hundred (500) square feet.
9. The structure shall be anchored to resist floatation and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.)

10. utility systems within the crawlspace must be elevated above the flood protection elevation.

C. Non-residential buildings may be structurally dry flood proofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
3. Flood proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
4. Levees, berms, floodwalls and similar works are not considered flood proofing for the purpose of this subsection.

D. Manufactured homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and
2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:

1. The vehicle must be either self-propelled or tow-able by a light duty truck.
2. The hitch must remain on the vehicle at all times.
3. The vehicle must not be attached to external structures such as decks and porches
4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
5. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
6. The vehicle's wheels must remain on axles and inflated.

shall be stored above the flood protection elevation.

11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.
12. A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
 - a. The building must be designed and adequately anchored to resist flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy.
 - b. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per square foot of enclosed area. The openings shall be no more than one foot above grade.
 - c. The interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade.
 - d. The interior height of the crawlspace measured from the interior grade of the crawl space to the top of the foundation wall must not exceed 4 feet at any point.
 - e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
 - f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.
 - g. Utility systems within the crawlspace must be elevated above the flood protection elevation.

Section 8. Subdivision Requirements The Henderson County Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

- A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:
 1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;

2. the boundary of the floodway when applicable, and
3. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

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

Section 9. Public Health and Other Standards

- A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this ordinance the following standards apply:
 1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a flood proofed and anchored storage tank and certified by a professional engineer or flood proofed building constructed according to the requirements of Section 7 of this ordinance.
 2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
 5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.
 6. Critical facilities shall be protected to the 500-year elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year elevation.

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

Section 10. Carrying Capacity and Notification.

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

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

Section 11.. Variances.

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

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
 - 1. The development activity cannot be located outside the floodplain.
 - 2. An exceptional hardship would result if the variance were not granted.
 - 3. The relief requested is the minimum necessary.
 - 4. There will be no additional threat to public health, safety or creation of a nuisance.
 - 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
 - 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
 - 7. all other state and federal permits have been obtained.
- B. The Henderson County Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:
 - 1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;

2. increase the risk to life and property, and
 3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- C. Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this ordinance subject to the conditions that:
1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
 2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

Section 12. Disclaimer of Liability.

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

Section 13. Penalty.

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Zoning Officer or States Attorney may determine that a violation of the minimum standards of this ordinance exists. The Zoning Officer or States Attorney shall notify the owner in writing of such violation.

- A. If such owner fails after ten (10) days notice to correct the violation:
1. The States Attorney for Henderson County shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
 2. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
 3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
 4. The County of Henderson shall record a notice of violation on the title of the

property.

- B. The Zoning Officer or States Attorney shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Henderson County Zoning Officer or States Attorney is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Henderson County Board of Appeals. Written notice of such hearing shall be served on the permit holder and shall state:

1. The grounds for the complaint, reasons for suspension or revocation, and
2. the time and place of the hearing.

At such hearing the permit holder shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Henderson County Board of Appeals shall determine whether the permit shall be suspended or revoked.

- C. Nothing herein shall prevent the County of Henderson from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section 14. Abrogation and Greater Restrictions.

This ordinance repeals and replaces other ordinances adopted by the Henderson County Board to fulfill the requirements of the National Flood Insurance Program (NFIP); the most recent being Article IX, Section 1.D, last revised January 2004. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 15. Severability.

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

Section 16. Effective Date.

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

application and permit fees shall be doubled. If a site is visited where construction has started before a permit is obtained: a **STOP WORK ORDER** shall be issued to ensure that construction on a project ceases until permit matters are cleared up. Penalties up to five (5) hundred dollars per count per length of time of continuation of construction may be assessed.

G. A building permit shall be good for one year from date of application. After one year an extension may be authorized for additional years at ten (10) per year.

Section 15. Interpretation of Ordinance.

The provisions of this Zoning Ordinance by interpretation and application shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety, or the general welfare. Whenever the **Lawfully adopted requirements** of the Zoning Ordinance are at variance with the requirements of any other **lawfully** adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern. **The Zoning Officer shall only enforce lawful requirements that are within the County's jurisdiction.**

ARTICLE III ESTABLISHMENT OF DISTRICTS

Section 1. Establishment of Use Districts and Zoning Map(s).

A. The County of Henderson shall be classified and divided into eighteen (18) districts for all that area outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances and for such cities, villages and incorporated towns within Henderson County which do not have in effect and do not hereafter adopt municipal zoning ordinances. These districts shall be designated as follows; and No zoning district established by any new zoning ordinance shall change or new district established after said ordinance is in effect unless the area being considered for change is of the following minimum size:

Agricultural District.
A-1 Agricultural District

<u>Residential District.</u>		
R-1	One-Family Residence District	15 Acres
R-2	One-Family Residence District	10 Acres
R-3	One-Family Residence District	2 Acres
R-4	One-Family Residence District	1 Acre
R-5	Multiple-Family Residence District	1 Acre
R-6	Manufactured home Residence District	15 Acres
R-7	Travel or Recreational Vehicle Dist.	5 Acres

Business Districts.

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

1 Acre
 5 Acres
~~5 Acres~~

Industrial Districts.

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

10 Acres
 20 Acres

Special Districts.

- S-1 Flood Plain & Drainageway District
- S-2 Slope District
- S-3 Airport District
- S-4 Historic Buildings District
- S-5 Commercial Recreation

No Minimum
~~No Minimum~~ 3 Acres
~~No Minimum~~ FAA Approved
 No Minimum Same as R-2
 10 Acres

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

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

Section 2. Interpretation of District Boundaries. Where uncertainty exists with respect to boundaries of districts as shown on Zoning District Map(s), the following rules shall apply:

A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway, right-of-way lines, such center lines,

street lines, or highway right-of-way lines shall be construed to be such boundaries.

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

Section 3. Vacated Areas. Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by property authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, or similar area shall be extended to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation the adjoining district, or district nearest the portion vacated, shall be extended to include all the vacated area.

ARTICLE IV

AGRICULTURAL DISTRICT

Section 1. A-1 Agricultural District.

Within the A-1 Agricultural District, the following regulations shall apply, as permitted by State Statute:

A. Permitted Uses.

- 1. Agriculture and agricultural buildings
- 2. Any buildings or structures occupied by or used for churches, Sunday schools, parish houses, public and parochial schools, public libraries, museums and simi-

Land Use

lar public cultural uses, located not less than forty (40) feet from any other side lot in any R-District as regulated by Article IV, Section IG.

3. Open air recreational uses such as parks and playgrounds.

4. Essential services, as defined in Article II, and public service buildings or properties, (except such uses as storage yards, warehouses, garages or other uses customarily conducted as gainful business) provided any building is located not less than forty (40) feet from any lot in any R-District. } NO
back to
properties

5. Cemeteries.

6. Existing railroad right-of-way, not including switching, storage, freight yards or sidings.

7. Home occupations, as defined in Article II, Section 1, of this ordinance.

8. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year.

9. Sale of nursery and greenhouse products where production or growth takes place on the premises.

10. Country clubs, golf courses, swimming clubs and similar recreational uses provided that any principal or accessory building in connection therewith shall be located not less than two hundred (200) feet from any lot in any R-District. (see Article IV, Section I)

11. Farm residence and single-family non-farm residence including manufactured and modular home residences.

12. Billboards and sign boards subject to the following:

a. No billboard or sign board shall be located within four hundred (400) feet of any R-District.

b. No billboard or sign board shall erected until a permit has been issued by the applicable right-of-way holder and Henderson County.

c. No billboard or sign board shall be erected until

the size of the sign has been approved and a building permit has been issued. Procedures in Article XI may be instituted.

d. No billboard or sign board shall be located within five hundred (500) feet of an exit or entrance to a controlled access route.

e. Billboards or sign boards may have constant or flashing illumination, provided that any such sign located in the direct line of vision of any traffic control signaling device shall not have contrasting or flashing intermittent illumination of red, green or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not project upon any part of any existing residential structure or any R-District.

13. The following uses may be permitted in accordance with the provisions and procedures indicated by the governing body upon application in accordance with and after compliance with the procedures set forth herein.

a. Sanitary landfills, in accordance with other applicable requirements and regulations, provided that no such landfill will be operated within one thousand three hundred twenty (1,320) feet of any R-District.

b. Mining, loading of coal, clay, sand or gravel, including equipment, buildings or structures for washing, crushing, screening, mixing or storage subject to the following restrictions:

(1) No open pit or shaft shall be located less than five hundred (500) feet from any residence or one hundred (100) feet from any property line or road right-of-way line.

(2) No open pit or shaft shall be located less than one thousand three hundred twenty (1,320) feet from any R-District.

(3) All structures for washing, crushing, screening, mixing or storage shall be located not less than five hundred (500) feet from

any residence and one thousand three hundred twenty (1,320) feet from any R-District.

(4) The operator of an open pit mine in complying with "The Open Cut Land Reclamation Act" approved August 10, 1961 as amended, shall notify the Appeals Board at the time the application for permit is made to the Illinois Department of Conservation and shall furnish for review and approval by the Appeals Board, a plan for restoration of such land as required by said Act and shall include specific dates for the completion of various steps of such restoration.

(5) The operator of an open pit mine shall obtain a special use permit for any tract or tracts of land estimated to be effected by open cut mining for which a permit has been issued by the Department of Conservation pursuant to the provisions of the Open Cut Land Reclamation Act. The procedure set forth in Paragraph B of Article X, Section 1, of this ordinance shall be followed and complied with by the operator of an open pit mine in respect to any tract or tracts of land for which a permit is hereafter issued by the Department of Conservation for open cut mining operations in respect to said tract or tracts of land.

(6) Oil wells and the storage of crude oil, provided that no such operation shall be conducted within two hundred (200) feet of any

residence and five hundred (500) feet of any lot in an R-District or within one hundred (100) feet of any road right-of-way line or property line.

C. No open cut, drainage ditch or levee shall be made nearer than fifty (50) feet to any road right-of-way line or property line, and shall not be constructed upon section or quarter section lines until all section lines and corners have been established and ties set for reestablishing the said lines and corner and a statutory plat recorded of the same provision for approval to have ditch closer may be obtained by submitting of plan to the Superintendent of Highways.

14. Accessory use or building, as defined and regulated by this ordinance including the following accessory use:

a. Buildings and structures accessory to agricultural uses including roadside stands, selling produce grown on the premises, provided that such stands meet the front yard requirements as specified in Article V, Section 1.

b. Real Estate signs of a temporary nature, not exceeding two (2) in number per lot not larger than forty (40) square feet, set back thirty (30) feet from any highway, street or road right-of-way. These signs shall be less than fifteen (15) feet in height.

c. Seasonal agricultural signs:

(1) Provisions, by permit governing the placing of temporary signs for growing crops. Temporary signs may be erected from June 1 to December 1 of each year, signs must be removed by December 1. The signs shall be permitted only on the field side of fence or right-of-way line.

2. Temporary signs shall not be placed within one hundred (100) feet of intersecting roads or driveways. This shall not relieve the advertiser from other restrictions which are incorporated in the Henderson County Zoning Ordinance.

(3) The maximum being ten (10) of the two (2) square feet size, two (2) sixteen (16) square feet size for each test plot per farm.

15. Underground storage and distribution of natural gas by a public utility to include the erection and maintenance the requisite surface facilities such as well sites, regulator stations, compressor stations and other similar equipment and accessories in connection with the storage and distribution of said gas; provided, however, that no such surface facilities shall be initially located within two hundred (200) feet of any residence or within five hundred (500) feet of any lot in an R-District.

B. Height. There shall be no restriction on the height of agri-

cultural buildings in Agricultural Districts.

C. Lot Size.

1. No lot area shall be less than five (5) acres in size except that a one (1) acre minimum lot shall be permitted for a farm residence or farm buildings which were in existence at the time of adoption of this ordinance. If the residence or buildings are removed, torn down, or destroyed by an act of God, a new single family residence may be constructed. The total single family residences on the property will not be more than one (1).

2. Public schools, elementary and high, or private schools, having a curriculum similar to that ordinarily given in a public elementary school or public high school, including religious instruction in parochial schools, hereafter erected, shall conform to the following minimum standards:

Elementary School 10 acres plus 1 acre per 100 student design capacity

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

Senior High School 20 acres plus 1 acre per 100 student design capacity

D. Yard Area. No minimum yard area shall be required for agricultural uses except a front yard will be required.

E. Off-Street Parking Facilities. See ART. II SEC. 3

ARTICLE V

RESIDENTIAL DISTRICTS

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

A.

Permitted Uses.

ag or a Land use

1. One-family detached residence as defined in Article II, Section 1.
2. Farming, truck gardening and nurseries.
3. Home occupations, as defined in Article II. Public school, elementary and high, or private school, having a curriculum similar to that ordinarily given in a public elementary school or public high school including religious instruction in parochial schools.

4. Churches and similar places of worship.
5. Convents, monasteries, rectories or parish houses to be occupied by not more than ten (10) persons.
7. Temporary buildings and uses for construction purposes for a period or not to exceed one year.
8. Accessory buildings.
9. Library.
10. Off-street parking See ART. II SEC. 3.
11. Private swimming pools appurtenant to a one-family dwelling on the same lot, when they meet yard depth and width requirements for principal buildings in the district in which they are located and when the swimming pool or the property on which it is located is adequately fenced to prevent access of small children and meets all applicable health and sanitary requirements.
12. Signs, defined as follows:
 - a. A sign or sign board not exceeding eight (8) square feet in area, appertaining to the sale or lease of the premises or trespassing thereon as permitted.
 - b. A name plate, not exceeding two (2) square feet in area.
 - c. A sign or bulletin board, not exceeding twenty (20) square feet in area, erected upon the premises of a church or other institution for the purpose of displaying the name and activities or services therein provided as permitted.

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

1. Churches and similar places of worship, seventy-five (75) feet for towers or steeples and NMT forty-five(45) feet for the principal building.

C. Lot Size.

1. Every one-family detached residence, convent, monastery, rectory or parish house hereinafter erected shall be on

on both streets.

2. Side Yard. Each lot, upon which a dwelling is constructed shall have side yard on each side of not less than forty (40) feet. Front yards are required on the sides of corner lots.
3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than fifty (50) feet, or twenty percent (20%) of the depth of the lot, whichever amount is larger, but it need not exceed sixty-five (65) feet.
- E. Percentage of Lot Coverage. All buildings including accessory buildings shall not cover more than thirty percent (30%) of the area of the lot. ←
- F. Off-Street Parking Facilities. Off-street parking facilities shall be provided as required or permitted in Article X, Section 3.

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

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

- A. Permitted Uses. Any use permitted in the R-1 One-Family Dwelling District.
- B. Height. The same restrictions shall apply as required or permitted in the "R-1 One-Family Dwelling District".
- C. Lot Size.
 1. Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than fifteen thousand (15,000) square feet, and a width at the established building line of not less than one hundred (100) feet, except as provided in Article IV, Section II and Article V, Section 2.
 2. Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than one (1) acre and a width at the building line of not less than one hundred fifty (150) feet.
 3. Public and private schools - same regulations shall apply as required or permitted in the "A-1 Agricultural District".

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

1. Front Yard. Each lot, upon which a dwelling is constructed, shall have a front yard of not less than eighty (80) feet along Federal, State or Area Service roads; Sixty (60) feet along Collectors, County Highway or Federal Aid Secondary roads; but not less than one hundred (100) feet from the center lines of these roads; Forty (40) feet along Land Access or Township roads, but not less than seventy-three (73) feet from the center line of these roads; and not less than thirty (30) feet along all other roads.
2. Side Yard. On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than twenty (20) feet. Front yards are required on the street sides of corner lots. On lots upon which a church or similar place of worship is constructed or extension made to an existing church or similar place of worship, there shall be a side yard of not less than twenty-five (25) feet on each side of the main entrance, and a combined total of side yards of not less than fifty (50) feet.
3. Rear Yard. Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than thirty-five (35) feet, or twenty percent (20%) of the depth of the lot, whichever amount is larger, but it need not exceed fifty (50) feet.

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

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

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

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

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

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

F. Off-Street Parking Facilities. See ART. II SEC. 3

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

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

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

B. Height. See ART. II SEC. 3

C. Lot Size.

1. Every one-family detached residence, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than ten thousand five hundred (10,500) square feet, and a width at the established building line of not less than eighty (80) feet, except as provided in Article IV, Section 2.

2. Churches and similar places of worship hereinafter erected or structurally altered shall be on a lot having an area of not less than one-half (1/2) acre and a width at the building line of not less than eighty-five (85) feet.

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

D. Yard Areas. See ART. II SEC. 3

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

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

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

B. Height. See ART. II SEC. 3

C. Lot Size.

1. Every one-family detached residence, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than seven thousand five

a lot having an area of not less than one (1) acre and a width at the established building line of not less than one hundred fifty (150) feet, except as provided in Article X, Section 2.

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

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

D. Yard Areas. See ART. II SEC. 3

E. Off-Street Parking Facilities. See ART. II SEC. 3

Section 5. R-5 Multiple-Family Residence District.

Within the R-5 Multiple-Family Residence District, the following regulations shall apply:

A. Permitted Uses.

g + w/land use

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

B. Height. See ART. II, SEC. 3

C. Lot Size.

1. One-Family Residences, Private Clubs, Fraternities, Sororities and Lodges, Boarding or Lodging Houses and

any Building for Other Non-Residence Uses:

The same regulations shall apply as permitted in the R-4 One-Family Residence District.

2. Two-Family Residences:

Every two-family residences hereafter erected or structurally altered shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet or three thousand seven hundred fifty (3,750) square feet per residence unit, and a width at the building line of not less than sixty (60) feet, except as provided in Article X, Section 2.

3. Multiple-Family Residences and Row Houses:

Every building erected or structurally altered as a multiple-family residence or as a row house shall provide a lot area per residence unit of not less than thirteen hundred fifty (1,350) square feet and a width at the building line of not less than sixty (60) feet, except as provided in Article X, Section 2.

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

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

The same regulations shall apply as required in the "R-4 One-Family Residence District".

D. Yard Areas. See ART. II SEC. 3.

E. Off-Street Parking and Loading: See ART. II SEC. 3.

Section 6. R-6 Manufactured home District.

A. All distance requirements and buffer area of screening requirements established for the protection of R-Districts shall be applicable to any trailer (manufactured home) court existing or hereinafter established.

B. Minimum Site Size.

Every manufactured home trailer park subdivision shall be platted on not less than fifteen (15) acres of land.

C. Minimum Lot Size.

Every manufactured home hereafter placed in a subdivision shall be on a lot having an area of not less than four thousand (4,000) square feet.

D. Yard Area.

1. No manufactured home shall be placed upon lot unless the following yards are provided and maintained in connection with such manufactured home residences:

a. Front Yard. Each lot upon which a manufactured home residence is placed shall have a front yard of not less than twenty (20) feet.

b. Side Yard. On each lot upon which a mobile home residence is placed there shall be a side yard on each side of not less than fifteen (15) feet. The side yard on the street side of corner lots shall be not less than twenty (20) feet, (except as otherwise stated).

E. Design of Manufactured home Park.

1. All lots shall front upon an interior street within the park.

2. Entrances onto public roads or streets shall be limited to approval of the Zoning Officer upon Approval of the applicable Highway Commissioner or State Agency.

3. There shall be a front yard, between the right-of-way of all public streets or roads and the lots within a manufactured home park.

F. Residence Standards. Every manufactured home residence hereafter placed upon a subdivision lot shall have a total ground floor area of not less than five hundred (500) square feet, measured from the outside of exterior walls, including utility rooms, but excluding open porches, breezeways and garages.

G. Off-Street Parking Facilities. Two (2) parking spaces for each manufactured home residence lot shall be provided. No motor vehicle, parked on the manufactured home lot, shall be parked nearer than three (3) feet residence nor nearer than ten (10) feet from an adjoining manufactured home.

H. Screen Planting.

1. Subdivision Periphery Abutting Residential Use.
See Art. II Sec. 3
2. Interior Lots and Service Areas. Adequate screen planting shall be provided to insure privacy, reduce reflected glare between manufactured home lots, and screen objectionable views including laundry and drying areas, lot storage structures, garbage and trash collection receptacles, laundry facilities and common parking areas.
3. Alternate Screening. Wherever screen planting fails to fulfill the objective of number (b) above, fencing appropriately designed for the function intended and substantially constructed to withstand conditions of soil, weather or use, shall be installed at the height of six (6) feet.

J. Liquified Petroleum Gas as Fuel. See Art. II Sec. 3, including the appropriate the appropriate safety authorities of Henderson County and the Zoning Officer.

K. Fuel Oil Supply. See Art. II Sec. 3

L. Natural Gas System. See Art. II Sec. 3

M. Percentage Improved Prior to Use.

It shall be a condition precedent to granting of the permit that at least one-third (1/3) of the subdivision lots be completed and ready for occupancy, completion shall include installation of roadways and may include public utilities.

N. Permanent Facilities and Resident Services.

The following permanent facilities shall be installed and available to and for each manufactured home:

1. Streets and/or roadways shall be installed and paved to a minimum width of twenty four (24) feet and conform to county subdivision standards. A3 shall be minimum road surfacing.
2. Refuse disposal receptacles
3. Public utilities, having building code and ordinance approved connection boxes, including but not limited to electricity, gas and telephone.

O. Posting of License and Transfer. The license certificate and certificate of occupancy shall be conspicuously posted in the office or on the premises of the park subdivision at all times. Operating licenses shall be nontransferable without the written consent of the licensor. Each and every manufactured home within a park subdivision shall have displayed within it a Certificate of Title. In addition, the manufactured home owner and the park subdivision owner or operator shall comply with all other provisions of the Illinois Motor Vehicle Law.

P. Suspension and Revocation of License. Following proper notification and adequate time for correction, the local health authority or Zoning Officer may suspend or revoke any license to maintain and operate a park subdivision when the owner has been found to be violating any public health, safety or zoning requirements.

Q. Exception. Nothing in this regulation shall be construed to prohibit the storage of any travel trailer or recreational vehicle when it is not used for living or sleeping purposes.

R. Administrative Procedures.

The division and allocation of land hereafter for the construction, location, operation and expansion of both proposed and existing manufactured home subdivision shall be governed by procedures and the various design standards as specified in this regulation. The design standards shall be found and determined by the Appeals Board and Planning Commission to be a necessary element of this regulation and essential to accomplish the objectives of said regulations. Approval of the County Board shall be obtained before the establishment, construction, expansion or operation of a manufactured home park subdivision.

S. Procedure for Filing. The applicant shall file with the Zoning Officer a site development plan and a statement containing the following information:

1. The name and address of the applicant, the owner, partners, corporate officers (including present and last occupation), the engineer/surveyor preparing plat and of the person proposed to supervise the facility.
2. The location and legal description of the tract, the boundary lines, their bearing and distance, a small sketch indicating general vicinity, location of adjoining streets and its relationship to the general area.
3. The arrangement of lots in relation to each other and to

interior streets; plans and specifications to existing and proposed buildings.

4. Improvement plans, cross sections and profiles for all utilities, sewage, streets, garbage and waste disposal, fire protection, lighting and parking areas proposed to be installed.
5. Date, north point, scale not greater than two hundred (200) feet to the inch and gross and net acreage.
6. Freedom of the site from objectionable smoke, noxious odors and unusual noise.

T. Construction Permit and Original License Requirements.

It shall be unlawful for any person, firm or corporation to park, place, construct or maintain any manufactured home, manufactured home park subdivision upon any acreage, lot, premises, area or tract, without first obtaining a construction permit from the Zoning Officer and an original operating license from the Department of Public Health or the County Health Unit of the Illinois Department of Public Health.

U. Inspection, Enforcement and Appeals.

The Zoning Officer shall have the power and authority to enter upon the premises at any time for the purpose of enforcing the provisions relative to health, sanitation, water supply, sewage, garbage and waste disposal. Enforcement, violations, penalties and appeals procedures are governed by this ordinance and other laws as applicable.

- V. General Design Standards. The proposed site development plan, together with the required statement of supplementary information, herein above specified, shall be studied by the Planning Commission, the appeals board and the zoning officer and shall follow the approval process of a subdivision.

W. Conditions of Approval. The proposed site development plan for a manufactured home trailer park subdivision shall meet:

- (1) the specified minimum site standards,
- (2) the requirements for utilities, permanent facilities and resident services and
- (3) the design review standards as specified herein.

Section 7. R-7 TRAVEL TRAILER PARK

A. Travel Trailer or Recreational Vehicle.

Any vehicle or mobile structure designed for highway travel or self-propelled motor vehicle, which is designed for sleeping or commercial purposes, and which is complete and ready for occupancy as such; except for minor and incidental unpacking and assembly operations, connection to utilities and the like.

B. Travel Trailer or Recreational Vehicle Park (TT OR RV).

An area of land containing two (2) or more spaces where two (2) or more TT/RV's are parked or intended to be parked for a period of sixty (60) days more or less either free of charge or for remuneration purposes, and shall include any building, structure, tent, vehicle or enclosure, water, electric, and other similar facilities required to permit occupancy of such travel trailers or Recreational Vehicle parked thereon.

C. Travel Trailer Park. Site Standards.

1. Minimum site size, five (5) acres.
2. Every travel trailer hereafter placed in a park shall be on a lot having an area of not less than two thousand one hundred, 2,100 square feet, except as otherwise stated.
3. No building, structure, or residence in a travel trailer park shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

D. Yards.

1. Front Yard. Each lot upon which a travel trailer is to be parked shall have a front yard of not less than eight (8) feet.
2. Side Yard. Every lot upon which a travel trailer is parked there shall be a side yard on each side thereof of not less than five, (5), feet.
3. Rear Yard. Every lot upon which a travel trailer is parked shall have a rear yard of not less than five (5) feet.

E. Design of TT/RV Parks (TTP/RV).

1. All lots shall front upon an interior street within the subdivision.
2. Entrance into public ^{roads} ~~roads~~ shall be by permission of applicable highway dept.
3. There shall be, as provided in Article II, D., 1,

a front yard, between the right-of-way of all public streets or roads, and the lots within a travel trailer park. This area may be used for a recreational area.

- F. Screen Planting. See Art. II Sec. 3.
- G. Liquified Petroleum Gas as Fuel. See Art. II Sec. 3.
- H. Fuel Oil Supply. See Art. II Sec. 3.
- I. Natural Gas System. see Art. II Sec. 3.
- J. Improved Prior to Use.

The Zoning Officer, the Chairs of the Appeals Board and the Planning Commission shall, at their discretion, determine when occupancy Permits shall be issued after determining when the installation of roadways, lighting, public utilities, service and management buildings are sufficient to be ready for use.

K. Existing Travel Trailer and Recreational Vehicle Parks

Any Travel or Recreational Trailer Park which legally existed at the time of this requirements' effective date may continue, as long as no changes are instituted.

ARTICLE VII

PLATS & SUB DIVISIONS

Section 1. General Regulations.

A. The rules and regulations governing plats and subdivision land contained herein shall apply within the county as permitted by State Statutes. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between the county and the other municipality or municipalities concerned. Except in the case of resubdivision, this ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the county Register of Deeds prior to the effective date of this ordinance, nor is it intended by this ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this ordinance, or with restrictive covenants running with the land that is imposed or required by such existing provisions of law, ordinance, contract or deed.

B. After the adoption of this Plats and Subdivision Article, no land shall be subdivided without complying with the provisions of this ordinance.

C. No lot, tract, or parcel of land within any such subdivision

township as the case may be for maintenance and operation.

No Subdivision Plat or Re-Plat shall be filed for record or recorded in the Office of the Recorder of Deeds of Henderson County, Illinois unless and until the approval of the Administrative Officer is endorsed thereon. No lot shall be sold for such Subdivision Plat or Re-Plat until it has been approved by the Administrative Officer and filed for record in the Office of the Recorder of Deeds of Henderson County, Illinois, as herein provided.

The subdivider shall file the approved Final Plat with the Henderson County Recorder of Deeds not more than sixty (60) days after the Administrative Officer has affixed his signature thereto. One (1) copy of the Final Plat shall be given to the Administrative Officer bearing the official stamp of the Henderson County Recorder attesting its recording within twenty (20) days of such action.

It shall be unlawful for the County Recorder of Henderson County to accept for recording any plat of a subdivision within the unincorporated area of Henderson County until the plat has been approved as required herein and such approval has been endorsed in writing on the plat or as otherwise provided herein.

The County Board shall not permit any public improvements under its jurisdiction to be constructed or maintained within an area that has been subdivided after the adoption of this Ordinance unless such subdivision has been approved in accordance with the requirements contained herein.

No building permit shall be issued by any governing official for the construction of any building, structure or improvement to the land on any lot within the subdivision as defined herein, until all requirements herein have been fully complied with or any duly authorized variation thereof has been recorded with the County Recorder of Deeds.

ARTICLE VII BUSINESS DISTRICTS

Section 1. B-1 Neighborhood Business District. *1 Acre*

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

A. Permitted Uses. *Ag or Land Use*

1. Any use permitted in the "R-2 One-Family Residence District," except single-family residences shall be placed on and maintain at least two (2) acres of land and shall comply with set back requirements in R-1 One-Family

Residence District.

2. Art, book, school supply and stationery stores, when prepared for retail use on the premises only.
3. Baker Shops and Food Processing Facilities
4. Barber shop, beauty parlor, massage or similar personal service shops.
5. Candy and ice cream store.
6. Drugstores.
7. Dyeing, dry cleaning and laundry works having boiler with a steam generating capacity no greater than one-thousand five hundred (1,500) pounds of steam per hour, having no more than five (5) employees employed at any one time on the premises having a portion of the premises devoted to the pick-up and delivery to customers of items to be dyed, dry cleaned or laundered and which does not operate before the hour of seven o'clock (7:00) in the morning nor after the hour of nine o'clock (9:00) in the evening and which utilizes only underwriter approved non-flammable solutions and materials in its operations.
8. Florist shop and conservatory for retail trade on premises only.
9. Food and fruit stores.
10. Gift stores.
11. Launderette, laundromat or similar self-service laundry or self-service dry cleaning establishment.
12. Meat markets.
13. News stands.
14. Restaurant, tea room, cafe, when establishment is not of the drive-in type where food is served to customers remaining in motor vehicles.
15. Service stations, excluding any such operation which may include the repair or servicing of motor vehicles, except as defined under "Automobile Repair, Minor".
16. Tobacco stores.
17. Any other similar type retail stores not specifically permitted herein when authorized by the governing body after receipt of review and recommendations from the Planning Commission.
18. All activities, except for automobile off-street parking facilities and service stations as permitted or required in this B-1 District, should be conducted wholly within an enclosed building.
19. Any accessory use or building customarily incidental to the above permitted uses and as required herein.

B. Height. See ART. II SEC. 3

C. Yard Areas. No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.

1. Front Yard. See ART. II SEC. 3

2. Side Yard. No side yard is required, except that corner lots shall have front yards adjacent to both streets or roads and have the same front yards as required in regulations. Side yards adjacent to alleys shall be the same side yard as the side yard of the opposing district side yards or rear yards.

3. Rear Yard. There shall be a rear yard of not less than twenty-five (20) feet, provided, however, that a one (1) story accessory building may be located thereon, except for the five (5) feet adjacent to and parallel with the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof. The rear yard, however, will be required, equal to the rear yard of the adjacent district if its rear yard requirements are greater than in this district.

D. Off-Street Parking and Loading Facilities See ART. II SEC. 3.

Section 2. B-2 Central Business District. 5 Acres

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

A. Permitted Uses. again Ag Land Use

1. Any use permitted in B-1 Neighborhood Business District.
2. Amusement establishments - bowling alleys, dance halls and other similar places of recreation when conducted wholly within a completely enclosed building.
3. Auto accessory store where there is no driveway entrance across the sidewalk into the main building.
4. Bakery shop, including the baking and processing of food products when prepared for retail use on the premises only.
5. Banks and financial institutions.
6. Bicycle repair, sales and rental.
7. Blueprinting and photostatting establishments.
8. Bus passenger terminal.
9. Camera and photographic supply shops for retail sales.
10. Clubs and fraternal organizations, catering firms.
11. Custom dressmaking, millinery, tailoring or shoe repair when conducted for retail sales on the premises only.
12. Department stores.
13. Dry cleaning and pressing establishments, when employing facilities for the cleaning and pressing of dry goods received on the premises from retail trade only not including any tetrachloride, perchlorethylene or other similar non-flammable solvents approved by the Fire Department.

14. Dry goods store, haberdashery and wearing apparel stores.
15. Electrical appliance stores and repair, but not including appliance assembly or manufacturing.
16. Frozen food lockers.
17. Funeral homes and mortuaries.
18. Furniture store and upholstery shop.
19. Furrier, conducted for retail trade on premises only.
20. Garden supplies and seed stores.
21. Gift shops.
22. Hardware stores.
23. Hobby stores.
24. Hotels, including dining and meeting rooms, when business uses occupy the street from age except for an entrance way to the hotel lobby.
25. Household appliance store and repair shops.
26. Interior decorating shops, including upholster and making of draperies and other similar articles, when conducted as part of the retail operations and secondary to the main use.
27. Jewelry store and watch repair.
28. Leather goods and luggage store.
29. Liquor store, package goods only.
30. Medical clinics.
31. Messenger or telegraph service station.
32. Offices, business and professional.
33. Off-street parking in an open lot or a covered building.
34. Paint and wallpaper store.
35. Photography studio, art gallery or studio, including the developing of film and pictures when conducted as part of the retail business on the premises.
36. Plumbing showroom, without shop or repair facilities.
37. Post Office.
38. Public utility collection offices.
39. Service stations, public garages and other motor vehicle services provided no major repair work is performed out of doors; provided all pumps, signs, underground storage tanks, lubricating and other devices are located at least thirty (30) feet from any street right-of-way; provided all fuel, oil or similar substances are stored inside or underground, and provided all automobile parts, dismantled vehicles and similar articles are stored within a building.
40. Shoe store.
41. Sporting goods store.
42. Tailor shop.
43. Theaters, indoor.
44. Typewriter and office equipment sales and service.
45. Variety store.
46. Wearing apparel shop.
47. Any other similar type retail store not specifically listed herein, when authorized by the County Board.

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B. Condition of Use. All activities, except for automobile off-

street parking, which are permitted or required in this B-2 District, shall be wholly within an enclosed building.

C. Height of Building. See ART. II SEC. 3

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

1. Front Yard. See ART. II SEC. 3

2. Side Yard. No side yard is required, except for a lot which abuts upon an "R" District, or upon an alley separating this district from an "R" District. There shall then be provided a side yard equal to one-half (1/2) the front yard required in the abutting "R" District, but in no case less than twenty (20) feet.

3. Rear Yard. There shall be a rear yard of lot less than twenty (20) feet; provided however, that a one (1) story accessory building may be located thereon, except for the five (5) feet adjacent to and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof, as provided herein.

E. Buffer Area. On lots abutting R" District, see Art. II Sec 3.7.

F. Off-Street Parking and Loading Facilities See ART. II SEC. 3.

Section 3. B-3 Highway Business District. ~~5 Acres~~ 10,000 sq.

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

(A) Permitted Uses. *ag or ag Land use*

1. Air conditioning and heating sales and services.
2. Automobile motor repair, sales and service shop, including automobile body repair and painting of automobiles.
3. Automobile washing, including the use of mechanical conveyors, blowers and steam cleaning.
4. Battery and tire service stations.
5. Beverage, non-alcoholic, bottling and distributing.
6. Boat display, sales and service.
7. Farm implement display, sales and service.
8. Feed and seed store.
9. Kennel.
10. Motel.
11. Plumbing, heating and roofing supply shops when conducted wholly within a building.

12. Pet shop or animal hospital when conducted wholly within an enclosed building.
13. Recreation places, including bowling alley, dance halls, skating rink, archery range, miniature golf course or places of amusement or entertainment when operated for pecuniary profit.
14. Restaurant, non-drive-in, drive-in car service.
15. Trailer sales or rental (house trailers) on an open lot or within a building.
16. Uses customarily incidental to any of the above uses and accessory buildings when located on the same premises.
17. Any use permitted in the B-1 Neighborhood Business District.
18. Any other similar retail uses and minor construction type operations that are compatible with other permitted uses.

b. ^{19. Agriculture or ag. Land use} Lot Size. Every building hereafter erected shall be on a lot having an area of not less than ten thousand (10,000) square feet and a width at the established building line of not less than eighty (80) feet, except as herein regulated.

C. Yard Areas. No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.

1. Front yard See ART. II SEC. 3, except that no front yard shall be less than fifty (50) feet.

2. Side Yard. No side yard is required, except for a lot which abuts upon an "R" District, or upon an alley

separating this district from an "R" District. There shall be then provided a side yard of not less than twenty (20) feet. Front yards are required on the street sides of corner lots.

3. Rear Yard. There shall be a rear yard of not less than twenty (20) feet; provided, however, that a one (1) story accessory building may be located thereon, except for the five (5) feet adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof.

E. Buffer Area. On lots abutting an "R" District, See Art II. Sec. 3.7.

F. Off-Street Parking and Loading Facilities See ART. II SEC. 3 ⁷

ARTICLE VIII

INDUSTRIAL DISTRICTS

Section 1. I-1 Light Industrial District.

Light Industrial District 10 Acres

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

(A) Permitted Uses.

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

1. Any agricultural use. *a agriculture land use*
2. Wholesale businesses.
3. Storage firms.
4. Research and development organizations.
5. Contractors' yards.
6. Sheet metal shops.
7. Welding shops.
8. Machine shops.
9. Fruit canning and packing establishments.
10. Animal hospitals.
11. Bakeries.
12. Bottling works.
13. Building material yards where no mill work is done.
14. Cabinet making establishments and carpenter shops which use no motors larger than ten (10) horsepower.
15. Clothing factories.
16. Dairies.
17. Ice plants.
18. Milk distribution stations.
19. Laundries.
20. Optical goods factories.
21. Paper box factories.
22. Pencil factories.
23. Printing, publication and engraving plants.
24. Dyeing plants.
25. Dry cleaning plants.
26. Feed processing and distributing facilities.
27. Trucking terminals.
28. One residence may be constructed on at least 2 acres and 2 acres must be maintained for one residence. All Industrial District requirements must be met. With the exception of lot size, residential requirements for R-1 zoning shall be followed. All acreages less than 5 acres must be surveyed before recording.

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

1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties.

2. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred (100) feet of the nearest point of any residential "R" District, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid wall or fence, including solid doors or gates thereto, at least eight (8) feet high but in no case lower than the enclosed storage. However, open off-street parking facilities for the storage of motor vehicles may be unenclosed throughout the district except for such screening of parking and loading facilities as may be required.

C. Height. See ART. II SEC. 3

D. Yard Areas.

1. Front Yard. See ART. II SEC. 3

2. Side Yard. All buildings and structures shall have side yard widths of at least fifty (50) feet.

3. Rear Yard. All buildings and structures shall have a rear yard depth of at least fifty (50) feet.

4. Yards Adjacent to Residential Districts. All buildings and structures on lots adjacent to residential districts shall be located so as to provide side yard widths or rear yard depths of at least one hundred (100) feet adjacent to such residential districts.

5. Railroad Siding Frontage. No yards shall be required for those portions of lots which front on railroad sidings. Railroad sidings shall not be placed within street right-of-way and they shall be approved with the subdivision plan.

E. Performance Standards. The following requirements shall apply:

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

OCTAVE BAND	SOUND LEVEL	SOUND LEVEL
Cycles per Second	in Decibels	in Decibels

	All Residential	B1, B2, B3
0 to 75	58	73
75 to 150	54	69
150 to 300	50	65
300 to 600	46	61
600 to 1200	40	55
1200 to 2400	33	48
2400 to 4800	26	41
Over 4800	20	35

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

3. Measurement shall be made at the nearest boundary of the nearest residential area or at any other point along the boundary where the level meter and associated octave band filter as prescribed by the American Standards Association.

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

A. Ringelmann Requirements: No more than fifteen (15) units of Ringelmann smoke shall be permitted per hour and no smoke more intense than Ringelmann 2 except that during one (1) hour of a twenty-four (24) hour day, thirty (30) units of smoke may be emitted but with no smoke more intense than Ringelmann 3. A Ringelmann 3 unit is defined as twenty percent (20%) density for one (1) minute. The only exception shall be a plume consisting entirely of condensed steam.

B. The total quantity of emitted solids shall not exceed one (1) pound per hour, per acre of lot area.

3. Odors: No odor shall be emitted by any use permitted in this district in such quantities as to be readily detectable by an average observer at any point on the boundary line of the premises or beyond.

4. Noxious Gases: Processes and operations of permitted uses capable of dispersing gases or toxic particles into the atmosphere must be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.

5. Glare and Heat: Operations producing intense light or heat shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

6. Vibrations: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are noticeable at the property lines of the subject premises.

F. Off-Street Parking and Loading Facilities See ART. II SEC. 3

G. Planting Areas. See ART. II SEC. 3 as appropriate, or

1. Landscape development shall be required to include an area of at least twenty (20) feet in width along all streets, with the exception of approved entrances, which border the proposed development, to be planted and maintained with trees and shrubbery to serve as a screen for the parking and storage areas.

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

Section 2. I-2 General Industrial District.

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

A. Permitted Uses:

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

1. Bag cleaning plants. *Ag + Ag Lumber & Vessels*
2. Billboards.
3. Boiler and tank works.
4. Central mixing plants cement, plaster or paving materials.
5. Coke ovens.
6. Establishments which cure, tan or store raw hides and skins.
7. Distillation plants for bones, coal, wood or tar.
8. Fat rendering plants.
9. Forge plants.
10. Foundries and metal fabrication plants.

11. Above ground storage facilities for gasoline, oil and alcohol in excess of five hundred (500) gallons.
12. Smelting plants.
13. Plants for the manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta, tile, candles, disinfectants, dye-stuffs, fertilizer, or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products.
14. Any other industrial or manufacturing activity which in the opinion of the Appeals Board and/or the Planning Commission will not emit detrimental or obnoxious noise, vibrations, smoke, odor, dust, heat or light to create other objectionable conditions beyond the limits of the General Industrial District in which it is located.

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

C. Height. No building or structure shall exceed six (6) stories or seventy-five (75) feet in height.

D. Yard Areas.

1. Front Yard. All buildings and structures shall have a front yard depth of at least two hundred (200) feet.
2. Front Yards on Corner Lots. Structures placed on corner lots shall observe front yard requirements on both streets.
3. Side Yard. All buildings and structures shall have side yard widths of at least one hundred (100) feet.
4. Rear Yard. All buildings and structures shall have rear yard depths of at least three hundred (300) feet.
5. Yards Adjacent to Residential Districts. All buildings and structures on lots adjacent to residential districts shall be located so as to provide side yard widths or rear yard depths of at least five hundred (500) feet adjacent to such residential districts.
6. Railroad Siding Frontage. No yards shall be required sidings. Railroad sidings shall not be placed in street right-of-ways and their location shall be approved with the subdivision plan.

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

- F. Off-Street Parking and Loading Facilities: See ART. II SEC. 3
- G. Planting Areas.

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

ARTICLE IX

SPECIAL DISTRICTS

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

The S-1 Flood Plain and Drainageway District is designed to meet the needs of storm water channels to carry abnormal flows of water in time of flood; to prevent encroachments into the district which will unduly increase flood heights and damage; and to prevent the loss of life and excessive damage to property in the area of greatest flood hazard. In Certain circumstances a 1 acre land requirement fore a residence shall be applied this shall be used when s-1 zoning is the requirement. Within the S-1 Flood Plain and Drainageway District, the following regulations shall apply.

A. Uses Permitted.

1. Agriculture and agriculture land use.
2. Kennels and riding stables.
3. Outdoor advertising signs and billboards as regulated herein.
4. The following uses may be permitted when authorized by the County Board:
 - a. Public parks, playgrounds and community centers, private recreation areas and facilities, including country clubs, golf courses, fishing lakes and boat docks.
 - b. Baseball, football stadium, or sports arena, provided that the location of any structure used for such purposes shall comply with the distancerequirements in Paragraph B below as regulated by Article IV, Section 1F.
 - c. Drive-in theaters and other similar commercial recreation establishments, provided that those are located on premises abutting on a highwayor primary thoroughfare, and as

to comply with the distance requirement in Paragraph B below as regulated by Article IV, Section 1F.

d. Outdoor rifle or skeet shooting ranges, on premises so located as to comply with the distance requirement in Paragraph B below and which premises, in addition, are deemed suitable by the governing body for such use, for reasons, among others, of topography, screening by trees, or other features, and also in consideration of the present and potential use of adjacent properties, as regulated by Article IV, Section 1F.

e. Equipment and materials storage yards, and junk yards, provided these are enclosed on all sides by a solid fence or wall not less than eight (8) feet high; petroleum or inflammable liquids storage. Provided, further, that any of the foregoing uses should be authorized only on premises adjoining and within one thousand (1,000) feet of a railroad or a highway or primary thoroughfare, and so located as to comply with the distance requirement in Paragraph B below, and which premises, in addition, are deemed suitable by the governing body for the intended use, for reasons, among

others, of topography, screening by trees, or other features, and in consideration of the present and potential use of adjacent properties.

f. Commercial mines, quarries and gravel pits, temporary sawmills; provided that any lot or tract of land for such use, other than for a temporary sawmill, should be not less than ten (10) acres in area, and provided that the location of any such mines, quarries and gravel pits be subject to the provisions of the "A-1 Agricultural District" and any power-driven or power-producing machinery or equipment in connection with a temporary sawmill shall comply with the distance requirements of Article IV, Section 1F.

g. Disposal of refuse or garbage by the municipality, county or agents thereof providing the disposal operation meets the regulations and standards for sanitary landfills set by the Illinois Department of Public Health. Considerations shall be taken to prevent underground water pollution.

h. Any other use which, in the judgment of the County Board will not, when located, constructed and operated as proposed, be inconsistent with the purposes intended

to be served by the provisions prescribed in this Section for the "S-1" District among others, of protecting human life, preventing material losses and reducing the cost to the public of relief or rescue efforts occasioned by the unwise occupancy of areas subject to floods; and which use, at the same time, will not impair the present or potential use of adjacent properties.

5. Accessory Uses.

a. Accessory uses and structures customarily incidental to a permitted principal use in the "S-1" District.

B. Height Regulations: See ART. II SEC. 3

C. Lot Area, Frontage and Yard Requirements.

The minimum requirements of 1 acre a Art. II sec. 3 shall be observed, subject to the additional requirements and modifications in D. below..

D. REGULATING DEVELOPMENT WITHIN THE FLOODPLAIN RULES

THE HENDERSON COUNTY FLOODPLAIN ORDINANCE IS INCLUDED IN IT'S ENTIRTY AS THIS SECTION OF THE ZONING ORDINENCE.

Current Flood Plain Ordinance is Located

at the end of the Ordinance Book.

Numbering of pages is not correct because of it being taken out & put back

The revised Flood Plain Ordinance is much longer than the original.

Section 2. S-2 Slope District.

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

1. Any Slope Area, the average, cross-slope of which exceeds eighteen percent (18%), may be subject to a Special Use Exception.
2. Any Slope Area, the average cross-slope of which is less than twelve percent (12%), may be considered suitable for any uses permitted in an S-1 Flood Plain and Drainageway District.
3. Any Slope Area, the average cross-slope of which is more than twelve percent (12%), may be considered to be extremely rugged and the development of this terrain shall be limited to compatible uses as follows:
 - a. Utility easements.
 - b. Pedestrian easements.
 - c. Parks, playgrounds and community open space.
 - d. Agricultural uses.
 - e. Manufactured homes.
 - f. Building lots for one-family detached residence.
 - g. The storage and distribution of natural gas by a public utility to include the erection and maintenance of the requisite surface facilities such as well sites, regulator stations and other similar equipment, provided, however, that no such surface facilities shall be initially located within two hundred (200) feet of any residence or within five hundred (500) feet of any lot in an R-District, and that such will not unduly increase storm water runoff and damage.
4. Yard areas (See ART. II SEC. 3)
5. 3 Acres shall be required for a residence.

Section 3. S-3 Airport District.

In the District S-3, no building, structure, land or premises

shall be used and no building or structure shall be hereafter erected, constructed, moved or altered, except as approved by FAA. An Faa permit shall be obtained before a County permit shall be issued.

Section 4. S-4 Historic Buildings District.

The S-4 Historic Buildings Districts are designed to preserve and protect buildings, places and areas of historic and architectural interest with the county and to prevent incompatible encroachments into the district.

A. Permitted Uses. Any uses permitted in the R-2 One-Family Residence District".

B. Height. See ART. II SEC. 3

C. Lot Size. The same regulations shall apply as required or permitted in R-2 One-Family Residence District.

D. Yard Areas. The same regulations shall apply as required or permitted in the R-2 One-Family Residence District.

E. Parking Facilities. See ART. II SEC. 3.

F. Special Considerations.

1. Within this district, no building or structure shall hereafter be erected, reconstructed, altered, or restored unless and until application for the building permit shall have been approved as to exterior architectural features which are subject to public view from a public street, way, or place by the County Board or duly authorized representative.

2. No building within the historic district shall be razed, without obtaining a permit approved by the County Board, and said governing body shall be empowered to refuse a permit for any structure of such architectural or historic interest, the removal of which in the opinion of the Planning Commission, would be detrimental to the public interest of the municipality.

Section 5. S-5 Commercial-Recreation District.

Within the S-5 Commercial-Recreation District, the following regulations shall apply:

A. Permitted Uses:

1. Agricultural and agricultural land use.
2. Automobile service stations, provided that any tire or tube repairing, battery charging and storing of merchandise or supplies is conducted wholly within a building. Plans for the erection or structural alteration of an automobile service station may be approved by the Appeals Board. The Appeals Board may require such changes to the yards, location of pumps and buildings, and construction of buildings as it may deem best suited to insure safety, minimize traffic difficulties, and safeguard adjacent properties.
3. Bake shop.
4. Boat sales, service and supplies.
5. Camera and photographic supply shops for retail sales
6. Commercial recreation places, including archery ranges, bowling alleys, dance halls, gymnasiums, miniature golf courses, skating rinks or other similar places of amusement.
7. Cottages for seasonal occupancy.
8. Food and fruit stores.
9. Gift and curio shops.
10. Motels.
11. Outdoor membership clubs.
12. Resort cabins and lodges.
13. Restaurants and cafes.
14. Sporting goods and supplies.
15. Travel trailer parks provided that requirements herein are met.
16. Residences and seasonal residences

B. Lot Size. Commercial buildings hereafter erected shall be on a lot having an area of not less than ten thousand (10,000) square feet with a width at the established building line (width) of not less than eighty (80) feet, residences and seasonal residences shall have a minimum width of forty, (40), at the building line and total not less than four thousand (4,000) square feet; except as provided in Article X, Sections 1 and 2 herein.

D. Yard Areas.

1. A front yard of not less than twenty (20) feet (as applicable)
or as otherwise stated.

2. Side Yard. There shall be a not less than five (5) foot side yard required of all interior lots in subdivisions zoned S-5. Except that fences not including privacy type fences may be built on lot lines (as applicable).

