

**Zoning Ordinance For  
The Unincorporated Areas of  
Henry County, Illinois**

An Ordinance establishing comprehensive zoning regulations for the unincorporated area of Henry County, and providing for the administration, enforcement and amendment process thereof, in accordance with the provisions of Chapter 34, Illinois Revised Statutes.

**ARTICLE I  
TITLE**

This Ordinance shall be known as the Henry County Zoning Ordinance or as the Zoning Ordinance.

**ARTICLE II  
SCOPE AND PURPOSE**

Except as may be hereinafter specified, no land or structure shall be used and no structure shall be located, constructed, extended, converted, altered or otherwise developed without full compliance with the terms of this Ordinance.

The purpose of this ordinance is to promote public health, safety, morals, comfort and general welfare; conserve and protect property values; and lessen or avoid congestion in the public streets and highways by encouraging the most appropriate use of land and structure through orderly development.

The Zoning Ordinance is to be used as a means for implementing the Henry County Comprehensive Plan goals, general principles and policy statements.

**ARTICLE III  
SPECIAL EXEMPTIONS**

Illinois Revised Statutes, Chapter 34 Section 3151, states that no regulations or restrictions under the provisions of this Ordinance shall be construed to apply to land, farm dwellings and farm structures which are used for agricultural purposes, while so used.

- a. Agricultural buildings and land uses are not exempt from complying with any Federal, State or Local regulations concerning developing, depositing or excavating in or on the designated Henry County floodplain.
  
- b. AGRICULTURAL BUILDINGS AND STRUCTURES SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE FOLLOWING MINIMUM SET BACK DISTANCES FROM PUBLIC/PRIVATE STREETS:

1. TOWNSHIP/PRIVATE ROADS – 40 FEET BACK FROM COMMON RIGHT-OF-WAY/PROPERTY LINE BOUNDARY (73 FEET BACK FROM R.O.W. CENTERLINE ON ROADS WITH 66 FEET R.O.W. AND 65 FEET BACK FROM R.O.W. CENTERLINE ON ROADS WITH 50 FEET R.O.W.).
  2. COUNTY, STATE AND/OR FEDERAL HIGHWAYS – 50 FEET BACK FROM COMMON RIGHT-OF-WAY/PROPERTY LINE (100 FEET BACK FROM R.O.W. CENTERLINE ON HIGHWAYS WITH 100 FEET R.O.W. AND 90 FEET BACK FROM R.O.W. CENTERLINE ON HIGHWAYS WITH 80 FEET R.O.W.).
- c. It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this Article to demonstrate that the property and buildings are primarily adapted and used for agricultural purposes.

## **ARTICLE IV**

### **INTERPRETATION OF REGULATIONS**

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or restrictive covenants, the provisions of this Ordinance shall control.

## **ARTICLE V**

### **RULES AND DEFINITIONS**

#### Section 5.1 Rules

The language set forth in the text of this ordinance shall be interpreted in accordance with rules and definitions contained in this Article, except when the context clearly indicates otherwise.

- a. Words used in the present tense shall include the future; and words used in the singular number shall include the plural numbers, and the plural the singular.
- b. The word “shall” is mandatory and not discretionary.
- c. The word “may” is permissive.
- d. The word “lot” shall include the words “plot”, “piece” and “parcel” ; the word “premises” shall include the word “land”; the word “building” includes all other structures of every kind regardless of similarity to buildings;’ and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.
- e. When district lines are shown following highways or railroads, the dividing line shall be the center of such rights-of-way.

ARTICLE V

DEFINITIONS

- f. Measured distances shown on the plan are exact distances. Where no measured distances are shown the length of the line shall be scaled.

Section 5.2 Definitions

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

**AGRICULTURE.** “Agriculture” shall mean the use of land for the growing of crops or the raising and keeping of stock and poultry, and shall include farming, dairying, truck farming, apiaries, aviaries, horticulture, floriculture, viticulture, nurseries, orchards, forestry and animal or poultry husbandry, and the buildings and structures accessory to and necessary for carrying out such operations, including farm dwellings as herein defined.

Agriculture does not include the feeding of community-collected garbage to animals or the operation or maintenance of a commercial stock raising yard or feeding yard for the confinement and concentrated feeding of animals as principal use.

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

**AIRPORT. (LANDING FIELD OR HELIPORT)** Any area of land which is used, or intended for use, for the landing and taking off of aircraft; and any appurtenant areas which are used or intended for use for airport building or other airport facilities or rights-of-way, together with all airport building and facilities located thereon.

**ALLEY.** A public right-of-way with a width not exceeding 24 feet, which affords a secondary means of access to abutting property.

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

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

**AUTO SERVICE STATION (GAS STATION).** Any building or premises used for dispensing, sale or offering for sale any automotive fuels or oils;

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

**AUTO WRECKING YARD.** Any place where one or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such automobiles or the parts thereof, but excluding antique vehicles in enclosed storage and farm trucks in use as wagons for agricultural operations.

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

**BASEMENT.** A building having more than half a story below ground.

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

**BOARDING HOUSE (ROOMING OR LODGING HOUSE).** A building containing a single dwelling unit and lodging rooms accommodating for compensation, three or more persons, but not exceeding twelve, who are not of the keeper's family. Lodging may be provided with or without meals.

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

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

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

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

**BUILDING, DETACHED.** A building surrounded by open space on the same lot.

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

**BUILDING, TEMPORARY.** Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

**BULK.** Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- a. Size and height of buildings;
- b. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- c. Gross floor area of buildings in relation to lot area (floor area ratio);
- d. All open spaces allocated to buildings;
- e. Amount of lot area provided per dwelling unit.

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

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

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

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

COUNTY. Means Henry County.

COUNTY BOARD. Means the Henry County Board.

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

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

DAY NURSERY, NURSERY SCHOOL OR DAY CARE (PUBLIC). Any agency, institution, establishment or place which provides supplemental parental care and/or education work, other than lodging overnight, for six (6) or more children of pre-school age, for compensation.

DECIBEL. A unit of measurement of the intensity (loudness) or sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

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

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

DWELLING, FARM. A structure used for the housing of a person engaged as a farm-owner/operator, farm worker, or seasonal farm worker, and of the immediate family of that person. A dwelling should be considered a farm dwelling only if it is located on the land or contiguous with the land on which the owner/operator or worker is engaged in agricultural operations and if the dwelling is accessory and incidental to that agricultural use.

ARTICLE V

DEFINITIONS

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

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

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

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

**DWELLING, MULTIPLE-FAMILY (APARTMENT OR APARTMENT HOTEL).** A building or portion thereof containing three or more dwelling units.

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

**FAMILY.** One or more persons related by blood, marriage or adoption, or a group of no more than five persons not so related, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.

**IMMEDIATE FAMILY OF AN INDIVIDUAL.** Any or all persons related to an individual in the relationship of brother, sister, parent or child, either by blood or by law.

**FARM.** An area comprising ten (10) contiguous acres or more used for agricultural purposes. (See definition of agriculture based on Illinois Revenue Act definition.)

**FARM OPERATOR.** An individual who is primarily or jointly accountable for the operation of a farm and is actively and personally engaged in agricultural production therefrom.

**FARM WORKER.** Any individual employed to work on a farm and to perform the work ordinarily done there. Farm worker does not include a person who is employed to provide a service from farm to farm such as detassling; custom combining, baling or picking; livestock health care; application of fertilizer, herbicide, fungicide or insecticide; or the like.

**FARM WORKER (SEASONAL).** An individual engaged as a farm worker, either full-time or part-time, whose employ and residence at any given farm are seasonal or temporary.

**FENCE, SOLID.** A fence, including solid entrance and exit gates, which effectively conceals from view from adjoining properties and streets, materials that are stored and operations conducted behind it.

**FLOOR AREA, GROSS.** For the purpose of determining Floor Area Ratio, the floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, "gross floor area" shall include:

- a. Basement space provided that: (1) for buildings having walls adjoining the street, at least one-half of the basement story height is above the established curb level; (2) for buildings having no walls adjoining the street, at least one-half of the basement story height is above the average level of the finished ground adjacent to the exterior walls of the building.
- b. Elevator shafts and stairwells at each floor.
- c. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet; except equipment, open or enclosed located on the roof; i.e. bulkheads, water tanks and cooling towers.
- d. Attic floor space where the structural headroom exceeds seven and one half feet.
- e. Interior balconies and mezzanines.
- f. Enclosed porches, but not terraces and breezeways.
- g. Accessory buildings.

**FLOOR AREA, GROSS.** For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area of goods, or to business or professional offices. However, floor area for purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering activities, to the production or processing goods, or to business or professional offices.



**FLOOR AREA, RATIO.** The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

**FREQUENCY.** The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

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

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

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

**GARBAGE.** Any odorous, putrescible or combustible waste materials.

**GARBAGE DISPOSAL.** Collected or community garage disposal by covered burial or incineration within a fully enclosed building.

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

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

**HENRY COUNTY PLANNING COMMITTEE.** Hereafter referred to as the Planning Committee.

HOME BUSINESS. An occupation or profession with similar characteristics to those of a home occupation except that same is not customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. Such uses shall be subject to the following requirements.

- a. The petitioner shall file for a special use permit with the Zoning Department. If the petitioner obtains written consents of all the adjoining property owners and fulfills the requirements specified herein, then such use shall be permitted as an accessory use within the dwelling. The consents of the property owners and the fulfilling of the requirements herein shall be verified by the Zoning Department.
- b. If the petitioner is unable to obtain the consents of all of the adjoining property owners then a public hearing will be held on the special use permit by the Zoning Board of Appeals to evaluate the effect on the surrounding properties.
- c. Home businesses shall be operated entirely within the principle dwelling and shall not occupy more than 25% of the living area of the dwelling nor 25% of the attached garage. Detach accessory buildings may be utilized for storage purposes only.
- d. Home businesses shall employ only immediate family members who reside on the premises.
- e. Such use shall be provided with a parking area to accommodate at least two (2) cars in addition to the cars of the occupant. Such off-street parking area shall not be located in any required front yard and shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings.
- f. There shall be no outward evidence of such use except that not more than one sign shall be displayed as allowed in the sign regulations for the district in which such home business is located.
- g. The Zoning Board of Appeals may recommend the imposition of such other reasonable restrictions as it deems necessary to protect the petitioner and the surrounding properties.
- h. If the use of the premises is discontinued for a period of one year or more and/or the petitioner leases, assigns or transfers his interest in the said premises, the special use shall become void and of no legal effect as though it was not granted.
- i. If at anytime during the operation of the home business, fifty per cent (50%) or more of the adjoining property owners file a petition with the Zoning Department objecting to the manner in which the home business is being operated, a public hearing by the Zoning Board of Appeals will

be held to verify the objections. A report summarizing the findings of fact and a recommendation shall be forwarded to the County Board for a determination.

**HOME OCCUPATION.** A home occupation is an occupation or profession customarily carried on by an occupant of a dwelling unit as secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. Such a home occupation shall be carried on within the principal building, and no one other than immediate family members currently living on the premises shall be employed. There shall be no exterior display, no exterior sign except as allowed in the sign regulations for the district in which such home occupation is located, no exterior storage of or variation from the residential character of the principal building and no offensive noise, vibration, smoke, dust, odor, heat, glare or vehicle parking nuisances shall be created.

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

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

**JUNK YARD.** An open area where waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber ties and bottles. A junk yard includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings. The presence on any lot of more than one (1) inoperable motor vehicle for a period exceeding thirty (30) days shall constitute evidence of a junk yard.

**KENNEL.** Any premise or portion thereof on which more than three dogs, cats or other household domestic animals over four (4) months old are kept or on which more than two such animals are maintained, boarded, bred or cared for in return for remuneration or are kept for the purpose of sale.

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

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

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

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

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

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

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

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

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

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

**LOT, REVERSED CORNER.** A corner lot the side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

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

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

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

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

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

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

**NOXIOUS MATTER.** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of human beings.

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

**OCTAVE BAND.** A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

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

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

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

**PARTICULATE MATTER.** Material, other than water, which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid.

**PERFORMANCE STANDARD.** A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

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

**PLANNED DEVELOPMENT.** A tract of land which is developed as an integrated unit under single ownership or control, which includes two or more principal buildings, and where the specific requirements of a given district may be modified.

**PLAT ACT.** An act regulating the division and recording of property. (See Chapter 109, Illinois Revised Statutes, 1979)

**PUBLIC OPEN SPACE.** Any publicly-owned open area; including but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

**RESEARCH LABORATORY.** A building or group of buildings in which are located facilities for scientific research, investigation, testing or

experimentation, but no facilities for the manufacture of products for sale or lease.

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

RINGELMANN NUMBER. The numbers appearing on the Ringelmann Chart designating the graduations in shades of grey for use in the Chart. Where the density or light-obscuring capacity of the smoke as observed falls between two consecutive Ringelmann numbers, the lower Ringelmann number shall be considered the density of the smoke observed.

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

RURAL SMALL BUSINESS. Any business, profession or occupation which will not:

- a. Adversely change the character of the immediate neighborhood.
- b. Adversely affect the health, safety, morals, comfort and general welfare of residents in the immediate neighborhood.
- c. Create additional traffic congestion on the public streets and highways.

Rural Small Businesses are subject to the following restrictions:

- a. Rural small businesses shall be operated entirely within a closed building or within an area screened by a solid fence 6 feet in height.
- b. Such businesses shall not utilize more than 25% of the lot area or 2 acres, whichever is less, for business operations.
- c. Such businesses which operate entirely on-site or partially on-site and off-site shall employ only immediate family members who reside on the premises.
- d. Such businesses which operate entirely off-site, with the exception of materials and/or equipment storage, may employ non-family members.
- e. Such use shall be provided with a parking area to accommodate at least two (2) cars in addition to the cars of the occupant. Such off-street parking area shall not be located in any required front yard and shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings.
- f. There shall be no outward evidence of such use except that not more than one sign may be displayed as allowed in the sign regulations for the district in which such home business is located.

- g. The Zoning Board of Appeals may recommend the imposition of such other reasonable restrictions as it deems necessary to protect the petitioner and the surrounding properties.
- h. If the use of the premises is discontinued for a period of one year or more and/or the Petitioner leases, assigns or transfers his interest in the said premises, the special use shall become void and of no legal effect as though it was not granted.
- i. If at anytime during the operation of the business, fifty percent (50%) or more of the adjoining property owners file a petition with the Zoning Department objecting to the manner in which the business is being operated, a public hearing by the Zoning Board of Appeals will be held to verify the objections. A report summarizing the findings of fact and a recommendation shall be forwarded to the County Board for a determination.

**SANITARY LAND FILL.** A method of disposing of refuse by spreading and covering with earth to a depth of two feet on the top surface and one foot on the sides of the bank.

**SERVICE STATION.** Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories and in connection with which is performed general automotive servicing as distinguished from automotive repairs.

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

**SIGN, ADVERTISING (BILLBOARD).** A sign which directs attention to a business, commodity, service or entertainment not necessarily sold upon the premises where such sign is located, or to which it is affixed. A double face or V type sign, erected on a single supporting structure where the interior angle does not exceed 135 degrees shall for the purpose of computing square foot area be considered and measured as a single face sign.

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

**SIGN, FLASHING.** Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance any moving, illuminated sign shall be considered a flashing sign.



**SIGN, GROSS SURFACE AREA OF.** The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

**SMOKE.** Small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon and other combustible material and present in sufficient quantity to be observable independently of the presence of other solids.

**SMOKE UNITS, NUMBER OF.** The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this calculation a Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; the various products are then added together to give the total number of smoke units observed during the total period under observation.

**SOUND-LEVEL METER.** An instrument standardized by the American Standard Association for measurement of intensity of sound.

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

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

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

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story for the purposes of this ordinance when more than one-half of such basement height is above the established curb level.

**STREET.** All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to public easements therefore.

**STREET LINE.** The dividing line between a lot and a contiguous street.

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

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

**TOURIST HOME.** A building which contains a single dwelling unit and in which meals or lodging or both are provided or offered to transient guests for compensation.

**TOXIC MATERIALS.** A substance (liquid, solid or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

**TRAILER COACH OR MOBILE HOME.** Any enclosure or vehicle used for living, sleeping, business or storage purposes having no foundation other than wheels, blocks, skids, jacks, horses or skirting and which is, has been, or reasonably may be equipped with wheels or other devices for transporting it from place to place whether by motive power or other means. The term "trailer coach" shall include camp car and house car.

**TRAILER COURT, TRAILER PARK, MOBILE HOMES.** A plot of ground upon which one or more occupied trailer coaches is located.

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

**USE, ACCESSORY.** A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use, except authorized to be located elsewhere.

**USE, PRINCIPAL.** The main use of land or buildings as distinguished from a subordinate or accessory use.

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

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

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

**YARD, REAR.** The portion of the yard on the same lot with the principal building, located between the rear line of the building and the rear lot line and extending for the full width of the lot; provided that in those locations where an alley is platted in the rear of the lots, one-half of the width of the platted alley may be included in the rear yard requirement.

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

**ZONING BOARD.** The Henry County Zoning Board of Appeals.

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

**DEFINITIONS LISTED WITHIN SECTION 7.12 PERFORMANCE STANDARDS RULES/REGULATIONS SHALL BE INCLUDED AS ZONING ORDINANCE DEFINITIONS. IN CASES OF CONFLICTING DEFINITIONS BETWEEN LISTED SECTION 5.2 DEFINITIONS AND SECTION 7.12 DEFINITIONS, SECTION 5.2 DEFINITIONS SHALL BE USED.**

**ARTICLE VI**  
**ZONING DISTRICTS**

Section 6.1 Districts

For the purposes of this ordinance, all land lying outside of the incorporated areas in Henry County is hereby divided into the following districts:

Agriculture

AG-1 Agricultural  
AG-2 Agribusiness

Conservation, Historical and Cultural Preservation

CO-1 Conservation  
HI-1 Historical and Cultural Preservation

Residential

R-1 Single Family Residence  
R-2 Single Family Residence  
R-3 Single General Residence  
R-4 Mobile Home Residence  
R-5 Summer Home

Business

B-1 General Business

Manufacturing

M-1 General Manufacturing

Section 6.2 Maps

The location and boundaries of the districts established by this Ordinance are set forth on the zoning maps for the townships and the enlarged maps for intense use areas which are incorporated therein and hereby made a part of this ordinance. The said maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein. The said maps shall be filed with the office of the Zoning Enforcing Officer, and shall be open to public reference at all times during which that office is open.

1. THE HENRY COUNTY BOARD ADOPTED A COMPREHENSIVE ZONING ORDINANCE AND MAP AMENDMENT ON MARCH 8, 1983.
2. PART OF THAT AMENDMENT CONSOLIDATED THE R-3 SINGLE FAMILY DISTRICT AND THE R-6 MULTIPLE FAMILY DISTRICT INTO ARTICLE 14 R-3 GENERAL RESIDENCE. ALL R-6 ZONING MAP AREAS SHALL BE CHANGED TO R-6/3.
3. PART OF THAT AMENDMENT CONSOLIDATED THE B-1 LOCAL RETAIL DISTRICT, B-2 GENERAL RETAIL DISTRICT, B-3 SERVICE DISTRICT AND B-4 HIGHWAY RETAIL DISTRICT INTO ARTICLE 17 B-1 GENERAL BUSINESS DISTRICT. ALL B-1, B-2, B-3 AND B-4 ZONING MAP DISTRICTS SHALL BE CHANGED TO B-1/1, B-2/1, B-3/1 AND B-4/1.
4. PART OF THAT AMENDMENT CONSOLIDATED THE M-1 RESTRICTED MANUFACTURING DISTRICT, M-2 GENERAL MANUFACTURING DISTRICT AND M-3 HEAVY MANUFACTURING DISTRICT TO ARTICLE 18 M-1 GENERAL MANUFACTURING DISTRICT. ALL M-1, M-2 AND M-3 ZONING MAP DISTRICTS SHALL BE CHANGED TO M-1/1, M-2/1 AND M-3/1.

#### Section 6.3 Boundaries of Districts

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Maps, the following rules shall apply:

1. District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter sections, division of sections, tracts or lots; or such lines extended unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section or division lines, or center lines of streets, highways or railroad rights-of-way unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership, the regulations for either portion of the lot may, in the owner's discretion,

extend to the entire lot, but not more than 25 feet beyond the boundary line of the district.

Section 6.4 Disconnected Territory

Any additions to the unincorporated area of the county, resulting from disconnection by municipalities or otherwise, shall be automatically classified as in the AG-1 Agricultural District until otherwise classified by amendment under the procedure established in Article XXII, Paragraph 2.

## ARTICLE VII

### GENERAL PROVISIONS

#### Section 7.1 Permitted Uses

The following uses are permitted in all zoning districts (IRS Ch. 34, Section 3151):

1. Agriculture, as defined in Article 5, 5.2.
2. Temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction activities, except that such facilities may be required to be located not less than 1,000 feet from any building used for residential purposes, and except that the period of such temporary use shall not exceed the duration of the construction contract.
3. Public utility distribution equipment such as poles, towers, wires, cables, conduits, laterals, etc.
4. All other uses are permitted only as listed under each specific zoning district.

#### Section 7.2 Special Uses

As explained in Article 19.

#### Section 7.3 Temporary Special Uses

The following uses may be permitted by a temporary special use permit valid for ten days or less without a fee to the applicant, subject to review and approval of the application by the Zoning Officer.

1. Carnival, circus
2. Festivals
3. Extraction, public works project

In determining whether a temporary special use permit shall be granted, the Zoning Officer shall give consideration to the health, safety, morals and comfort of area residents, any adverse impact on land uses, possibility of traffic congestion, harm to public roads, erosion of adjacent property and threat to any source of water supply. Conditions and restrictions as determined necessary to protect the public health, safety, morals and

comfort may be attached to the permit. Other County Officials may be asked to review the application and submit recommendation in establishing conditions and restrictions.

Section 7.4 Non-Conforming Buildings, Structures and Uses

It is necessary and consistent with the establishment of the zoning districts that non-conforming uses, buildings and structures which substantially and adversely affect the orderly development and taxable value of other property in the district be regulated. Any non-conforming use, building or structure which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, and any use, building or structure which shall become non-conforming upon the adoption of this ordinance or of any subsequent amendments thereto, may be continued subject to the regulations which follow:

1. Buildings and Structures.

- a. Ordinary repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations shall be made in or to a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located. For the purpose of this section, repairs shall include the replacement of storage tanks, where the safety of operation of the installation requires such replacement, and other replacements of or substitutions for machinery or equipment not involving structural alterations to the building or structure.
- b. A non-conforming building which is non-conforming as to bulk, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such additions and enlargements thereto are made to conform to all the regulations of the district in which it is located.
- c. Any building or structure which does not conform to all of the regulations of the district in which it is located shall not be moved in whole or in part to any other location on the lot unless every portion of such moved structure, and the use thereof, are made to conform to all the regulations of the district in which it is located.



- d. A building or structure, excluding existing non-conforming residential dwellings, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 50 percent of the cost of restoration of the entire building new, shall not be restored and the use thereof shall conform to all the regulations of the district in which it is located. In the event such damage of destruction is less than 50 percent of the cost of restoration of the entire building new, no repairs or reconstruction shall be made unless such restoration is started within one year from date of the partial destruction and is diligently prosecuted to completion.
  
- e. A building, structure or portion thereof, all or substantially all of which is not permitted in the district in which it is located and which is or hereafter becomes vacant and remains unoccupied or is not used for a continuous period of 12 months, shall not thereafter be occupied for used except by a use which conforms to the use regulations of the district in which it is located.
  
- f. The non-conforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations shall be made unless such changes or structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located.
  
- g. The non-conforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located may be changed to a use permitted in the same district.

## 2. Use of Building

The lawfully existing non-conforming use of part of all of a building or structure, all or substantially all of which building or structure is designed or intended for a use which is permitted in the district in which it is located, may be continued subject to the following provisions:

- a. The non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be expanded or extended into any other portion of such building or structure, provided that such use shall not be expanded or extended into any addition or enlargement of such building or structure which addition or enlargement was erected after the effective date of this ordinance.
- b. If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of 12 consecutive months, it shall not be renewed; and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.
- c. No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure all or substantially all of which building or structure is designed or intended for a permitted use.

### 3. Use of Land.

The non-conforming use of land not involving a structure of building, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions:

- a. A non-conforming use of land shall not be expanded or extended beyond the area directly involved in the non-conforming use existing at the time it became non-conforming; nor shall it be relocated to another equivalent area within the lot or parcel; nor shall it be increased in intensity of use.
- b. If the non-conforming use of land is discontinued for a period of 12 consecutive months, it shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.
- c. The non-conforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.

4. Existing Lots.

Any lot in a single ownership, which ownership was of record at the time of adoption of this ordinance, that does not meet the requirements of this ordinance as to area and lot width may be utilized for single-family residence purposes, provided it qualifies under all other regulations.

This ordinance shall not be interpreted to reduce the buildable width of a corner lot, or a corner and adjoining lot in single ownership, subdivided and recorded by law at the time of the passage of this ordinance, to less than 30 feet.

Section 7.5 Accessory Uses and Structures

1. Accessory uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use.
2. Accessory buildings shall be a minimum of 10 feet from the nearest wall of the principal building and shall conform to all bulk regulations for the specific district except that accessory buildings may be constructed a minimum of 10 feet from the rear property line.
3. Accessory buildings shall not exceed 20 feet in height, measured from floor of building to roof peak of building.
4. Solid fences in front yards exceeding 2'-0" in height shall meet front yard set back regulations for that district. Fences in side and rear yards may be constructed on property line.
5. PROTECTIVE STRUCTURES SHALL BE CONSTRUCTED AROUND THE PERIMETER OF ALL BELOW GRADE SWIMMING POOLS SUBJECT TO ZONING ORDINANCE/ BUILDING CODE. THE FENCE, WALL OR OTHER PROTECTIVE STRUCTURE SHALL BE MINIMUM OF 5 FEET IN HEIGHT AND CONSTRUCTED IN SUCH A PATTERN THAT A SPHERE 6 INCHES IN DIAMETER CANNOT PASS THROUGH (1985 U.B.C. SECTION 1711). ALL DOORS AND/OR GATES SHALL HAVE SELF-CLOSING AND SELF-LATCHING DEVICES LOCATED A MINIMUM OF 4 FEET ABOVE GRADE OR OTHERWISE INACCESSIBLE FROM THE OUTSIDE TO SMALL CHILDREN. IN LIEU OF SELF-CLOSING AND SELF-LATCHING DEVICES, LOCKS MAY BE INSTALLED KEEPING THE SWIMMING POOL SECURE WHEN NOT IN USE.

ARTICLE VII

GENERAL PROVISIONS

PERMANENT PROTECTIVE STRUCTURES OR TEMPORARY PROTECTIVE STRUCTURES PENDING CONSTRUCTION OF PERMANENT STRUCTURES SHALL BE CONSTRUCTED PRIOR TO FILLING POOL WITH WATER. ABOVE GRADE SWIMMING POOLS EXEMPT FROM ZONING ORDINANCE/BUILDING CODE REQUIREMENTS SHOULD ALSO BE PROTECTED AS NECESSARY TO PREVENT UNAUTHORIZED ENTRY.

Section 7.6 Bulk Requirements

All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed structurally altered, converted or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this ordinance for the district in which such buildings shall be located.

Minimum bulk requirements in feet for lot size and width; front, side and rear yard set back; ground floor living area per dwelling; and maximum lot coverage area as follows:

District	Lot Size	Lot Width	Front Yard	Side Yard	Rear Yard	Ground Floor Area/Dwelling	Lot Coverage
AG-1, R-1	43,560	150	40	10	40	825	20%
M-1		80%					
AG-2, B-1	15,000	100	40	10	40	825	80%
R-2		30%					
CO-1, HI-1	12,000	80	30	7	30	600	30%
R-3, R-5							
R-4	3,600	36	25	7	10	600	30%

Additional bulk requirements:

1. ALL BUILDINGS AND STRUCTURES INCLUDING SOLID FENCES EXCEEDING TWO FEET IN HEIGHT SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE FOLLOWING MINIMUM SET BACK DISTANCES FROM PUBLIC/PRIVATE STREETS.
  - A. TOWNSHP/PRIVATE ROADS – 40 FEET BACK FROM COMMON RIGHT-OF-WAY/PROPERTY LINE BOUNDARY (73 FEET BACK FROM R.O.W. CENTERLINE ON ROADS WITH 66 FEET R.O.W. AND 65 FEET BACK FROM R.O.W. CENTERLINE ON ROADS WITH 50 FEET R.O.W.
  - B. COUNTY, STATE AND/OR FEDERAL HIGHWAYS – 50 FEET BACK FROM COMMON RIGHT-OF-WAY/PROPERTY LINE BOUNDARY (100 FEET BACK FROM R.O.W. CENTERLINE ON HIGHWAYS WITH 100 FEET R.O.W. AND 90 FEET BACK FROM R.O.W. CENTERLINE ON HIGHWAYS WITH 80 FEET R.O.W.).
  - C. IF THERE IS A CONFLICT BETWEEN SET BACK REGULATIONS AND FRONT YARD REGULATIONS, FRONT YARD REGULATIONS SHALL BE APPLICABLE ON TOWNSHIP/PRIVATE ROADS AND SET BACK REGULATIONS SHALL BE APPLICABLE ON COUNTY, STATE AND/OR FEDERAL HIGHWAYS.
  
2. The regulations shall not be interpreted to reduce the buildable width or depth of a lot in single ownership subdivided and recorded by law at the time of the passage of this ordinance to less than 35 feet. In locations where the building line restrictions set forth herein will create an undue hardship or in locations wherein the majority of existing buildings are not in conformity with these restrictions, appeals may be made for a variation in which the setback regulations may be modified.
  
3. On corner lots where a lot is adjoined by streets on two or more sides, each side adjoined by a street shall be considered a front yard for purposes of set back requirements.

#### Exceptions

For the purpose of this ordinance the following shall not be considered as obstruction when located in the yards indicated.

1. In any Yards: Chimney's, overhanging roof eaves, terraces, awnings and canopies adjoining the principal building, if they do not exceed ten percent of the depth of the yard; telephone booths; flagpoles and solid fences or masonry walls not exceeding six feet in height on residential

lots having an area of at least one acre and 180 feet of frontage. However, on a corner lot, no obstruction higher than 18 inches above curb level, as established by connecting lines between any two points on the converging curbs or “curb lines”, shall be located in any portion of a required front or side yard situated within 20 feet of the lot corner formed by the intersection of any two street lines.

2. In Side Yards: Open accessory off-street parking spaces, except in a side yard abutting a street.
3. In Rear Yards: Enclosed accessory off-street parking spaces subject to the setback provisions hereinafter set forth; open accessory off-street parking spaces, accessory sheds, tool rooms or other similar accessory buildings; recreational and laundry-drying equipment; arbors and trellises, open-type fences not to exceed eight feet in height, provided that the ratio of solid material to open space on the surface of such fences shall not exceed 50 percent; balconies limited to 15 percent of the yard area; breezeways; and porches. Further, the aggregate ground floor area of all accessory buildings located in a required rear yard shall not exceed 20 percent of the area of such rear yard. A side yard which adjoins a street shall be considered as a front yard.

#### Section 7.7 Off-Street Parking and Loading

1. Vehicle Parking: No building or structure shall be erected or altered or land used for any purpose which will cause customers, employees or residents to park their vehicles of transportation on the road and highway right-of-way. Space for parking such vehicles shall be provided and maintained on the same lot or tract of land. Parking spaces shall be a minimum of 20' long and 10' wide.
2. Off Street Parking Requirements: facilities shall be provided for the parking of private passenger automobiles and trucks of occupants, patrons or employees of the principal use served using the following guidelines:
  - a. Single and multiple family dwellings – two (2) spaces for each single family dwelling.
  - b. Hotels, motels, boarding houses and other short and long-term lodging - one (1) space per bedroom and one (1) space for every (2) two employees.

- c. Nursing, convalescent and retirement homes – one (1) space for every three (3) bedrooms. (Could increase if residents are projected to have greater parking needs.)
  - d. Retail sales and service stores under two thousand (2,000) square feet gross floor area – parking lot size equal to the gross floor area with ten (10) spaces minimum.
  - e. Retail sales and service store over two thousand (2,000) square feet gross floor area – parking lot size two hundred (200) percent of gross floor area.
  - f. Manufacturing and Warehousing – one (1) space for every two (2) employees on the maximum work shift with ten (10) spaces minimum.
  - g. Churches, schools – one (1) space for every five (5) seats in the auditorium and one (1) space per staff member.
  - h. Restaurants, taverns and night clubs – one (1) space for every three (3) seating spaces.
  - i. Home business, rural small business – four (4) spaces minimum.
3. Addition Parking Requirements: Every parcel of land hereafter used for public or employee parking shall be developed and maintained in accordance with the following requirements:
- a. No part of any parking area shall be closer than five (5) feet to any established road right-of-way line or property line. If a parking lot adjoins a “R” District or any residence, no part of the parking area shall be closer than fifteen (15) feet to the property line.
  - b. All required off-street parking areas shall be surfaced in a manner approved by the County Superintendent of Highways, so as to provide a durable and dustless surface. All commercial or more intensive land uses will have a paved parking area with material similar to the adjacent County road surface and constructed to meet the expected traffic. They shall be graded and drained to dispose of all surface water accumulated within the area, and shall be arranged and marked to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. All additional storm water runoff created because of the parking lot will be detained on premises in a manner acceptable to the County Superintendent of Highways.
4. Off-Street Loading Requirements: In any District in connection with every building or structure used for non-farm and non-residential purposes, there shall be provided and maintained on the same lot as the principal use at least one (1) off-street loading space for every ten

thousand (10,000) square feet or part thereof of gross floor area. Any proposed loading space shall be a minimum of 55' long x 12' wide with additional area provided for truck maneuvering.

Section 7.8 Signs

No sign will be erected that will obstruct scenic views along any roadway or the safe view at any intersection, private drive, field entrance or other point of ingress or egress. Signs along State or Federal Highways must meet DOT regulations as well as the requirements described herein.

1. Permitted Signs – all districts: Any Federal, State, County or local highway directional sign shall be permitted in accordance with the appropriate specifications of Henry County.
2. Permitted Signs – AG-1 District: The following non-flashing non-illuminated signs are allowed:
  - a. Signs advertising the sale or rental of the property on which the sign is located, or the sale of agricultural products grown or produced on the property, however, no such signs shall exceed twenty (20) square feet in area. No sign shall be placed closer than ten (10) feet to the property line.
  - b. Church bulletin boards, which shall not exceed twenty-four (24) square feet in area per side.
3. Permitted Signs – Residential Districts: The following non-flashing, non-illuminated signs shall be limited to name plates and identification signs.
  - a. For one and two family dwellings, there shall be not more than one name plate, not exceeding two (2) square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted occupation.
  - b. For multiple-family dwellings, for apartment hotels and for buildings other than dwellings, a single identification sign not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof may be displayed.
  - c. Temporary signs advertising the sale or rental of the properties on which the sign is located, or advertising a sale or event not to exceed ten (10) square feet in area.



d. Height. No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower.

4. Permitted Signs – AG-2, Commercial and Manufacturing Districts: Any lighted or unlighted sign, not exceeding 400 square feet in area, that, in the opinion of the Zoning Administrator, does not create a traffic hazard or nuisance.

Section 7.9 One Principal Building Per Lot

In all zoning districts every structure hereafter erected or structurally altered shall be located on a lot, and in no case shall there be more than one principal building on one lot, except in the case of a temporary mobile home by special use permit.

Section 7.10 Subdividing of Land

As per Illinois Revised Statutes, Chapter 109 Plat Act and Henry County Subdivision Ordinance.

Section 7.11 Sanitary Sewer and Water Supply

Sanitary sewer, sewage treatment systems, septic tanks, public water systems and private wells shall be installed per Henry County Health, Illinois Department of Public Health and Illinois Environmental Protection Agency regulations.

Section 7.12 PERFORMANCE STANDARDS

PERFORMANCE STANDARDS AND BULK REGULATIONS,  
PERFORMANCE STANDARDS SHALL BE EFFECTIVE AS  
APPLICABLE IN ALL ZONING DISTRICTS.

WHEN PROPOSED USES OF LAND, BUILDINGS AND STRUCTURES  
REQUIRE STATE AND/OR FEDERAL OPERATING LICENSES  
AND/OR PERMITS IN ADDITION TO COUNTY ZONING REVIEW  
AND APPROVAL. A COPY OF THE COMPLETED APPLICABLE  
STATE AND/OR FEDERAL OPERATING LICENSE AND/OR PERMIT  
APPLICATION SHALL BE SUBMITTED AS PART OF THE COUNTY  
ZONING APPLICATION.

DEFINITIONS INCLUDED WITHIN THE STATE AND/OR FEDERAL RULES AND REGULATIONS SHALL BE INCLUDED AS ZONING ORDINANCE DEFINITIONS.

LISTED BELOW ARE SOME STATE AND/OR FEDERAL RULES AND REGULATIONS WHICH SHALL BE INCLUDED AS ZONING ORDINANCE PERFORMANCE STANDARDS AS APPLICABLE:

1. ACCESSIBILITY, HANDICAPPED: FACILITIES FOR HANDICAPPED ACT
2. AGRIBUSINESS: ILLINOIS FARM DEVELOPMENT ACT (IRS 5 AGRICULTURE AND HORTICULTURE).
3. AIRPORT: AN ACT RELATING TO AIRPORT ZONING (IRS 15 ½ AVIATION).
4. ANHYDROUS AMMONIA AND LOW PRESSURE NITROGEN: RULES AND REGULATIONS RELATING TO THE HANDLING OF ANHYDROUS AMMONIA AND LOW PRESSURE NITROGEN SOLUTIONS, EQUIPMENT CONTAINERS AND STORAGE FACILITIES (IRS 5 AGRICULTURE AND HORTICULTURE – FERTILIZER ACT 55.1).
5. ANIMAL DISPOSAL, RENDERING: DEAD ANIMAL DISPOSAL ACT (IRS 8 ANIMALS).
6. ANIMAL SHELTER, POUNDS: ANIMAL WELFARE ACT (IRS 8 ANIMALS).
7. CAMPGROUNDS, RECREATIONAL AREAS: RULES AND REGULATIONS FOR RECREATIONAL AREAS (IRS 11 ½ PUBLIC HEARING AND SAFETY).
8. GAS STATIONS, BULK FUEL STORAGE: RULES AND REGULATIONS RELATING TO THE STORAGE, TRANSPORTATION, SALE AND USE OF GASOLINE AND VOLATILE OILS.
9. MANUFACTURED HOMES/HOUSING: RULES AND LAW FOR MANUFACTURED HOUSING AND MOBILE STRUCTURES (IRS 67 HOUSING AND DEVELOPMENT).
10. MOBILE HOME PARKS: MOBILE HOME PARK ACT (IRS 111 ½ PUBLIC HEALTH AND SAFETY).

11. POLLUTION:  
 AIR, WATER, LAND AND NOISE  
 ILLINOIS ENVIRONMENTAL PROTECTION ACT (IRS 111 ½  
 PUBLIC HEALTH AND SAFETY).
- TITLE 1 GENERAL PROVISIONS  
 TITLE 2 AIR POLLUTION  
 TITLE 3 WATER POLLUTION  
 TITLE 4 PUBLIC WATER SUPPLIES  
 TITLE 5 LAND POLLUTION/REFUSE DISPOSAL  
 TITLE 6 NOISE  
 TITLE 6A ATOMIC RADIATION  
 TITLE 7 REGULATIONS  
 TITLE 8 ENFORCEMENT  
 TITLE 9 VARIANCES  
 TITLE 10 PERMITS  
 TITLE 12 PENALTIES  
 TITLE 13 MISCELLANEOUS PROVISIONS
12. POLLUTION:  
 AIR, WATER, LAND AND NOISE  
 POLLUTION CONTROL BOARD RULES AND REGULATIONS.
13. QUARRY, STRIP MINING  
 SURFACE-MINED LAND CONSERVATION AND RECLAMATION  
 ACT.
14. SIGNS, ADVERTISING:  
 HIGHWAY ADVERTISING CONTRL ACT
15. STORAGE, PUBLIC  
 PERSONAL PROPERTY WAREHOUSE ACT (IRA 111 2/3).

Section 7.13 MANUFACTURED HOME/HOUSING

MANUFACTURED HOUSING IS A GENERAL TERM WHICH DESCRIBES FACTORY-BUILT HOUSING AND AS SUCH CAN BE DIFFERENTIATED FROM STICK-BUILT OR SITE-BUILT HOUSING. THERE ARE TWO BASIC TYPES OF HOUSING WHICH ARE FACTORY-BUILT.

THE FIRST TYPE OF FACTORY-BUILT HOUSING WAS UNTIL 1980 COMMONLY REFERRED TO AS A "MOBILE HOME". THE 1980 HOUSING ACT CHANGED THE TERM "MOBILE HOME" TO "MANUFACTURED HOME" IN ALL FEDERAL LAWS AND REGULATIONS. THIS TYPE OF MANUFACTURED HOUSING IS

BUILT TO A SINGLE NATIONAL PERFORMANCE CONSTRUCTION CODE, KNOWN AS THE HUD CODE, AS ADMINISTERED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. THIS PREEMPTIVE FEDERAL CODE, OFFICIALLY KNOWN AS THE NATIONAL MANUFACTURED HOME CONSTRUCTION AND SAFETY "MANUFACTURED HOME" MEANS A STRUCTURE:

1. TRANSPORTABLE IN ONE OR MORE SECTIONS.
2. MINIMUM 8 FEET WIDE OR 40 FEET LONG IN THE TRAVELING MODE.
3. MINIMUM 320 SQUARE FEET IN LIVING AREA.
4. BUILT ON A PERMANENT CHASSIS.
5. DESIGNED TO BE USED AS A DWELLING WITH OR WITHOUT PERMANENT FOUNDATION.
6. INCLUDES PLUMBING, HEATING, AIR CONDITIONING AND ELECTRICAL SYSTEMS.

A RED LABEL AFFIXED TO THE REAR EXTERIOR IDENTIFIES MANUFACTURED HOME CONSTRUCTED IN COMPLIANCE TO THE HUD CODE.

THE SECOND TYPE OF FACTORY-BUILT HOUSING IS BUILT TO STATE OR LOCAL CODES. THESE UNITS ARE COMMONLY REFERRED TO AS PANELIZED, PRECUT, MODULAR OR SECTIONAL HOMES. THE ILLINOIS MANUFACTURED HOUSING PROGRAM UTILIZES ONE AND TWO FAMILY DWELLING CODE, BOCA BUILDING CODE, ILLINOIS STATE PLUMBING CODE, ASHRAE ENERGY STANDARDS AND NATIONAL ELECTRIC CODE AS MINIMUM MODULAR COMPLIANCE CODES. A YELLOW SEAL AFFIXED TO THE ELECTRICAL PANEL BOX IDENTIFIES MANUFACTURED HOUSING UNITS CONSTRUCTED IN COMPLIANCE WITH THE ILLINOIS MOBILE HOME AND MANUFACTURED HOUSING SAFETY ACT (IL CODE). FOR ADDITIONAL INFORMATION, SEE MANUFACTURED HOUSING IN ILLINOIS 1984.

GIVEN THESE FEDERAL AND STATE EFFECTIVE RULES AND STANDARDS, MANUFACTURED HOMES/HOUSING IN UNINCORPORATED HENRY COUNTY SHALL BE REGULATED AS FOLLOWS:

1. MANUFACTURED HOMES CONSTRUCTED IN COMPLIANCE TO NATIONAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (HUD CODE) MAY BE LOCATED IN:
  - A. ZONED R-4 MOBILE HOME PARK DISTRICTS WITHOUT INDIVIDUAL ZONING AND/OR BUILDING PERMITS. MINIMUM LIVING AREA IS 600 SQUARE FEET (SECTION 7.6 BULK REGULATIONS) OR AS PER MOBILE HOME PARK RESTRICTIVE COVENANTS, IS APPLICABLE.
  - B. ZONED R-5, SUMMER HOME DISTRICTS FOR SEASONAL OCCUPANCY WITH INDIVIDUAL BUILDING PERMITS. MINIMUM LIVING AREA IS 600 SQUARE FEET (SECTION 7.6 BULK REQUIREMENTS) OR AS PER SUMMER HOME DISTRICT RESTRICTIVE COVENANTS.
  - C. IN ZONED AG-1 AGRICULTURAL DISTRICT AS FARM DWELLINGS ONLY WITH INDIVIDUAL ZONING SPECIAL USE PERMITS. MINIMUM LIVING AREA IS 825 SQUARE FEET (SECTION 7.6 BULK REQUIREMENTS).
  - D. IN ZONED AG-1 AGRICULTURE DISTRICTS AND R-1, R-2, R-3 RESIDENTIAL DISTRICTS (UNLESS EXCLUDED BY DEED RESTRICTIONS/RESTRICTIVE COVENANTS) FOR TEMPORARY OCCUPANCY BY APPLICANT(S) ONLY BASED ON REASONS OF HARDSHIP WITH INDIVIDUAL ZONING SPECIAL USE PERMITS. MINIMUM LIVING AREA IS 825 SQUARE FEET (SECTION 7.6 BULK REQUIREMENTS).
  - E. IN ZONED AG-1 AGRICULTURE DISTRICTS ON INDIVIDUAL (NOT INCLUDED IN A PLATTED SUBDIVISION) LOTS OF RECORD PRIOR TO FEBRUARY 14, 1978 OR ZONED R-1 RESIDENTIAL DISTRICTS ON INDIVIDUAL (NOT INCLUDED IN A PLATTED SUBDIVISION) WITH A BUILDING PERMIT PROVIDING THAT THE MANUFACTURED HOME HAS A MINIMUM WIDTH OF 24 FEET, MINIMUM LIVING AREA OF 825 SQUARE FEET AND A FULL PERIMETER CONCRETE OR CONCRETE BLOCK FOUNDATION CONSTRUCTED ON A FROST PROTECTED FOOTING. SINGLE OR DOUBLE WIDE MANUFACTURED HOMES LOCATED ON AG-1 AGRICULTURE DISTRICT LOTS WITH ZONING AND/OR BUILDING PERMITS ISSUED WITHOUT RESTRICTIONS ARE INCLUDED IN THIS CATEGORY. SAME MAY BE REPLACED WITH A DOUBLE WIDE (MINIMUM WIDTH 24

FEET) HUD APPROVED MANUFACTURED HOME WITH MINIMUM LIVING AREA OF 825 SQUARE FEET ON FULL PERIMETER CONCRETE OR CONCRETE BLOCK FOUNDATION CONSTRUCTED ON FROST PROTECTED FOOTING.

2. MANUFACTURED HOMES CONSTRUCTED IN COMPLIANCE WITH THE ILLINOIS' MOBILE HOME AND MANUFACTURED HOUSING SAFETY ACT (IL CODE) MAY BE LOCATED IN:
  - A. ZONED AG-1 AGRICULTURE DISTRICTS AS FARM DWELLINGS WITHOUT ZONING OR BUILDING PERMITS.
  - B. ZONED AG-1 AGRICULTURE DISTRICTS ON INDIVIDUAL OR PLATTED SUBDIVISION LOTS OF RECORD PRIOR TO FEBRUARY 14, 1978 (UNLESS EXCLUDED BY DEED RESTRICTIONS/SUBDIVISION COVENANTS) WITH A BUILDING PERMIT. MINIMUM WIDTH IS 24 FEET AND MINIMUM LIVING AREA IS 825 SQUARE FEET (SECTION 7.6 BULK REGULATIONS) OR AS PER DEED RESTRICTIONS/SUBDIVISION COVENANTS.
  - C. ZONED R-1, R-2, R-3 AND R-5 RESIDENTIAL DISTRICTS (UNLESS EXCLUDED BY DEED RESTRICTIONS/SUBDIVISION COVENANTS) WITH A BUILDING PERMIT. MINIMUM WIDTH IS 24 FEET AND MINIMUM LIVING AREA IS 825 SQUARE FEET (SECTION 7.6 BULK REGULATIONS) OR AS PER DEED RESTRICTIONS/SUBDIVISION COVENANTS.
  
3. MANUFACTURED HOMES/HOUSING NOT CONSTRUCTED IN COMPLIANCE TO THE HUD CODE OR IL CODE SHALL NOT BE PERMITTED TO LOCATE IN ANY ZONING DISTRICT IN UNINCORPORATED HENRY COUNTY.

Section 7.14 NEW REGIONAL POLLUTION CONTROL FACILITIES

1. PUBLIC ACT 82-682 REGULATES THE DEVELOPMENT/ OPERATION OF NEW REGIONAL POLLUTION CONTROL FACILITIES.
2. THE REVIEW/APPROVAL OF NEW REGIONAL POLLUTION CONTROL FACILITIES IS NOT A FUNCTION OF THE COUNTY PLANNING/ZONING PROGRAM BUT IS THE DIRECT RESPONSIBILITY OF THE HENRY COUNTY BOARD/

EXECUTIVE COMMITTEE (SEE P.A. 82-682 SECTION 39.2 F.) AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

3. THE HENRY COUNTY BOARD HAS ADOPTED SEPARATE RULES AND REGULATIONS RELATING TO THE FORM, CONTENTS, FEES AND FILING PROCEDURES FOR APPLICATION FOR THE APPROVAL OF SITES FOR THE LOCATION OF NEW REGIONAL POLLUTION CONTROL FACILITIES IN THE UNINCORPORATED AREAS OF HENRY COUNTY, ILLINOIS.

## ARTICLE VIII

### AG-1 AGRICULTURE DISTRICT

#### Section 8.1 Preamble

In an historical and economic context, prime agricultural land and the uses accessory thereto have been one of the principal resources of Henry County. The intent of this ordinance in establishing an agricultural district is to preserve maximum freedom of operation for bona fide agricultural purposes and to protect such use from encroachment by other uses which are permitted in this district or other uses, such as extraction of minerals which may be permitted only after issuance of a special use permit under conditions which effectuate the intent of the regulations for this district.

The Agricultural District is established as a zone in which agriculture and certain related uses are encouraged as the principle uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the admixture of urban and rural uses which creates incompatibility and conflict, and contributes to the premature termination of agricultural pursuits. This zone is also designed to prevent health hazards brought about by the illogical placement of inappropriately high residential densities in the otherwise open countryside.

#### Section 8.2 Permitted Uses

1. Agriculture, as defined in Article 5, Section 5.2.
2. Accessory uses and buildings, including seed and feed dealership operated on a farm, provided there is not evidence of showroom or other commercial activities and all seed and feed inventory is stored within a building.
3. Home occupation.
4. Public open spaces such as parks, playgrounds, forest preserves, wild life preserves, etc. without illumination.

#### Section 8.3 Special Uses

1. Cemetery
2. Church
3. Government military reservation
4. Home business, as defined in Article 5, Section 5.2
5. Public open spaces with illumination such as fairgrounds, baseball field, tennis courts, etc.



6. Private open spaces with or without illumination such as country clubs, golf course, trap and skeet ranges, etc.
7. Private landing strip
8. Rural small business as defined in Article 5, Section 5.2
9. Sewage disposal sites and sewage sludge treatment plants
10. Fishing in artificial or existing lakes or ponds operated for profits, including sale of food and soft drinks, non-illuminated for night use.
11. Trailer coaches or mobile homes for reasons based on hardship conditions, providing the following requirements are met:
  - a. Placed upon permanent foundation.
  - b. Fastened with tie-down bands.
  - c. Being not less than 825 square feet in size.
  - d. Used as a dwelling only by the person(s) designated on the application.
  - e. Removed from the premises when use of the mobile home as a dwelling by the designated person(s) ceases.

In addition, trailers or mobile homes must meet sewage disposal and water supply regulations.

12. Extraction of clay, coal, dirt, gravel, peat, sand, stone, topsoil and other natural resources provided that such extraction also complies with the following additional standards and requirements:
  - a. All operations shall be carried on in conformance with all federal and state statutes and regulations and permits granted thereunder.
  - b. Perimeter setback. No extractive operation, including storage of overburden or machinery, shall be carried out within 100 feet of another parcel whether under the same or other ownership unless said parcel is in current use for extraction purposes. Existing trees, shrubbery ground cover shall be preserved and maintained within said perimeter setback to dampen noise and absorb dust from the operation.
  - c. Fencing. Any extractive operation located within a ½ mile radius of a residential district shall be totally enclosed by a chain link or similar fence of no less than six feet in height.
  - d. Performance Standards. All extractive operations and accessory uses located on the site shall be carried on in compliance with the performance standards established for the M-1 District.

- e. Roads. All access roads to and from the site shall be all weather roads and treated and maintained so as to minimize dust. Said roads shall be located so as to minimize intrusion of vehicular traffic into residential districts.
- f. Structures. All structures located on the site shall be maintained in good condition, repair and shall be removed no later than six months after the termination of the extractive operation or the permit period.
- g. Preservation of Topsoil. For operations requiring removal of the overburden by surface mining techniques, all topsoil removed shall be preserved on the site for use during reclamation of the mined land.

Section 8.4 Temporary Special Uses

As listed in 7.3

Section 8.5 Bulk Regulations

As listed in 7.6

Section 8.6 Off-Street Parking and Loading

As listed in 7.7

Section 8.7 Signs

As listed in 7.8

## ARTICLE IX

### AG-2 AGRIBUSINESS DISTRICT

#### Section 9.1 Preamble

The Agribusiness District is established as a zone permitting both agricultural and certain commercial and business uses which are complimentary to agriculture and farming operations. The intent of this article is to allow agribusiness and agriculture uses to be mutually accessible. To accomplish this, the agribusiness district permits siting of the complimentary businesses within the service or trace area in locations where traffic congestion, land use incompatibility and other disruptive tendencies are minimized.

#### Section 9.2 Permitted Uses

1. Farm implement and parts sales.
2. Grain and livestock truck transport.
3. Kennels.
4. Livestock auction barns and yards.
5. Seed and feed sales.
6. Stable, public.
7. Veterinary clinics and businesses providing animal husbandry services and products.
8. Accessory uses and structures.

#### Section 9.3 Special Uses

SPECIAL USES INCLUDE THOSE LISTED BELOW AND OTHER SIMILAR RETAIL/WHOLESALE AGRIBUSINESS USES CONSISTENT WITH THE PREAMBLE AND SECTION 19.7 SPECIAL USES AS RECOMMENDED BY THE ZONING BOARD OF APPEALS AND APPROVED BY THE HENRY COUNTY BOARD.

1. Feed mills and grain elevators.
2. Livestock confinement or feedlot operations where concentrated livestock production is the primary purpose and use.
3. Logging and saw mills.
4. Slaughter houses and rendering works.
5. Fertilizer, herbicide and insecticide sales and application services.
6. LIQUID PETROLEUM GAS AND SIMILAR RELATED PRODUCTS STORAGE, SALES AND DISTRIBUTION.
7. RELATED ACCESSORY USES, BUILDINGS AND STRUCTURES.

ARTICLE IX

AG-2 AGRIBUSINESS DISTRICT

Section 9.4 Bulk Regulations

As listed in 7.6.

Section 9.5 Off-Street Parking and Loading

As listed in 7.7.

Section 9.6 Signs

As listed in 7.8.

## ARTICLE X

### CO-1 CONSERVATION DISTRICT

#### Section 10.1 Preamble

The Conservation District is designed to promote and protect:

1. Preservation of natural features.
  2. The preservation of scenic beauty.
  3. The public health, safety, comfort and general welfare by reducing the hardships and financial burdens imposed on the county by the periodic flooding and overflow of streams.

#### Section 10.2 Permitted Uses

Within any CO-1 Conservation District, except for bona fide agricultural uses as defined in Section 5.2, no building or premises shall be used or arranged, or designed to be used except for one or more of the following uses which shall be subject to all regulations and requirements for permit of this ordinance.

1. Lakes.
2. Public picnic grounds, marinas and beaches.
3. Public parks and forest preserves.

#### Section 10.3 Special Uses

1. Camps or campground used for seasonal recreation and other similar living purposes. The tracts may have located on them structures of a seasonal, temporary or movable nature, such as a tent, travel trailer (a vehicle identified by the manufacturer as a travel trailer, built on a chassis 8 feet or less wide and designed to move on the highways), camping trailer (a canvas folding structure built on a chassis with wheels and designed to move on the highways), but not mobile homes. Any permanent structures such as cabins for seasonal use only shall comply with the requirements for the R-3 District. Provided that the occupancy of any of the foregoing shall not be for a period of more than thirty (30) days on any calendar year shall be a violation of the special use herein permitted.

#### Section 10.4 Bulk Regulations

As listed in 7.6.

ARTICLE X

CO-1 CONSERVATION DISTRICT

Section 10.5 Off-Street Parking and Loading

As listed in 7.7.

Section 10.6 Signs

As listed in 7.8.

## ARTICLE XI

### HI-1 HISTORICAL AND CULTURAL PRESERVATION DISTRICT

#### Section 11.1 Preamble

This district is primarily intended to preserve the unique cultural, historic and architectural features in the vicinity of Bishop Hill. Bishop Hill is an historic site of national importance, so indicated by the inclusion of a large part of the community on the National Register of Historic Places. The preservation of the agricultural landscape near Bishop Hill is vital to preserving and enhancing the appearance and historic integrity of the community. The prohibition of non-agricultural uses incompatible with the character of the Bishop Hill area will help assure both the significant cultural and historic value as well as the substantial economic benefits resulting from persons visiting the colony. The preservation of the agricultural character of the vicinity will further lend support to the preservation and restoration efforts sponsored by private non-profit groups, individuals, the state and federal government and the Swedish government.

#### Section 11.2 Permitted Uses

1. Home occupation.
2. Accessory uses and structures.

#### Section 11.3 Special Uses

1. Home business as defined in Article 5.2

#### Section 11.4 Bulk Regulations

As listed in 7.6.

#### Section 11.5 Off-Street Parking and Loading

As listed in 7.7.

#### Section 11.6 Signs

As listed in 7.8.

## ARTICLE XII

### R-1 SINGLE FAMILY RESIDENCE

#### Section 12.1 Preamble

The “R-1” District is intended and designed for low density development, primarily individual rural residential lots.

#### Section 12.2 Permitted Uses

1. Single family dwellings.
2. Accessory uses and structures.
3. Home occupancies.
4. Schools, public and private, not operated for profit.
5. Churches, chapels, temples and synagogues.
6. Public open spaces such as parks, playgrounds, forest preserves, wild life preserves, etc. without illumination.

#### Section 12.3 Special Uses

1. Home business.
2. Public open space with illumination such as baseball and football fields, tennis courts, swimming pools, etc.
3. Kennels.
4. Public works such as sewage treatment plants, water works, pumping stations and filtration plants, fire and police stations, etc.
5. Rural small business as defined in Article 5.2.

#### Section 12.4 Bulk Regulations

As listed in 7.6.

#### Section 12.5 Off-Street Parking and Loading

As listed n 7.7.

#### Section 12.6 Signs

As listed in 7.8.



## ARTICLE XIII

### R-2 SINGLE FAMILY RESIDENCE DISTRICT

#### Section 13.1 Preamble

The “R-2” District is intended and designed for medium density development, primarily rural residential subdivisions.

#### Section 13.2 Permitted Uses

As permitted in the R-1 District.

#### Section 13.3 Special Uses

As listed in the R-1 District.

#### Section 13.4 Bulk Regulations

As listed in 7.6.

#### Section 13.5 Off-Street Parking and Loading

As listed in 7.7.

#### Section 13.6 Signs

As listed in 7.8.

## ARTICLE XIV

### R-3 GENERAL RESIDENCE DISTRICT

#### Section 14.1 Preamble

The “R-3” District is intended and designed for medium to high density development, primarily rural residential subdivisions adjacent to cities and villages where central water and sewage disposal systems are available.

#### Section 14.2 Permitted Uses

As permitted in the R-1 District.

#### Section 14.3 Special Uses

1. As listed in the R-1 District.
2. Apartments.
3. Condominiums.
4. Planned Unit Developments.
5. Group residence child care facility for the detention and rehabilitation of juveniles.
6. Group residence rehabilitation and workshop centers for the mentally and physically handicapped to include drug and alcohol abuse rehabilitation.
7. Nursing home.
8. Orphanage.
9. Sanitarium.

#### Section 14.4 Bulk Regulations

As listed in 7.6.

#### Section 14.5 Off-Street Parking and Loading

As listed in 7.7.

#### Section 14.6 Signs

As listed in 7.8.

## ARTICLE XV

### R-4 MOBILE HOME DISTRICT

#### Section 15.1 Preamble

The “R-4” District is intended and designed for high density development, primarily adjacent to cities and villages where central water and sewage disposal systems are available

#### Section 15.2 Permitted Uses

1. Trailer and Mobile Home Courts.
2. Accessory uses and structures.
3. Home occupations.

#### Section 15.3 Bulk Requirements

As listed in 7.6.

#### Section 15.4 Off-Street Parking and Loading

As listed in 7.7.

#### Section 15.5 Signs

As listed in 7.8.

## ARTICLE XVI

### R-5 SUMMER HOME DISTRICT

#### Section 16.1 Preamble

The “R-5” Summer Home District is designed for seasonal occupancy restricted to the period between April 15 and November 15 of each year.

#### Section 16.2 Permitted Uses

1. Summer homes, resorts, lodges and cabins, with ownership in individual or multiple units, but not to be used as permanent all-year dwelling accommodations, except that any resort, lodge or group of cabins consisting of more than three units in one ownership may provide permanent one all-year residence for property owner or manager as an accessory use. Meals and conveniences, merchandise and services may be provided for lodgers, but not for the general public.
2. Mobile Homes and Trailers.
3. Accessory Uses and Structures.
4. Home Occupations.
5. Public Open Spaces such as parks, playgrounds, forest preserves, wild life preserves, etc., without illumination.

#### Section 16.3 Special Uses

1. Campgrounds used for seasonal recreation and living purposes. The tracts may have located on them structures of a seasonal, temporary or movable nature, such as a tent, travel trailer (a vehicle identified by the manufacturer as a travel trailer, built on a chassis 8 feet or less wide and designed to move on the highways), camping trailer ( a canvas folding structure built on a chassis with wheels and designed to move on the highways), but not mobile homes. Provided that the occupancy of any of the foregoing shall not be for a period of more than thirty (30) days in any calendar year and the occupancy of any of the foregoing for a period of more than thirty (30) days in any calendar year shall be a violation of the special use herein permitted. One all year residence for property owner and/or manager is permitted as an accessory use.

#### Section 16.4 Bulk Requirements

As listed in 7.6.

ARTICLE XVI

R-5 SUMMER HOME DISTRICT

Section 16.5 Off-Street Parking and Loading

As listed in 7.7.

Section 16.6 Signs

As listed in 7.8.

## ARTICLE XVII

### B-1 GENERAL BUSINESS DISTRICT

#### Section 17.1 Preamble

The “B-1” District is intended and designed for businesses, professions and occupations which provide goods and services to the general public. Business which exhibit unique characteristics which may create an adverse impact on adjoining/area property are listed as special uses.

#### Section 17.2 Permitted Uses

1. ANY BUSINESS, PROFESSION AND OCCUPATION ENGAGED IN PROVIDING RETAIL/WHOLESALE GOODS AND SERVICES EXCEPT THOSE LISTED AS SPECIAL USES.
2. ARTICLE 9 AG-2 AGRIBUSINESS SECTION 9.2 PERMITTED USES.
3. RELATED ACCESSORY USES, BUILDINGS AND STRUCTURES.

#### Section 17.3 Special Uses

SPECIAL USES INCLUDE THOSE LISTED BELOW AND OTHER SIMILAR BUSINESSES, PROFESSIONS AND OCCUPATIONS CONSISTENT WITH THE PREAMBLE AND SECTION 19.7 AS RECOMMENDED BY THE ZONING BOARD OF APPEALS AND APPROVED BY THE COUNTY BOARD.

1. Airport, commercial.
2. Amusement parks, outdoor theaters.
3. Concrete ready-mix plant.
4. Hospital.
5. Laboratories, research.
6. Manufacturing or treatment of products clearly incidental to the conduct of a retail business.
7. Regional shopping centers.
8. Truck terminals.
9. Wholesale warehouses.
10. Junk, salvage or scrap metal yard where the premises upon which such activities are conducted are wholly enclosed within a building and/or wall, solid fence not less than 6 feet in height, completely obscuring activity.

ARTICLE XVII B-1 GENERAL BUSINESS DISTRICT

11. ARTICLE 9 AG-2 AGRIBUSINESS SECTION 9.3 SPECIAL USES.
12. RELATED ACCESSORY USES, BUILDINGS AND STRUCTURES.

Section 17.4 Bulk Requirements

As listed in 7.6.

Section 17.5 Off-Street Parking and Loading

As listed in 7.7.

Section 17.6 Signs

As listed in 7.8.

## ARTICLE XVIII

### M-1 GENERAL MANUFACTURING DISTRICT

#### Section 18.1 Preamble

THE M-1 DISTRICT IS INTENDED AND DESIGNED TO PROVIDE AREAS FOR INDUSTRY PRIMARILY ADJACENT TO CITIES AND VILLAGES WHERE PUBLIC SERVICES ARE AVAILABLE. INDUSTRIES WHICH EXHIBIT UNIQUE CHARACTERISTICS WHICH MAY CREATE AN ADVERSE IMPACT ON ADJOINING/ AREA PROPERTY ARE LISTED AS SPECIAL USES.

#### Section 18.2 Permitted Uses

1. ANY MANUFACTURING, FABRICATING, PROCESSING, PACKING AND STORAGE USES EXCEPT THOSE LISTED AS SPECIAL USES.
2. ARTICLE 9 AG-2 AGRIBUSINESS SECTION 9.2 PERMITTED USES.
3. ARTICLE 17 B-1 GENERAL BUSINESS SECTION 17.2 PERMITTED USES.
4. RELATED ACCESSORY USES, BUILDINGS AND STRUCTURES.

#### Section 18.3 Special Uses

SPECIAL USES INCLUDE THOSE LISTED BELOW AND OTHER SIMILAR MANUFACTURING, FABRICATING, PROCESSING USES CONSISTENT WITH THE PREAMBLE AND SECTION 19.7 SPECIAL USES AS RECOMMENDED BY THE ZONING BOARD OF APPEALS AND APPROVED BY THE HENRY COUNTY BOARD.

1. Heavy manufacturing – including, but not limited to:
  - a. Automobile, truck or farm implement assembly.
  - b. Metal forge or foundry.
  - c. Coal, hydroelectric or nuclear power plant.
2. Manufacturing and/or storage of acids, chemicals, fertilizers.
3. Mining and extraction of minerals requiring a fixed plant (i.e. quarry).
4. New Regional Pollution Control Centers as defined in Public Act 82-682.  
(See Henry County Resolution Adopting Rules and Regulations concerning same.)
5. Slaughter houses and rendering works.
6. Prison and correctional facilities.
7. ARTICLE 9 AG-2 AGRIBUSINESS SECTION 9.3 SPECIAL USES.



8. ARTICLE 17 B-1 GENERAL BUSINESS SECTION 17.3 SPECIAL USES.
9. ACCESSORY USES, BUILDINGS AND STRUCTURES.

Section 18.4 Bulk Requirements

As listed in 7.6.

Section 18.5 Off-Street Parking and Loading

As listed in 7.7.

Section 18.6 Signs

As listed in 7.8.

Section 18.7 Performance standards and regulations

PERFORMANCE STANDARDS SHALL BE AS FOLLOWS IN ADDITION TO THOSE LISTED IN SECTION 7.12.

1. Noise

Any use established in a Manufacturing District shall be so operated as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing noise established hereinafter for the district in which such use is located. Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent use.

Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured in compliance with standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured shall be those noises which cause rapid fluctuations.

Noise – M-1 District. At no point on the boundary of a Residence or Business district shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in Table 1 below for the districts indicated.

TABLE 1

Maximum Permitted			
<u>Octave Band</u>	<u>Sound Level (decibels)</u>		
<u>Along</u> (Frequency, cycles per second)	<u>Along</u> Residence District <u>Boundaries</u>	<u>Business</u> District <u>Boundaries</u>	
0 to 75	72	79	
75 to 150	67	74	
150 to 300	59	66	
300 to 600	52	59	
600 to 1,200	46	53	
1,200 to 2,400	40	47	
2,400 to 4,800	34	41	
Above 4,800	32	39	

2. Smoke and Particulate Matter

Any use established in a Manufacturing District shall be so operated as to comply with the performance standards governing smoke and particulate matter set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this ordinance shall be located. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing smoke and particulate matter established hereinafter for the district in which such use is located.

In addition to the performance standards specified hereinafter, the emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.

For the purpose of grading the density of smoke the Ringelmann Chart published and used by the United States Bureau of Mines shall be employed. The emission of smoke or particulate matter of a density greater than No. 3 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.

The emission, from all sources within any lot area, of particulate matter containing more than ten percent by weight of particles having a particle diameter larger than 24 microns is prohibited.

Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing or acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified hereinafter is prohibited.

- a. The emission of more than sixty smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, during three one-hour periods in each 24-hour day, each stack may emit up to 72 smoke units when blowing soot or cleaning fires. Only during firecleaning periods, however, shall smoke of Ringelmann No. 3 be permitted, and then for not more than four minutes.
- b. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour, after deducting from the gross hourly emission per acre the correction factors set forth in Tables 2,3 and 4 respectively. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:
  - (1) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
  - (2) From each gross hourly rate of emission derived in (1) above, deduct the appropriate correction factor (interpolating as required) for height, velocity and temperature of emission set forth in Tables 2,3 and 4, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.

ARTICLE XVIII

M-1 GENERAL MANUFACTURING DISTRICT

- (3) Add together the individual net rates of emission derived in (2) to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total shall not exceed one pound per acre of lot area during any one hour.

ALLOWANCE FOR HEIGHT OF EMISSION\*

Correction Height of Emission (Pounds per Hour Above Grade (Feet) _____ Per Acre)	
	50 0.01
	100 0.06
	150 0.10
	200 0.16
	300 0.30
	400 0.50

\*Interpolate for intermediate values not shown in table.

TABLE 3

ALLOWANCE FOR VELOCITY OF EMISSION\*

Correction Exit Velocity (Pounds per Hour (Feet per Second) _____ Per Acre)	
	0 0.00
	20 0.03
	40 0.09
	60 0.16
	80 0.24
	100 0.50

\*Interpolate for intermediate values not shown in table.

ALLOWANCE FOR TEMPERATURE OF EMISSION\*

Temperature of Emission (Pounds Per Hour (Degrees Fahrenheit) <u>Per Acre)</u>	Correction
	200 0.00
	300 0.001
	400 0.002
	500 0.003
	1,000 0.01
	1,500 0.04
	2,000 0.10

\* Interpolate for intermediate values not shown in table.

3. Toxic or Noxious Matter. Any use established in a Manufacturing District shall be so operated as to comply with the performance standards governing emission of toxic or noxious matter set forth hereinafter for the district in which such use shall be located. No use shall for any period of time discharge, across the boundaries of the lot wherein it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.
4. Odors. Any use established in a Manufacturing District shall be so operated as to comply with the performance standards governing odorous materials, set forth hereinafter for the district in which such use of this ordinance shall be so altered or modified as to conflict odorous materials established hereinafter for the district in which such use is located.

The emission of odorous matter in such quantities as to produce a nuisance or hazard beyond lot line is prohibited.

5. Fire or Explosive Materials. Any use established in a Manufacturing District shall be so operated as to comply with the performance standards governing fire and explosive hazards set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing fire and explosive hazards established hereinafter for the district in which such use is located.

Fire – M-1 District

- a. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate-burning, as determined by the Zoning Enforcing Officer, is permitted, subject to compliance with all other performance standards for the M-1 District.
  - b. The storage, utilization or manufacture of materials, goods or products ranging from free, or active-burning to intense-burning, as determined by the Zoning Enforcing Officer, is permitted subject to compliance with all other performance standards for the M-1 District, and provided the following conditions are met:
    - (1) Said materials or products shall be stored, utilized or produced within completely enclosed structure having fire resistive construction.
    - (2) All such structures shall be set back at least 40 feet from lot lines; or, in lieu thereof, all such structures shall be protected throughout by an automatic sprinkler system (or carbon dioxide system of equal protection) complying with installation standards prescribed by the National Fire Protection Association.
  - c. Manufacture or processing of materials or products which produce flammable or explosive vapors or gases at ordinary weather temperatures shall not be permitted, except when such materials are used in secondary processes or are required in emergency or stand-by equipment; but their storage for use as power or heating fuels shall be permitted if in conformity with standards prescribed by the National Fire Protection Association and with applicable requirements embodied in regulations promulgated by the State of Illinois Department of Public Safety.
6. Vibration. Any use established in a Manufacturing District shall be so operated as to comply with the performance standards governing vibration set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing vibration established hereinafter for the district in which such use is located.

In the M-1 District, any process or equipment which produces intense earth-shaking vibrations such as are created by heavy drop forges or heavy hydraulic surges shall be set back at least 500 feet from the property boundaries on all sides.

7. Glare or Heat. Any use established in a Manufacturing District shall be so operated as to comply with the performance standards governing glare or heat set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing glare or heat established hereinafter for the district in which such use is located.

Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines.

## ARTICLE XIX

### ADMINISTRATION

The administration of this ordinance is hereby vested in the Zoning Enforcing Officer of the County and in the Zoning Board of Appeals.

#### Section 19.1 Zoning Enforcing Officer

In the performance of his duties the Zoning Enforcing Officer shall:

1. Examine applications and approve those which conform with this ordinance and issue permits therefore within 10 days of receipt of this application.
  - a. It shall be the duty of the Zoning Enforcing Officer, prior to issuance of a permit by an officer, department or employee of the county, to examine and approve application pertaining to use of land, buildings or structures when the application conforms with the provisions of this ordinance. Applications pertaining to use of land, buildings or structures in M-1 Districts shall be accompanied by a certificate from an architect or mechanical engineer duly licensed by the State of Illinois or from a scientific research laboratory approved by the County Board certifying compliance with the performance standards set forth in this ordinance.
  - b. The Zoning Enforcing Officer shall issue a permit except for signs permitted in Single-Family Residence Districts, and collect a fee therefore.
2. Keep a record of all uses which do not conform with the use regulations of each district.
3. Conduct inspection of buildings, structures and uses of land to determine compliance with terms of this ordinance.
4. Maintain permanent and current records of the Zoning Ordinance including, but not limited to:
  - a. All maps, amendments and special uses, variation, appeals and applications therefore, and records of hearing thereon.
  - b. All sign permits, zoning certificates and certificates of occupancy.
5. Receive, file and forward for action within ten days all applications for special use variations and for amendments to this ordinance which shall be filed initially in the County Zoning Office.
6. Provide such clerical and technical assistance as may be required by the Zoning Board in the exercise of its duties.



Section 19.2 Zoning Board of Appeals

## 1. Creation and Membership.

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

## 2. Chairman and Meetings

The Chairman of the Zoning Board of Appeals shall be elected by majority vote of the Zoning Board of Appeals. Regular meetings of the Zoning Board shall be held at such time and place within the County as the Zoning Board may determine.

Special meetings may be held at the call of the Chairman, or as determined by the Board. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses. All meetings of the Zoning Board shall be open to the public.

The Zoning Board shall keep minutes of its proceedings, showing the vote of each member upon every questions, or if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Every rule, requirement, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board shall immediately be filed in the office of the Board and shall be public record. Four members of the Zoning Board shall constitute a quorum and the concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcing Officer in any matter upon which it is required to pass under this ordinance, or to effect any variation of this ordinance.

In the performance of its duties the Zoning Board may incur such expenditures as shall be authorized by the County Board. The Zoning Board shall adopt its own rules of procedure not in conflict with the Statute or this ordinance.

#### Section 19.3 Appeals

1. The Zoning Board of Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Enforcing Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
2. Such appeal shall be made within 90 days from the date of the action appealed from, by filing with the Enforcing Officer and the Zoning Board, a notice of appeal specifying the grounds thereof. The Zoning Enforcing Officer shall forthwith transmit to the Zoning Board all papers constituting the record upon which the action appealed from was taken.
3. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcing Officer certifies to the Zoning Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board, or by a court of record on application, on notice to the Zoning Enforcing Officer and on due cause shown.
4. The Zoning Board shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person, by agent, or by attorney. The Zoning Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Zoning Enforcing Officer.

#### Section 19.4 Variances

1. When a property owner shows that a strict application of the terms of the ordinance relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Board may, in the following specific instances only, grant a variation of the strict application of the terms of this ordinance as will be in harmony with its general purpose and intent when the Board is satisfied, under the

evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variation:

- a. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
- b. To permit the reconstruction of a non-conforming building which has been destroyed or damaged to an extent of more than 50 percent of its value, by fire or act of God, or the public enemy, where the Board shall find some compelling public necessity requiring a continuance of the nonconforming use, and in no case shall such a permit be issued if its primary function is to continue a monopoly.
- c. To make a variance, by reason of an exceptional situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness of shape of a specific piece of property of record, or by reason of exceptional topographical conditions, when the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property, as distinguished from a mere inconvenience to such owner; provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.
- d. To interpret the provisions of the ordinance where the street layout actually on the ground varies from the street layout as shown on the district map fixing the several districts.
- e. To waive or modify the parking requirements in the business or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities, or where such regulations would impose an unreasonable hardship upon the use of a lot, as contrasted with merely granting an advantage or a convenience.
- f. To permit a building to be erected, reconstructed, altered or enlarged so that the building lines will extend beyond the distance specified in this ordinance into side yards or into front yards; provided that such variance may not be granted; (1) unless there is a building in the block which extends beyond the distance from

the front street line specified in this ordinance, in which case the building line may be permitted to extend as near to the front street line as such non-conforming building, or (2) unless the lot is irregular in shape, topography or size, or (3) unless the street line of the lot is directly opposite the street line of a lot which is irregular in shape, topography or size.

2. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the District Map; such power and authority being reserved to the County Board.
3. The Board of Appeals may impose such conditions and restrictions upon the use of the premises benefited by a variance as it may deem necessary to maintain the standards established by this ordinance for the district in which the premises is located.
4. A petition for a variance shall be filed with the Zoning Officer, along with a fee of **\$400.00**, payable in advance.

#### Section 19.5 Notice

The Board shall make no such variation except in a specified case until an application for a permit has been made to the Zoning Enforcing Officer and after duly advertised public hearing held by the Board as prescribed by Statute. The notice of hearing shall contain the commonly known address or location of the property for which the variation or other ruling by the Board is sought, as well as a brief description of the nature of the relief sought in the petition.

#### Section 19.6 Appeals to Court

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

#### Section 19.7 Special Uses

1. The development and execution of a zoning ordinance is based upon the division of the county into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is

recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:

- (a) Uses publicly operated or traditionally affected with a public interest and
- (b) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

2. Special uses which are listed as such in this Ordinance may be authorized by the County Board. No application for a special use permit shall be acted upon by the County Board until after the Zoning Board has held a public hearing in the manner prescribed for amendments by paragraph 1 of Article XIX and has submitted its findings of fact and recommendations to the County Board as provided in paragraph 7 of this Section. An application for a special use permit shall be verified and filed in triplicate with the Zoning Enforcing Officer upon such forms and accompanied by such information as shall be required by this Ordinance or by the Zoning Board. The Zoning Enforcing Officer shall transmit a copy of the application to the County Board and the Zoning Board.

- (a) Before issuance of permit for any special use, the County Board shall refer the proposed application to the Planning Committee, which Committee shall be given 30 days in which to make an advisory report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public health, public safety or general welfare. No action shall be taken upon any application for a proposed building or use above referred to until or unless the report of the Planning Committee has been filed; provided, however, that if no report is received from the Committee within 30 days, it shall be assumed that approval of the application has been given by the Committee.

3. No use which is listed as a special use in any district established by this Ordinance shall be operated in such district without a special use permit. Every application for a special use permit shall set forth the following information:
  - (1) the name and post office address of the applicant;
  - (2) if the applicant is a corporation, partnership or other association of individuals, the names and post office addresses of any affiliate of the applicant;
  - (3) if the applicant will not be the operator of the special use, the names and post office addresses of the individual or organization who or which will be the operator (if the operator will be a corporation, partnership or other association of individuals, the required information for any affiliate of the operator should also be set forth);
  - (4) whether any permit or license from any federal, county, municipal or State agency or any other governmental unit is required for the use for which a special use permit is sought; if so, the applicant shall submit with the application a copy of such other permit or license;
  - (5) whether any special use permits have previously been granted or denied under the provisions of the Ordinance to the applicant or any affiliate of the applicant, and, if so, the date or dates on which such permits were granted or denied;
  - (6) the legal description of the property on which the special use will be conducted;
  - (7) the size of the property;
  - (8) the names of any other persons having a proprietary interest in the property;
  - (9) the source of the water supply for the proposed special use;
  - (10) the type of sanitary facilities available or which will be provided;
  - (11) the hours during which the applicant proposed to operate the special use;
  - (12) the number of persons the applicant or the operator will employ;
  - (13) the number and types of vehicles which will be used in connection with the special use;
  - (14) the number of off-street parking spaces the applicant proposes;
  - (15) whether any flammable or explosive materials will be used or stored on the property;

- (16) a site plan showing the use, height and location of any buildings or other structures located on or which the applicant proposes to locate on the property; and
  - (17) such other information as required.
4. Before proceeding with consideration of any application, the Zoning Board shall notify all other governmental agencies which might have an interest in the special use for which a permit is sought and shall consult with other County, township and municipal agencies as to what, if any, public construction and/or improvements are planned in or in proximity to the property. Also, if the Zoning Board determines that information is required in addition to the information which the applicant has furnished with his application, it shall have the power to request additional information from the applicant and any other public or private agency, organization or individual. Any information received from any source other than the applicant shall, at the request of the applicant, be made available to the applicant prior to or at the public hearing on the application.
5. In determining whether it will recommend that a special use permit be granted, the Zoning Board shall give consideration to the health, safety, morals and comfort of persons in the area of the property, any adverse impact on other land uses, the possibility of traffic congestion, harm to public roads, erosion of adjacent property and threat to any source of water supply. The Zoning Board may recommend that there be imposed on the permit such conditions and restrictions as it shall determine to be reasonably necessary to secure the general objectives of this Ordinance. Any such conditions and restrictions shall be in addition to any conditions or restrictions stipulated in this Ordinance.
6. Within 60 days after the required public hearing shall have been concluded, the Zoning Board shall make written findings of fact and submit same together with its recommendations on the application for a special use permit to the County Clerk of Henry County for delivery to the County Board. The County Board shall not be required to receive additional evidence and may grant or deny a special use permit in whole or in part, without being bound by the recommendations of the Zoning Board, may delete any or all conditions or restrictions on the permit recommended by the Zoning Board, may impose additional conditions or restrictions on the permit, or may re-submit the application to the Zoning Board for further study, report and/or public

hearings. If an application for a special use permit is not acted upon finally by the County Board at the second succeeding monthly meeting of the County Board after the date upon which the findings and recommendations of the Zoning Board are either initially or, if the application is resubmitted to the Zoning Board for further consideration, subsequently filed with the County Board, the application shall be deemed to have been denied unless the applicant shall have consented to extend the period within which the County Board must act.

7. No special use permit shall be valid for a period longer than one year from the date of the grant thereof unless the erection of a building or structure is started or the use is otherwise commenced within such period.  
SPECIAL USES DISCONTINUED FOR A PERIOD OF 12  
CONSECUTIVE MONTHS SHALL BECOME NULL AND VOID.
8. The failure to comply with any of the conditions or restrictions imposed on a special use permit shall be deemed to be a violation of this Ordinance. Any permit shall be subject to restriction or revocation at any time by the County Board, on its own motion or on the recommendation of the Zoning Board, if it shall appear that:
  - (a) the operator of such special use has failed to comply with any conditions or restrictions imposed on such permit and, after thirty (30) days notice of such failure to comply, has failed to remedy such non-compliance, or
  - (b) the operator of such special use or any affiliate is engaged in any other area of the County in any activity for which a special use permit is required but for which no permit has been obtained, or if such operator or affiliate has failed to remedy any non-compliance with any conditions or restrictions on any other special use permit after thirty (30) days notice thereof.
9. Where a use lawfully exists on the date of the adoption of this Ordinance and it would be classified as a special use in the district in which it is located, such use shall be considered to be a legal special use and may be continued subject to all of the provisions of this Ordinance. No expansion of legal special use, whether any additions or alterations to existing buildings or land improvements or otherwise, shall extend beyond the area actually devoted to the use at the time of adoption of this Ordinance; any such additions or alterations within such area shall be subject to front, rear and side yard requirements set forth in this Ordinance for permitted uses in the district in which the legal special use is located.



10. Every application for a special use permit shall be accompanied by a fee of four hundred fifty dollars (**\$450.00**) at the time it is filed with the Zoning Enforcing Officer to in part defray the expense of investigation and consideration of the application. The Zoning Enforcing Officer shall account for fees so collected.
11. SPECIAL USES GRANTED FOR APPLICANT'S USE ONLY (SUCH AS HOME, HOME BUSINESS, RURAL SMALL BUSINESS, MOBILE HOME FOR REASONS OF HARDSHIP) SHALL BE VALID FOR THREE YEARS FROM THE DATE OF COUNTY BOARD APPROVAL. THE SPECIAL USES MAY BE RENEWED FOR ADDITIONAL THREE YEAR TIME PERIODS AT THE DISCRETION OF THE ZONING BOARD OF APPEALS. CONSIDERATION OF RENEWAL REQUIRES WRITTEN REQUEST BY THE APPLICANT WITH REVIEW/APPROVAL BY THE ZONING BOARD OF APPEALS AT A PUBLIC HEARING.

## ARTICLE XX

### PERMITS

Applications for permits shall be made for all uses of the land and structures upon it, except as specifically exempt in Chapter 34, Illinois Revised Statutes. Applications shall be filed in written form with the Zoning Enforcing Officer and shall be given such information as may be required by this ordinance for its proper enforcement.

#### Section 20.1 Zoning Certificates

1. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department or employee of Henry County unless the application for such permit has been examined by the Zoning Enforcing Officer. Any permit issued in compliance with this Ordinance shall indicate thereon that the proposed building or structure complies with all the provisions of this Ordinance. Any permit or certificate issued on conflict with the provisions of the Ordinance shall be null and void.
2. In order to ensure that the building or structure conforms with all the provisions of this Ordinance, the Zoning Enforcing Officer may require the following prior to the issuance of a permit.
  - a. A plat (original or reproduction thereof), in duplicate of the piece or parcel of land, lot, lots, block or blocks, drawn to scale showing the actual dimensions, as certified by a "Registered Land Surveyor" registered with the State of Illinois, as a true copy of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land; and
  - b. A plat, in duplicate, drawn to a scale in such form as may, from time to time, be prescribed by the Zoning Enforcing Officer, showing the ground area, height and bulk of the building or structure, the building line in relation to lot lines, the use to be made of the building, structure or land, and such other information as may be required by the Zoning Enforcing Officer for the proper enforcement of this Ordinance.

#### Section 20.2 Certificate of Occupancy

1. No building or addition thereto, constructed after the effective date of this Ordinance shall be occupied, and no land vacant on the effective date of this ordinance shall be used for any purpose until a certificate of occupancy has been issued by the Zoning Enforcing Officer. No change in a use, other than that of a permitted use to another permitted use, shall be made until a certificate of occupancy has been issued by

the Zoning Enforcing Officer. Every certificate of occupancy shall state that the use or occupancy complies with provisions of this Ordinance.

2. Every application for a building permit shall be deemed to be an application for a certificate of occupancy. Every application for a certificate of occupancy for a new use of land where no building permit is required shall be made directly to the Zoning Enforcing Officer.
  
3. No certificate of occupancy for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Enforcing Officer to be in conformity with the plans and specifications upon which the zoning certificate and building permit was based. Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. Reasons in writing for refusal to issue a certificate of occupancy shall be forwarded to the applicant no later than ten (10) days after the Zoning Enforcing Officer is notified that the building or premises are ready for occupancy.

## **ARTICLE XXI**

### **ENFORCEMENT AND PENALTIES**

1. This Ordinance shall be administered and enforced by the County Zoning Enforcing Officer appointed by the Henry County Board of Supervisors.
2. Proper authorities of the county or any person affected may institute any appropriate action or proceedings against a violator as provided by Statute.
3. Any persons, firms or corporations, or agents, employees or contractors of such, who violate, disobey, omit, neglect or refuse to comply with or who resist enforcement of any of the provisions of this ordinance shall be subject to a fine of not more than \$200.00 or imprisonment for not more than six months, or both, for each offense, and each day a violation continues shall constitute a separate offense.

## ARTICLE XXII

### AMENDMENTS

1. County Board of Henry County may from time to time amend, supplement or change by ordinance the boundaries of Districts or regulations herein established. Any amendment, supplement or change shall first be submitted to the Zoning Board of Appeals and the Planning Committee for their recommendation and report. No such ordinance shall be adopted until after a duly advertised public hearing held by the Zoning Board of Appeals as prescribed by statute. A notice of hearing on an amendment, in addition to publication in a newspaper as required by laws, shall be posted on the road or street frontage of property proposed to be classified, and shall be mailed to each municipality within one and one-half miles thereof 15 days in advance of the hearing. The hearing shall be held in the Township or Road District affected by the terms of such proposed amendment or in the Courthouse of the County in which the affected Township or Road District is located. Provided, that if the owner of any property affected by such proposed amendment so requests, such hearing shall be held in the Township or Road District affected by the terms of such proposed amendment. Within a reasonable time after the hearing, the Zoning Board shall make a report to the County Board.
2. Text amendments may be passed at a county board meeting by a simple majority of the elected county board members, unless written protests against the proposed text amendment are signed by 5% of the land owners of the county, in which case such amendment shall not be passed except by the favorable vote of  $\frac{3}{4}$  of all the members of the county board.
3. Map amendments may be passed at a county board meeting by a simple majority of the elected county board members, except that in case of written protest against any proposed map amendment, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, or in cases where the land affected lies within 1  $\frac{1}{2}$  miles of the limits of a zoned municipality, or in the case of a proposed text amendment to the Zoning Ordinance, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the county clerk, such amendment shall not be passed exempt by the favorable vote of  $\frac{3}{4}$  of all the members of the county board, but in counties in which the county board consists of 3 members only a  $\frac{2}{3}$  vote is required. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.
4. For the purpose of discouraging speculative, premature and/or piecemeal map amendments, the Board of Appeals may schedule public hearings for the review of properties which have been rezoned but have not been platted and developed (installation of required improvements such as streets, water, utilities, etc.) for the

permitted uses in whole or in part within two years of map amendment approval of the County Board. If the current property owner cannot substantiate an immediate intent to plat and develop the subject property or if the Planning Committee determines the rezoned property is presently not consistent with current Comprehensive Plan goals, general principles, or policy statements, the Board of Appeals may recommend to the County Board that the property be rezoned to its previous zoning classifications.

5. Petitions by interested persons to re-zone or re-classify any property and the reasons in support thereof shall be filed with the Zoning Enforcing Officer, along with a fee of **\$450.00**, payable in advance, to partially defray the expense of investigation and consideration, which fee shall be collected by the Zoning Enforcing Officer, who shall be transmitted to the Planning Committee, Zoning Board of Appeals and County Board as outlined above.

## **ARTICLE XXIII**

### **VALIDITY**

If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**ARTICLE XXV**

**CONFLICTING ORDINANCES**

All Ordinances, resolutions or parts thereof in conflict with this Ordinance are hereby repealed insofar as they conflict with the provisions of this Ordinance.



Henry County Zoning Ordinance 18-09  
Appendix C Solar Energy Ordinance  
As Revised April 19, 2018

**Appendix C Solar Energy**

- 3.01 Title. Solar Energy Ordinance
- 3.02 Authority
- 3.03 Purpose
- 3.04 Applicability
- 3.05 Definitions
- 3.06 Personal Solar Energy System (PSES)
- 3.07 Solar Farm Energy System (SFES)
- 3.08 Indemnification and liability
- 3.09 Cessation of operations
- 3.10 Penalties
- 3.11 Solar Energy System Owner/County/Property Owner Restoration Agreement
- 3.12 Related Rules and Regulations
- 3.13 Severability

**3.01 Title.** This ordinance shall be known as the Solar Energy Ordinance.

**3.02 Authority.** This ordinance is adopted pursuant to authority granted by ILCS Chapter 55 Counties Division 5-12 Zoning and Section 5/5-1063 Building Construction, Alteration, Maintenance.

**3.03 Purpose.** The purpose of this ordinance is to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a solar energy system and to allow for the orderly development of land, protect property values and aesthetic conditions within the county. This ordinance does not repeal, abrogate, annul, impair or interfere with any existing ordinance.

**3.04 Applicability.** This ordinance applies to all unincorporated lands within the boundaries of Henry County.

**3.05 Definitions.**

**Ground Mount Solar Energy System.** A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

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

**Solar Energy.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy System (SES).** The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

**Personal Solar Energy System (PSES).** 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 on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.

**Solar Garden.** A commercial solar-electric array, of no more than 5 acres in size that provides retail electric power to multiple households or businesses residing in or located off-site from the location of the solar energy system. A solar garden may be either an accessory use or a special use if it is a stand-alone garden.

**Solar Farm Energy System (SFES).** A commercial facility, on a parcel(s) of five (5) acres or more that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity.

**Solar Farm Energy System Project Area.** A SFES project area may be comprised of a single parcel of land or two (2) or more contiguous parcels of land providing that the total area of SFES project area consists of five (5) acres of land or more.

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

**Structure Mount Solar Energy System.** A solar energy system in which solar panels are mounted on top of a roof structure as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

### **3.06 Personal Solar Energy System (PSES).**

#### **A. Purpose and Intent.**

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

#### **B. Permitted Use.**

Personal Solar Energy Systems shall be considered an accessory use to a principal permitted use in any zoning district.

### **C. Special Requirements**

Personal Solar Energy Systems shall be subject to the requirements included in Zoning Ordinance Section 7.6 Bulk Regulations unless otherwise stated herein:

- 1) Ground Mounted PSES height. Shall not be greater than twenty (20) feet at maximum tilt of the solar panel(s) in any zoning district.
- 2) Structure Mounted PSES height. Shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed.
- 3) Setbacks. The PSES shall maintain perimeter setbacks including; side and rear yard setbacks of ten (10) feet. No PSES shall be permitted to be located in the required front yard setback unless at least one hundred (100) feet back from the edge of the right of way with a vegetative buffer toward neighboring residential property.
- 4) Building Codes. All county, state, and national construction codes shall be followed.
- 5) Use. The PSES shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.
- 6) Approved Solar Components. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent.

### **D. Certificate of Compliance.**

Before a building permit is issued, the following shall be submitted to the Henry County Zoning and Building Department for review.

- 1) Site plan showing:
  - a) Name, address, and phone number of the property owner;
  - b) Property lines;
  - c) All structures;
  - d) Septic field;
  - e) Setback lines;
  - f) Location of all solar panels and associated equipment; and,
  - g) Location of the electrical disconnect for the PSES.
- 2) Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned solar energy system.
- 3) Evidence that the site plan has been submitted to the local fire protection district.
- 4) After an approved final inspection of all building permits, a certificate of compliance shall be issued.

## **3.07 Solar Farm Energy System (SFES)**

### **A. Purpose and Intent.**

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

### **B. Special Use Permit (SUP)**

Solar Farm Energy Systems shall require a SUP within the Ag-1 and M-1 zoning districts, and shall be subject to the procedures and standards included in Section 19.7 Special Permitted Uses, in the Henry County Zoning Ordinance unless otherwise stated in this Solar Ordinance.

### C. Special Requirements.

SFESs are subject to the following requirements:

- 1) Height. Shall not exceed twenty (20) feet at maximum tilt of the solar panel(s).
- 2) Setbacks. The front yard setbacks shall be a minimum of fifty (50) feet from the edge of the right of way which form the outside perimeter of a SFES project area and one hundred fifty (150) feet from a residential zoned lot. The side yard setback of twenty (20) feet and a rear yard setback of forty (40) feet shall be maintained. Solar panels shall be at least one hundred fifty (150) feet from a residence that is not part of the special use permit.
  - a) In the case of a solar farm energy system to be built on more than one parcel and parcels are abutting, a zero (0) side or rear setback shall be permitted to the property line in common with abutting parcel(s)
- 3) Fencing. A security fence of at least six (6) feet in height but no greater than eight (8) feet shall enclose the SFES.
- 4) Lighting. If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
- 5) Noise. Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district. Noise levels shall be enforced by Illinois Pollution Control Board.
- 6) Installation and Design. The SFES shall be designed and located in order to prevent glare toward any inhabited buildings of adjacent properties as well as adjacent highways.
- 7) All wiring between solar panels and the solar farm facility substation including transmission lines shall be underground unless a variance is approved by Zoning Board of Appeals.
- 8) Outdoor storage. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed.
- 9) Proof an Agriculture Impact Mitigations Agreement (AIMA) has been executed with the Illinois Department of Agriculture as needed.
- 10) Endangered Species and Wetlands. Applicant shall seek natural resource consultation with the Illinois Department of Natural Resources (IDNR). The applicant shall submit with the special use application the results of the IDNR EcoCAT consultation. The cost of the EcoCAT consultation shall be paid by the applicant.
- 11) Weed control. Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operating company during the operation of the Solar Farm must maintain the fence and adhere to the weed control plan.
- 12) Road Authority. Any roads that will be used for construction purposes and egress or ingress shall be identified and approved by the road jurisdiction. All applicable road and bridge weight limits shall be met during construction and maintenance. All applicable permits shall be acquired from the road jurisdiction prior to start of construction. The applicant shall submit with the special use application a letter of review for drive way access from the road jurisdiction(s).
- 13) Storm Water Management. Best management practices shall be employed to minimize erosion and sedimentation during construction of the solar farm energy

systems. An erosion control and storm water management plan shall be provided and National Pollutant Discharge Elimination System Permit as needed.

14) Administration and Enforcement

- a) The Zoning/Building Administrator may enter any property for which a special use or building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance and code. Failure to provide access shall be deemed a violation of this ordinance.

**D. Certification.**

SFESs shall conform to applicable industry standards, including those from the UL and Federal Aviation Administration (FAA).

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

**E. Safety.**

All SFESs shall provide the following at all locked entrances:

- 1) A visible "High Voltage" warning sign;
- 2) Name(s) and phone number(s) for the electric utility provider;
- 3) Name(s) and phone number(s) for the site operator;
- 4) The facility's 911 address, GPS coordinates; and,
- 5) A knock box with keys as needed.

**F. Application.**

The application for a Special Use permit for a Solar Farm Energy System shall include:

- 1) A written summary of the project including a general description of the project and its approximate generating capacity.
- 2) The name(s), address(s), and phone number(s) of the owner and SFES operator.
- 3) A site plan of the SFES site showing:
  - a) Boundaries of the site;
  - b) All proposed SFES structures;
  - c) Property lines;
  - d) Setback lines; and,
  - e) Location of all existing structures with their uses identified.
  - f) All solar farms will be subject to a site assessment/soil identification standard, (LESA) this is intended to protect agricultural soils. The LESA information will be utilized for a special use permit application and not for map amendment rezoning purposes.
  - g) In all undeveloped areas, the solar energy developer will be required to complete a consultation with the Illinois Department of Natural Resources (IDNR) through the Department's EcoCat Program. The cost of this consultation shall be at the developer's expense. The final Certificate from EcoCat shall be provided to the Henry County Zoning Department before a permit or Special Use permit will be issued.
- 4) All other information contained in Section 19.7 of this Zoning Ordinance as may be required to file a petition.

### **G. Decommissioning Plan.**

Prior to applying for a building permit, the SFES project owner/operator shall submit a decommissioning plan to the Henry County Zoning Department. The Zoning Department shall review the plan for completeness and refer it to the Henry County Planning Committee, and Zoning Board of Appeals, or any successor committee(s) designated to oversee zoning issues. The plan shall include:

- 1) A description of the plan to remove the SFES equipment and restore the land to its previous use upon the end of the project's life, as stated in the Solar Ordinance granting the Special Use Permit or as stated in the Henry County Zoning Ordinance.
- 2) Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five (5) feet below the surface, and the sequence in which removal is expected to occur;
- 3) Provisions for the restoration of the soil, vegetation and disturbed earth, which shall be graded and reseeded;
- 4) An estimate of the decommissioning costs certified by a licensed professional engineer in current dollars. The engineer providing this estimate shall submit it to Henry County Building and Zoning Office for review and all costs associated with this engagement shall be borne by the applicant;
- 5) A written financial plan approved to ensure that funds will be available for decommissioning and land restoration;
- 6) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.
- 7) Upon review of the decommissioning plan, the Planning Committee, and Zoning Board of Appeals or its successor Committee(s), of the Henry County Board shall set an amount to be held in a bond, escrow, or other acceptable form of funds approved by the Committee. The plan shall state that Henry County shall have access to the project and to the funds to effect or complete decommissioning one (1) year after cessation of operations; and,
- 8) The applicant shall provide the county with a new estimate of the cost to decommission the SFES project every five (5) years under the same conditions as set forth in this Sections above. Salvage value of structures, electrical wire and other appurtenances shall be considered with in the cost estimate calculations. Upon receipt of this new estimate, the county may require, and the applicant, owner, and/or operator of the SFES project shall provide, a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations.
- 9) Release of Financial Security. Financial security shall only be released when the Building and Zoning Administrator determines, after inspection, that the conditions of the decommissioning plan have been met.

### **H. Certificate of Compliance.**

Before a building permit is issued, the following shall be submitted to the appropriate Henry County permitting office for review:

- 1) Site plan with all items previously required in the petition. Additional items to be included are:

- a) All SFES structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines;
  - b) Ancillary equipment;
  - c) Transmission lines;
  - d) Wells;
  - e) Septic fields;
  - f) Field tile location;
  - g) Existing easements;
  - h) Floodplain location and elevation; and,
  - i) Wetland location, if any.
- 2) Emergency Plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the SFES project area. Any specialized training necessary will be provided at the operator's expense.
  - 3) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.
  - 4) After an approved final inspection of all building permits, a certificate of compliance shall be issued.

**3.08 Indemnification and Liability.** The applicant, owner, and/or operator of the SFES project shall defend, indemnify, and hold harmless the County of Henry and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operations of the SFES project.

**3.09 Cessation of Operations.** If any SFES provided for in this ordinance has not been in operation and producing electricity for at least three hundred and sixty five (365) days, it shall be removed. The Henry County Zoning Administrator shall notify the owner to remove the system. Within sixty (60) days, the owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the owner fails to or refuses to remove the solar energy system, the violation shall be referred to the Henry County State's Attorney for enforcement.

**3.10 Violations & Penalties.**

- A. **Violations.** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure of land is used in violation of this Division or of any ordinance, resolution or other regulation made under authority conferred thereby, the Henry County State's Attorney, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceedings in the circuit court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business, or use in or about such premises.

**B. Penalties.** Any person who violates the terms of any ordinance adopted under the authority of this Division shall be guilty of a petty offense punishable by a fine not to exceed \$500, with each week the violation remains uncorrected constituting a separate offense.

**3.11 Solar Farm Energy System owner/County/Property Owner Restoration Agreement.**

- A. Reasonable evidence of financial ability to construct the solar energy system as determined by the County Board is a condition precedent to the issuance of any special use or building permit under this ordinance.
- B. Henry County and/or the property owner leasing land for a solar energy system shall require a performance bond, surety bond, escrow account, letter of credit or other financial assurance to Henry County and/or property owner for each solar energy system that guarantees the performance of the restoration agreement, as referenced in Decommissioning Plan.

**3.12 Related Rules and Regulations.**

Each Solar Energy system shall comply with all applicable local, state and federal requirements.

**3.13 Severability.**

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

**Reviewed/approved by the Henry County State's Attorney**

Matt Smith  
State's Attorney

4/20/18  
Date

**Approved and adopted by the Henry County Board on this 19 day of April, 2018.**

Roger Goad  
Chairman

Barbara M Link  
County Clerk

**Rejected by the Henry County Board on this \_\_\_ day of \_\_\_, 2018.**

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
County Clerk



Henry County Zoning Ordinance 18-09  
Appendix C Solar Energy Ordinance  
As Revised April 19, 2018

**Appendix C Solar Energy**

3.01	Title. Solar Energy Ordinance
3.02	Authority
3.03	Purpose
3.04	Applicability
3.05	Definitions
3.06	Personal Solar Energy System (PSES)
3.07	Solar Farm Energy System (SFES)
3.08	Indemnification and liability
3.09	Cessation of operations
3.10	Penalties
3.11	Solar Energy System Owner/County/Property Owner Restoration Agreement
3.12	Related Rules and Regulations
3.13	Severability

**3.01 Title.** This ordinance shall be known as the Solar Energy Ordinance.

**3.02 Authority.** This ordinance is adopted pursuant to authority granted by ILCS Chapter 55 Counties Division 5-12 Zoning and Section 5/5-1063 Building Construction, Alteration, Maintenance.

**3.03 Purpose.** The purpose of this ordinance is to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a solar energy system and to allow for the orderly development of land, protect property values and aesthetic conditions within the county. This ordinance does not repeal, abrogate, annul, impair or interfere with any existing ordinance.

**3.04 Applicability.** This ordinance applies to all unincorporated lands within the boundaries of Henry County.

**3.05 Definitions.**

**Ground Mount Solar Energy System.** A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

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

**Solar Energy.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy System (SES).** The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

**Personal Solar Energy System (PSES).** 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 on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.

**Solar Garden.** A commercial solar-electric array, of no more than 5 acres in size that provides retail electric power to multiple households or businesses residing in or located off-site from the location of the solar energy system. A solar garden may be either an accessory use or a special use if it is a stand-alone garden.

**Solar Farm Energy System (SFES).** A commercial facility, on a parcel(s) of five (5) acres or more that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity.

**Solar Farm Energy System Project Area.** A SFES project area may be comprised of a single parcel of land or two (2) or more contiguous parcels of land providing that the total area of SFES project area consists of five (5) acres of land or more.

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

**Structure Mount Solar Energy System.** A solar energy system in which solar panels are mounted on top of a roof structure as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

### **3.06 Personal Solar Energy System (PSES).**

#### **A. Purpose and Intent.**

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

#### **B. Permitted Use.**

Personal Solar Energy Systems shall be considered an accessory use to a principal permitted use in any zoning district.

### **C. Special Requirements**

Personal Solar Energy Systems shall be subject to the requirements included in Zoning Ordinance Section 7.6 Bulk Regulations unless otherwise stated herein:

- 1) Ground Mounted PSES height. Shall not be greater than twenty (20) feet at maximum tilt of the solar panel(s) in any zoning district.
- 2) Structure Mounted PSES height. Shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed.
- 3) Setbacks. The PSES shall maintain perimeter setbacks including; side and rear yard setbacks of ten (10) feet. No PSES shall be permitted to be located in the required front yard setback unless at least one hundred (100) feet back from the edge of the right of way with a vegetative buffer toward neighboring residential property.
- 4) Building Codes. All county, state, and national construction codes shall be followed.
- 5) Use. The PSES shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.
- 6) Approved Solar Components. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent.

### **D. Certificate of Compliance.**

Before a building permit is issued, the following shall be submitted to the Henry County Zoning and Building Department for review.

- 1) Site plan showing:
  - a) Name, address, and phone number of the property owner;
  - b) Property lines;
  - c) All structures;
  - d) Septic field;
  - e) Setback lines;
  - f) Location of all solar panels and associated equipment; and,
  - g) Location of the electrical disconnect for the PSES.
- 2) Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned solar energy system.
- 3) Evidence that the site plan has been submitted to the local fire protection district.
- 4) After an approved final inspection of all building permits, a certificate of compliance shall be issued.

## **3.07 Solar Farm Energy System (SFES)**

### **A. Purpose and Intent.**

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

### **B. Special Use Permit (SUP)**

Solar Farm Energy Systems shall require a SUP within the Ag-1 and M-1 zoning districts, and shall be subject to the procedures and standards included in Section 19.7 Special Permitted Uses, in the Henry County Zoning Ordinance unless otherwise stated in this Solar Ordinance.

### C. Special Requirements.

SFESs are subject to the following requirements:

- 1) Height. Shall not exceed twenty (20) feet at maximum tilt of the solar panel(s).
- 2) Setbacks. The front yard setbacks shall be a minimum of fifty (50) feet from the edge of the right of way which form the outside perimeter of a SFES project area and one hundred fifty (150) feet from a residential zoned lot. The side yard setback of twenty (20) feet and a rear yard setback of forty (40) feet shall be maintained. Solar panels shall be at least one hundred fifty (150) feet from a residence that is not part of the special use permit.
  - a) In the case of a solar farm energy system to be built on more than one parcel and parcels are abutting, a zero (0) side or rear setback shall be permitted to the property line in common with abutting parcel(s)
- 3) Fencing. A security fence of at least six (6) feet in height but no greater than eight (8) feet shall enclose the SFES.
- 4) Lighting. If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
- 5) Noise. Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district. Noise levels shall be enforced by Illinois Pollution Control Board.
- 6) Installation and Design. The SFES shall be designed and located in order to prevent glare toward any inhabited buildings of adjacent properties as well as adjacent highways.
- 7) All wiring between solar panels and the solar farm facility substation including transmission lines shall be underground unless a variance is approved by Zoning Board of Appeals.
- 8) Outdoor storage. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed.
- 9) Proof an Agriculture Impact Mitigations Agreement (AIMA) has been executed with the Illinois Department of Agriculture as needed.
- 10) Endangered Species and Wetlands. Applicant shall seek natural resource consultation with the Illinois Department of Natural Resources (IDNR). The applicant shall submit with the special use application the results of the IDNR EcoCAT consultation. The cost of the EcoCAT consultation shall be paid by the applicant.
- 11) Weed control. Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operating company during the operation of the Solar Farm must maintain the fence and adhere to the weed control plan.
- 12) Road Authority. Any roads that will be used for construction purposes and egress or ingress shall be identified and approved by the road jurisdiction. All applicable road and bridge weight limits shall be met during construction and maintenance. All applicable permits shall be acquired from the road jurisdiction prior to start of construction. The applicant shall submit with the special use application a letter of review for drive way access from the road jurisdiction(s).
- 13) Storm Water Management. Best management practices shall be employed to minimize erosion and sedimentation during construction of the solar farm energy

systems. An erosion control and storm water management plan shall be provided and National Pollutant Discharge Elimination System Permit as needed.

14) Administration and Enforcement

- a) The Zoning/Building Administrator may enter any property for which a special use or building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance and code. Failure to provide access shall be deemed a violation of this ordinance.

**D. Certification.**

SFESs shall conform to applicable industry standards, including those from the UL and Federal Aviation Administration (FAA).

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

**E. Safety.**

All SFESs shall provide the following at all locked entrances:

- 1) A visible “High Voltage” warning sign;
- 2) Name(s) and phone number(s) for the electric utility provider;
- 3) Name(s) and phone number(s) for the site operator;
- 4) The facility’s 911 address, GPS coordinates; and,
- 5) A knock box with keys as needed.

**F. Application.**

The application for a Special Use permit for a Solar Farm Energy System shall include:

- 1) A written summary of the project including a general description of the project and its approximate generating capacity.
- 2) The name(s), address(s), and phone number(s) of the owner and SFES operator.
- 3) A site plan of the SFES site showing:
  - a) Boundaries of the site;
  - b) All proposed SFES structures;
  - c) Property lines;
  - d) Setback lines; and,
  - e) Location of all existing structures with their uses identified.
  - f) All solar farms will be subject to a site assessment/soil identification standard, (LESA) this is intended to protect agricultural soils. The LESA information will be utilized for a special use permit application and not for map amendment rezoning purposes.
  - g) In all undeveloped areas, the solar energy developer will be required to complete a consultation with the Illinois Department of Natural Resources (IDNR) through the Department’s EcoCat Program. The cost of this consultation shall be at the developer’s expense. The final Certificate from EcoCat shall be provided to the Henry County Zoning Department before a permit or Special Use permit will be issued.
- 4) All other information contained in Section 19.7 of this Zoning Ordinance as may be required to file a petition.

### **G. Decommissioning Plan.**

Prior to applying for a building permit, the SFES project owner/operator shall submit a decommissioning plan to the Henry County Zoning Department. The Zoning Department shall review the plan for completeness and refer it to the Henry County Planning Committee, and Zoning Board of Appeals, or any successor committee(s) designated to oversee zoning issues. The plan shall include:

- 1) A description of the plan to remove the SFES equipment and restore the land to its previous use upon the end of the project's life, as stated in the Solar Ordinance granting the Special Use Permit or as stated in the Henry County Zoning Ordinance.
- 2) Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five (5) feet below the surface, and the sequence in which removal is expected to occur;
- 3) Provisions for the restoration of the soil, vegetation and disturbed earth, which shall be graded and reseeded;
- 4) An estimate of the decommissioning costs certified by a licensed professional engineer in current dollars. The engineer providing this estimate shall submit it to Henry County Building and Zoning Office for review and all costs associated with this engagement shall be borne by the applicant;
- 5) A written financial plan approved to ensure that funds will be available for decommissioning and land restoration;
- 6) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.
- 7) Upon review of the decommissioning plan, the Planning Committee, and Zoning Board of Appeals or its successor Committee(s), of the Henry County Board shall set an amount to be held in a bond, escrow, or other acceptable form of funds approved by the Committee. The plan shall state that Henry County shall have access to the project and to the funds to effect or complete decommissioning one (1) year after cessation of operations; and,
- 8) The applicant shall provide the county with a new estimate of the cost to decommission the SFES project every five (5) years under the same conditions as set forth in this Sections above. Salvage value of structures, electrical wire and other appurtenances shall be considered with in the cost estimate calculations. Upon receipt of this new estimate, the county may require, and the applicant, owner, and/or operator of the SFES project shall provide, a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations.
- 9) Release of Financial Security. Financial security shall only be released when the Building and Zoning Administrator determines, after inspection, that the conditions of the decommissioning plan have been met.

### **H. Certificate of Compliance.**

Before a building permit is issued, the following shall be submitted to the appropriate Henry County permitting office for review:

- 1) Site plan with all items previously required in the petition. Additional items to be included are:

- a) All SFES structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines;
  - b) Ancillary equipment;
  - c) Transmission lines;
  - d) Wells;
  - e) Septic fields;
  - f) Field tile location;
  - g) Existing easements;
  - h) Floodplain location and elevation; and,
  - i) Wetland location, if any.
- 2) Emergency Plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the SFES project area. Any specialized training necessary will be provided at the operator's expense.
  - 3) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.
  - 4) After an approved final inspection of all building permits, a certificate of compliance shall be issued.

**3.08 Indemnification and Liability.** The applicant, owner, and/or operator of the SFES project shall defend, indemnify, and hold harmless the County of Henry and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operations of the SFES project.

**3.09 Cessation of Operations.** If any SFES provided for in this ordinance has not been in operation and producing electricity for at least three hundred and sixty five (365) days, it shall be removed. The Henry County Zoning Administrator shall notify the owner to remove the system. Within sixty (60) days, the owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the owner fails to or refuses to remove the solar energy system, the violation shall be referred to the Henry County State's Attorney for enforcement.

**3.10 Violations & Penalties.**

- A. **Violations.** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure of land is used in violation of this Division or of any ordinance, resolution or other regulation made under authority conferred thereby, the Henry County State's Attorney, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceedings in the circuit court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business, or use in or about such premises.

