

Date: February 8, 2000
Amended: February 13, 2001
Amended: May 11, 2004
Amended: June 8, 2004
Amended: March 8, 2005
Amended: September 9, 2008
Amended: November 10, 2009
Amended: April 13, 2010
Amended: July 8, 2014

CONTENTS

| | |
|---|--------------|
| SECTION 1 - INTRODUCTION | 1 |
| 1.1 AUTHORITY | 1 |
| 1.2 PURPOSE..... | 1 |
| 1.3 INTENT | 2 |
| 1.4 ABROGATION AND GREATER RESTRICTIONS..... | 2 |
| 1.5 INTERPRETATION..... | 3 |
| 1.6 SEVERABILITY..... | 3 |
| 1.7 TITLE | 3 |
| SECTION 2 - GENERAL PROVISIONS..... | 3 |
| 2.1 JURISDICTION | 3 |
| 2.2 USE RESTRICTIONS..... | 3 |
| 2.3 SITE RESTRICTIONS..... | 4 |
| 2.4 MOBILE HOME | 6 |
| SECTION 3 - ZONING DISTRICTS..... | 6 |
| 3.1 ESTABLISHMENT..... | 6 |
| 3.2 DISTRICT BOUNDARIES..... | 6 |
| 3.3 ZONING ATLAS | 7 |
| 3.4 AGRICULTURAL DISTRICTS | 7 |
| 3.4.1 A-1 AGRICULTURAL DISTRICT | 7 |
| 3.4.2 A-2 AGRICULTURAL DISTRICT | 14 |
| 3.5 RURAL RESIDENTIAL DISTRICTS..... | 21 |
| 3.5.1 RR-1 SINGLE FAMILY RESIDENTIAL DISTRICT | 21 |
| 3.5.3 RH-1 RURAL HOMESTEAD DISTRICT | 23 |
| 3.5.4 WF-1 WATERFRONT RESIDENCE..... | 26 |
| 3.5.5 WF-2 WATERFRONT RESIDENCE..... | 29 |
| 3.5.6 UR-1 SINGLE FAMILY RESIDENTIAL DISTRICT | 31 |
| 3.6 BUSINESS DISTRICTS | 33 |
| 3.6.1 B-1 BUSINESS DISTRICT..... | 33 |
| 3.6.2 B-2 SHOPPING CENTER DISTRICT | 35 |
| 3.7 INDUSTRIAL DISTRICTS | 38 |
| 3.7.1 M-1 INDUSTRIAL DISTRICT..... | 38 |

| | |
|---|-----------|
| 3.7.2 M-2 INDUSTRIAL DISTRICT..... | 39 |
| 3.7.3 M-3 EXTRACTION DISTRICT..... | 41 |
| 3.8 PLANNED DEVELOPMENT DISTRICT..... | 42 |
| 3.8.1 PURPOSE..... | 42 |
| 3.8.2 STANDARDS..... | 43 |
| 3.8.3 PROCEDURE..... | 43 |
| SECTION 4 - PARKING, LOADING, TRAFFIC, ACCESS..... | 47 |
| 4.1 PARKING AND LOADING..... | 47 |
| 4.2 ADDITIONAL REGULATIONS--PARKING..... | 48 |
| 4.3 ADDITIONAL REGULATIONS--OFF-STREET LOADING..... | 49 |
| 4.4 SCHEDULE OF OFF-STREET PARKING, LOADING, AND UNLOADING REQUIREMENTS..... | 49 |
| 4.5 VISIBLE PARKING OF JUNK, ABANDONED OR UNLICENSED MOTOR VEHICLES OR EQUIPMENT PROHIBITED..... | 50 |
| 4.6 TRAFFIC VISIBILITY..... | 51 |
| 4.7 DRIVEWAYS..... | 51 |
| 4.8 HIGHWAY ACCESS..... | 51 |
| SECTION 5 - SIGNS..... | 52 |
| 5.1 PURPOSE OF SIGNS..... | 52 |
| 5.2 PERMITS..... | 52 |
| 5.3 RESIDENTIAL DISTRICTS..... | 53 |
| 5.4 BUSINESS DISTRICTS..... | 53 |
| 5.5 INDUSTRIAL DISTRICTS..... | 54 |
| 5.6 INTEGRATED DEVELOPMENT SIGNS..... | 54 |
| 5.7 BILLBOARDS..... | 54 |
| SECTION 6 - FLOODPLAINS..... | 54 |
| 6.1 PURPOSE..... | 55 |
| 6.2 DEFINITIONS..... | 55 |
| 6.3 PERMITTED USES..... | 56 |
| 6.4 REFERENCE..... | |
| SECTION 7 - PERFORMANCE STANDARDS..... | 56 |
| 7.1 SPECIAL REGULATIONS IN INDUSTRIAL DISTRICTS AS INDICATED..... | 56 |
| 7.2 NOISE..... | 57 |
| 7.3 EARTHBOEN VIBRATION..... | 59 |
| 7.4 SMOKE AND PARTICULATE MATTER..... | 59 |
| 7.5 TOXIC MATTER..... | 60 |
| 7.6 ODOROUS MATTER..... | 60 |
| 7.7 FIRE AND EXPLOSION HAZARDS..... | 61 |

| | |
|---|-----------|
| 7.8 PERFORMANCE REQUIREMENTS AND ENFORCEMENT | 62 |
| SECTION 8 - MODIFICATIONS AND EXCEPTIONS | 63 |
| 8.1 HEIGHT | 63 |
| 8.2 YARDS | 64 |
| 8.3 ADDITIONS | 64 |
| 8.4 AVERAGE FRONT YARDS | 64 |
| 8.5 NOISE | 64 |
| SECTION 9 - NONCONFORMING STRUCTURES OR USES | 64 |
| 9.1 NONCONFORMING STRUCTURE | 65 |
| 9.2 NONCONFORMING USES | 65 |
| 9.3 NONCONFORMING VARIANCE PERMITTED BY ZONING APPEALS BOARD | 65 |
| 9.4 DISCONTINUANCE OF NONCONFORMING USES OR BUILDINGS | 66 |
| 9.5 SUBSTANDARD LOT | 66 |
| SECTION 10 - CONDITIONAL USES | 66 |
| 10.1 CONDITIONAL USES | 66 |
| 10.2 CONDITIONAL USE PROCEDURE | 66 |
| SECTION 11 - BOARD OF APPEALS, ADMINISTRATION, AND ENFORCEMENT | 68 |
| 11.1 BOARD OF APPEALS - CREATION AND MEMBERSHIP | 68 |
| 11.2 MEETINGS | 68 |
| 11.3 JURISDICTION | 68 |
| 11.4 APPEALS -- HOW TAKEN | 69 |
| 11.5 STANDARDS FOR VARIATIONS | 70 |
| 11.6 NOTICE OF HEARING | 72 |
| 11.7 ENFORCEMENT | 72 |
| SECTION 12 - PERMITS | 73 |
| PERMIT APPLICATIONS | 73 |
| SECTION 13 - AMENDMENTS | 74 |
| 13.1 POWER TO AMEND | 74 |
| 13.2 PETITIONS | 74 |
| 13.3 PROCEDURES | 74 |
| 13.4 PASSAGE OF AMENDMENT | 75 |
| SECTION 14 - FEES, VIOLATIONS, PENALTIES | 75 |
| 14.1 FEES | 75 |
| 14.2 VIOLATIONS | 76 |
| 14.3 PENALTIES | 76 |
| SECTION 15 - RULES AND DEFINITIONS | 76 |

| | |
|--|-----------|
| 15.1 RULES | 76 |
| 15.2 DEFINITIONS..... | 76 |
| PERFORMANCE STANDARDS DEFINITIONS | 85 |
| | |
| <i>SECTION 16 PROHIBITION.....</i> | 92 |
| | |
| <i>SECTION 17 DESIGN STANDARDS.....</i> | 92 |
| | |
| <i>SECTION 18 EXISTING ACTION</i> | 92 |
| | |
| <i>SECTION 19 SEVERABILITY</i> | 92 |
| | |
| <i>SECTION 20 EFFECTIVE DATE.....</i> | 92 |

SECTION 1 - INTRODUCTION

1.1 AUTHORITY

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

1.2 PURPOSE

This ordinance is adopted for the following purposes:

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

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

1.3 INTENT

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

1.4 ABROGATION AND GREATER RESTRICTIONS

1. Where the conditions imposed by any provision of this Zoning Ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

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

1.5 INTERPRETATION

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

1.6 SEVERABILITY

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

1.7 TITLE

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

SECTION 2 - GENERAL PROVISIONS

2.1 JURISDICTION

The jurisdiction of this ordinance shall include all lands and waters within the unincorporated areas of Iroquois County. All buildings erected hereafter; all uses of land or buildings established hereafter; all structural alterations or relocation of existing buildings occurring hereafter; and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

2.2 USE RESTRICTIONS

1. Principal Uses - Only those principal uses specified for a district or on a planned development plat and their essential services shall be permitted in that district.
2. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
3. Conditional uses and their accessory uses are permitted in districts as specified, but only according to the conditional use procedure in Section 10. Also, any development within 500 feet of the existing or proposed right-of-ways of expressways, freeways, interstate, and controlled access traffic ways and within 1,500 feet of their existing or proposed interchange or turning lane right-of-ways shall be deemed to be conditional uses. Such development shall be specifically reviewed by the Planning and Zoning Board of Appeals as provided in Section 10.

4. Unclassified or Unspecified Uses - In case of uncertainty where the Zoning Administrator is unable to determine literally whether a use is permitted as a principal or accessory use, he/she shall consult the Board of Zoning Appeals for an interpretation.
5. Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure are permitted while sales or construction are in progress.
6. Performance standards listed in Section 7 shall apply to all uses in all districts.
7. Temporary Dwellings - No structure shall be used for dwelling purposes that does not comply with the requirements of this ordinance or any applicable Building Codes. No garage or other accessory building, mobile home, basement, partial or temporary structure whether of a fixed or portable construction shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary permit by the Zoning Enforcement Officer and satisfying all of the conditions thereof. However, temporary usage of lots of record, either with or without dwellings may be permitted for wheeled vehicles designed for sleeping or camping by temporary permit from the Zoning Enforcement Officer. Travel Trailers must be moved after one hundred and eighty (180) days.
8. Mobile Homes - No mobile home shall be occupied as a dwelling except when such mobile home is located in a licensed and approved mobile home park or as otherwise herein provided.
9. Any dwelling or home existing at the time of adoption of this ordinance shall be considered a permitted use within the zoning district. Replacement structures shall conform to the standards established for the zoning district, except that replacement, modification, or addition to structures within flood plains must also meet specifications set by the Federal Emergency Management Agency, or its successors, pertaining to elevations and flood proofing.
10. Farm animals shall not be raised, placed, maintained, or bred on any property not zoned for Agriculture Use at a density of more than one animal unit per acre, rounded down to the nearest whole number. Farm animals, for the purpose of this section, shall be considered to be those animals named in the definition of animal units in this Ordinance.

2.3 SITE RESTRICTIONS

1. Soil Conditions - No land shall be used or structure erected where the land is held unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low

percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the county.

2. The Soil and Water Conservation District shall make all natural resource information available to the Zoning Board of Appeals in the promulgation of zoning ordinances or variances. Any person who petitions the county agency in the district for variation, amendment, or other relief from the county's Zoning Ordinance or who proposes to subdivide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than 30 days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency for further action. The Zoning Board of Appeals, and/or the Planning and Zoning Committee of the County Board may use the information provided by the Soil and Water Conservation District in conjunction with the Land Evaluation and Site Assessment (LESA) program (Appendix A of this Ordinance) as a measure of the appropriateness of a rezoning application.
3. All lots shall abut upon a public thoroughfare with at least 30 feet of frontage.
4. No zoning permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
5. Private Sewer and Water - In a district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with the local or Illinois State Board of Health standards. In any district where either a public water service or public sewerage service is unavailable, the width and area for single-family lots shall be no less than 100 feet and no less than 20,000 square feet, respectively. All improved property must have wells and septic in good working condition in accordance with Illinois Public Health Regulations.
6. Reduction of Joint Use - No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
7. Setback Requirements - All permitted and conditional uses (public utilities exempt) shall maintain a minimum setback in accord with the associated thoroughfare classification. These setback requirements shall not pertain to agricultural uses as described in Section 3.4, 1, b-1. Agricultural structures shall comply with setback requirements.
Thoroughfare

| <u>Classification</u> | <u>Maintenance</u> | <u>Setback</u> |
|---------------------------|--------------------|-------------------------|
| Interstate | State | 100' |
| Major | State | 100' |
| Area Service | State | 50' |
| Collector - Major & Minor | County | 80' from center of road |
| Land Access | Township | 80' from center of road |

8. The County, as part of this Ordinance and the Zoning Map attached, thereto, may designate highways as arterial and non-arterial, based on usage, traffic counts, and other factors.
9. The Illinois Plat Act, as revised, shall apply in all cases where rezoning is a result of or results in the division of property.

2.4 MOBILE HOME

The mobile home must meet the American National Standards Institute (ANSI) A119.1 specifications.

SECTION 3 - ZONING DISTRICTS

3.1 ESTABLISHMENT

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

- A-1 Agriculture District
- A-2 Agriculture District
- RR-1 Single-Family Residential District
- UR-1 Single Family Residential
- RH-1 Rural Homestead District
- WF-1 Waterfront Residence District
- B-1 Business District
- B-2 Shopping Center District
- B-2A Neighborhood Shopping Center
- B-2B Community Shopping Center
- M-1 Industrial District
- M-2 Industrial District
- M-3 Extraction District
- PD Planned Development District

3.2 DISTRICT BOUNDARIES

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

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

3.3 ZONING ATLAS

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

3.4 AGRICULTURAL DISTRICTS

1. A-1 - Agricultural District

Purpose:

The A-1 Agricultural District is established as a zone in which agriculture and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the admixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. This zone is also designed to prevent health hazards brought about by the illogical placement of inappropriately high residential densities in the otherwise open countryside.

A. Permitted Uses

- 1) Agriculture Uses, including but not limited to horticulture, forestry, crop and tree farming, gardening, dairy, stock and poultry farming, but excluding slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter.
- 2) Single-family dwellings of the following types:
 - a) Pre-existing single family dwellings for the purposes of this section, a dwelling shall be considered “pre-existing” single family dwelling if it has been in habitable condition with utility service as aforesaid, for at least three years, and inhabited within one year. It shall be the duty of the Zoning Enforcement officer to determine if a dwelling meets the requirements of this paragraph.

BULK REQUIREMENTS:

Minimum Buildable Lot Size: 20,000 square feet
Minimum Yards in buildable lot:

Front 80 feet from center of road
Rear 20 feet from property line
Side Minimum 8 and 15 feet from property
Line

BUILDING:

Minimum Total Floor Area: 900 square feet
Minimum Building Width: 22 feet
Maximum Height: 35 feet

DRIVEWAYS:

All driveways intersecting arterial roads, as designated shall be a minimum of 1000 feet apart, except where two driveways are parallel to each other and spaced no more than 10 feet from each other.

Easements: Must be a minimum of 66 feet wide

- b) One single-family dwelling for relatives of the landowner when located on the same farmstead, and only if located on a tract exceeding 75 acres in size.

BULK REQUIREMENTS:

Minimum Buildable Lot Size: 20,000 sq. ft.

Structure must not exceed 20% of buildable lot area

Minimum Yards in buildable lot:

Front: 80 feet from center of road
Rear: 20 feet from property line
Side: Minimum 8 and 15 feet from property
Line

BUILDING:

Minimum Total Floor Area: 900 square feet
Minimum Building Width: 22 feet
Maximum Height: 35 feet

DRIVEWAYS:

All existing or new entrances of ingress and egress from a public road must be at least 66 feet in width.

ACCESS EASEMENTS:

Must be a minimum of 66 foot wide.

APPLICATION FEE:

The application fee is \$100.00.

The split fee is \$100.00.

- e) The previous conditional use rezoning requirement of rezoning a pre-existing homesite where the dwelling has been removed, destroyed, or not habitable within the preceding year and where historical data can document the site as a previous homesite shall now be considered a permitted use.

A building or buildings from the previous site shall be standing and the homesite shall not be farmed.

A.

ACCESSORY USES

- 1) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- 2) Rural service occupation: a part-time occupation carried by the resident thereof, in a dwelling or accessory building not involving the employment of any outside employees and excluding any outside storage. (Res. of 12-8-81)
- 3) Living quarters such as apartment, or room for persons employed on the premises and not rented or otherwise used as a separate dwelling, but only if located on tracts exceeding 75 acres in size.
- 4) Barns and other farm buildings.
- 5) Private garages and private greenhouses.

- 6) Roadside stands offering for sale agricultural or other products grown or produced on the premises.
- 7) SIGNS
- a) Temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located upon property to which the sign refers, which signs shall be removed upon sale or lease of the property.
 - b) Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 250 square feet in area or remain longer than six months. "For Rent" or "For Lease" signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or more than 90 days after the building is completed.
 - c) Church or public bulletin boards not exceeding 25 square feet in area.
 - d) Temporary post signs not exceeding 4 square feet in area indicating the type of plant being grown or the type of fertilizer being used.
 - e) Ground or post signs pertaining to activities conducted on the property.
 - f) Ground or post signs not exceeding 8 square feet in area advertising activities within 5 miles of the sign and providing information of direct interest to the traveling public, including points of interest, recreation and scenic areas, places for camping, lodging, eating, sale of farm supplies, and vehicular service and repair.
 - g) Permanent signs erected in the agricultural district shall not exceed 300 square feet in area; shall not be illuminated by flashing, intermittent, or moving parts; shall not be erected within 100 feet of an entrance to highway, street, or road, or within 300 feet of road intersections, or 500 feet of the intersection of two state or interstate highways and 300 feet of access roads and residential drives; and there shall not be more than one such sign for each 1,000 lineal feet of highway frontage. Signs shall also be set back 50 feet from all public right-of-way lines, except along classified land

access roads where signs are permitted along fence or property lines.

- 8) Private Landing Strip
- 9) Arboretum or botanical garden, forestry, plant nursery, public open land.
- 10) No dwelling or mobile home may be erected, located, or maintained in an Agricultural District unless it meets the conditions set forth in this Section 3.4(1). (Ord. No. 90-10, Sec. 2, 8-14-90)
- 11) Bed and Breakfast Inns using an existing structure and accommodating no more than ten (10) guests.

C. Conditional Uses

- 1) Public utility and service uses such as electric substations, gas regulator stations, water reservoirs, or pumping stations, government buildings (see section 10, Conditional Uses), and similar uses. Any tower not covered by Telecommunication or Wind Ordinance.
- 2) Farm Related Sales, Service, and Manufacturing
 - a) Retail fertilizer sales, including bulk storage and blending, provided all products sold and stored on the premises are manufactured elsewhere--on a lot not less than one acre in area and provided the lot is not located nearer than 1,000 feet from an existing dwelling, excepting an existing dwelling on the subject premises, or a Residence District boundary line.
 - b) Grain elevators.
 - c) Feed, grain and seed sales.
 - d) Livestock sales.
 - e) Farm implement, machinery and equipment sales and service.
- 3) Roadside stands offering for public sale agricultural or other products grown or produced off the premises.

See Fee Ordinance.

- 4) Kennels See Kennel Ordinance.
- 5) Farms under 75 acres
Agricultural Use - Use must be shown at time of application.
- 6) Drive-In Theaters, Boathouses, Golf Course.
- 7) Publicly owned community facilities, such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and similar uses.
- 8) Dude Ranches, public stables, rodeo and horse show arenas with permanent seating or galleries for spectators of a minimum lot area ten acres, health and exercise spas, private stables
- 9) Campgrounds with rental spaces for camping trailers, motorized camping vehicles, or tents.
- 10) Day camp, military camp, outdoor recreational club, conservation club, public recreational and playground, parks.
- 11) The housing, storing, repair, or regular parking of three or more Class 7 or Class 8 vehicles as defined by the US FHWA. The application must state the number of trucks, trailers, and/or busses. Protective fences or other screening may be required for the issue of this permit.

BULK REQUIREMENTS:

Buildable Lot Size: 20,000 square feet

Structures must not exceed 20% of Buildable Lot Area

Minimum Yards in buildable lot:

Front: 80 feet from center of road

Rear: 20 feet from property line

Side: Minimum 8 and 15 feet from property line
line

BUILDING:

Minimum Total Floor Area: 900 square feet

Minimum Building Width: 22 feet

Maximum Height: 35 feet

DRIVEWAYS:

All driveways intersecting arterial roads, as designated shall be a minimum of 1000 feet apart, except where two driveways are parallel to each other and spaced no more than 10 feet from each other.

EASEMENTS:

Must be a minimum of 66 feet wide

12) Mobile Home Parks (2 Mobile Home Units or More) – Subject to regulations of the Mobile Home Park Regulations found in Appendix B.

13) Health and Exercise Spas

14) Bed and breakfast inns accommodating an excess of ten (10) guests or where the proprietor does not reside at the facility.

2. A-2 - Agricultural District

Purpose:

The A-2 Agricultural District is established as a transitional zone between existing agricultural areas and municipal and recreational areas. The specific intent is to allow continuation of agricultural pursuits within the area while encouraging development to occur in proximity to available services, thus minimizing conflict with agricultural uses and the cost of providing appropriate services.

A. Permitted Uses

- 1) Agriculture Uses, including but not limited to horticulture, forestry, crop and tree farming, gardening, dairy, stock and poultry farming, but excluding slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter. No more than two (2) animal units per acre shall be housed or pastured on tracts of 5 acres or less.

- 2) Single-family dwellings of the following types:
 - a) Pre-existing single family dwelling for the purposes of this section, a dwelling shall be considered “pre-existing” if it has been in habitable condition with utility service as aforesaid, for at least one year, and inhabited within one year. It shall be the duty of the Zoning Enforcement officer to determine if a dwelling meets the requirements of this paragraph.

 - b) One single-family dwelling for relatives of the landowner when located on the same farmstead, and only if located on a tract exceeding 75 acres in size.

 - c) One single family dwelling when located on tracts of 37.5 acres in size.

- 3) Residential minor subdivisions located within one half (½) mile of an incorporated municipality and containing no fewer than eight (8) lots and no more than 12 (twelve) lots. See Subdivision Ordinance.

BULK REQUIREMENTS:

Buildable Lot Size

Minimum Area: 20,000 square feet buildable
 Minimum Width at building line: 100 feet

Yards in buildable lot

Minimum Set-Back: 80 feet from center of road
 Minimum Side: 8 feet and 15 feet from property line
 Rear Set-Back: 20 feet from property line

BUILDING:

Minimum Total Floor Area: 900 square feet
 Maximum Ground Coverage: 30 percent

Maximum Height: 35 feet
Minimum Building Width: 22 feet

DRIVEWAYS:

All driveways intersecting arterial roads, as designated shall be a minimum of 1000 feet apart, except where two driveways are parallel to each other and spaced no more than 10 feet from each other.

EASEMENTS:

Must be a minimum of 66 foot wide

- 4) One parcel split from an existing homesite of at least two acres that existed on February 1, 2005. The site shall remain contiguous to the existing homesite and, regardless of ownership, shall be considered a separate parcel subject to the provisions of the Illinois Plat Act and the Iroquois County Subdivision Ordinance.

BULK REQUIREMENTS:

Remaining homesite: One Acre
Minimum building lot size: One Acre
Structure must not exceed: 20% of buildable lot area

Minimum yards in buildable lot:

| | |
|-------|--|
| Front | 80 feet from center of road |
| Rear | 20 feet from property line |
| Side | Minimum 8 and 15 feet from property line |

BUILDING:

Minimum Total Floor Area 900 square feet
Minimum Building Width 22 feet
Maximum Height 35 feet

DRIVEWAYS:

All existing or new entrances of ingress and egress from a public road must be at least 66 feet in width.

ACCESS EASEMENTS:

Must be a minimum of 66' wide.

APPLICATION FEE:

The application fee is \$100.00.

The split fee is \$100.00.

- 5) The previous conditional use rezoning requirement of rezoning a pre-existing homesite where the dwelling has been removed, destroyed, or not habitable within the preceding year and where historical data can document the site as a previous homesite shall now be considered a permitted use. A building or buildings from the previous site shall be standing and the homesite shall not be farmed.

B.

Accessory Uses:

- 1) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- 2) Rural service occupation: a part-time occupation carried by the resident thereof, in a dwelling or accessory building not involving the employment of any outside employees and excluding any outside storage. (Res. of 12-8-81)
- 3) Living quarters such as apartment or room for persons employed on the premises and not rented or otherwise used as a separate dwelling, but only if located on tracts exceeding 75 acres in size.
- 4) Barns and other farm buildings.
- 5) Private garages and private greenhouses.
- 6) Roadside stands offering for sale agricultural or other products grown or produced on the premises.
- 7) Signs.
 - a) Temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located

upon property to which the sign refers, which signs shall be removed upon sale or lease of the property.

- b) Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 250 square feet in area or remain longer than six months. "For Rent" or "For Lease" signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or more than 90 days after the building is completed.
 - c) Church or public bulletin boards not exceeding 25 square feet in area.
 - d) Temporary post signs not exceeding 4 square feet in area indicating the type of plant being grown or the type of fertilizer being used.
 - e) Ground or post signs pertaining to activities conducted on the property.
 - f) Ground or post signs not exceeding 8 square feet in area advertising activities within 5 miles of the sign and providing information of direct interest to the traveling public, including points of interest, recreation and scenic areas, places for camping, lodging, eating, sale of farm supplies, and vehicular service and repair.
 - g) Permanent signs erected in the agricultural district shall not exceed 300 square feet in area; shall not be illuminated by flashing, intermittent, or moving parts; shall not be erected within 100 feet of an entrance to highway, street, or road, or within 300 feet of road intersections, or 500 feet of the intersection of two state or interstate highways and 300 feet of access roads and residential drives; and there shall not be more than one such sign for each 1,000 lineal feet of highway frontage. Signs shall also be set back 50 feet from all public right-of-way lines, except along classified land access roads where signs are permitted along fence or property lines.
- 8) Private Landing Strip

- 9) No dwelling or mobile home may be erected, located, or maintained in an Agricultural District unless it meets the conditions set forth in this Section 3.4 (1). (Ord. No. 90-10, Sec.2, 8-14-90)
- 10) Arboretum or botanical garden, day camp, forestry, military camp, outdoor recreational club, conservation club, plant nursery, park, public recreational, playground, public open land.
- 11) Bed and Breakfast Inns accommodating an excess of ten guests or where the proprietor does not reside at the facility.

C. Conditional Uses

- 1) Public utility and service uses such as electric substations, gas regulator stations, water reservoirs, or pumping stations, government buildings (see Section 10, Conditional Uses), and similar uses. Any tower not covered by the Telecommunication or Wind Ordinance.
- 2) Mobile Home Parks (2 mobile home units or more) - Subject to regulations of the Mobile Home Park Regulations found in Appendix B.
- 3) Roadside stands offering for sale agricultural or other products grown or produced off the premises. See Fee Ordinance.
- 4) KENNELS. See Kennel Ordinance.
- 5) Farm Related Sales and Service and Manufacturing
 - a) Retail fertilizer sales, including bulk storage and blending, provided all products sold and stored on the premises are manufactured elsewhere--on a lot not less than one acre in area and provided the lot is not located nearer than 1,000 feet from an existing dwelling, excepting an existing dwelling on the subject premises, or a Residence District boundary line.
 - b) Grain elevators
 - c) Feed, grain and seed sales
 - d) Livestock sales

- e) Farm implement, machinery and equipment sales and service
- 6) Drive-In Theaters, Boathouses, Golf Course
- 7) Publicly owned community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and similar uses.
- 8) Dude Ranches, Public Stables, Rodeo and horse show arenas with permanent seating or galleries for spectators. Minimum lot size ten acres.
- 9) Campgrounds with rental spaces for camping trailers, motorized camping vehicles, or tents
- 10) Pre-existing farm homesites where the dwelling has not been in habitable condition within the preceding year. Where the dwelling has been removed or destroyed but where barns, storage sheds, or other outbuildings remain, and where historical data (i.e. tax bills, utility bills, photographs, etc.) demonstrate that the site was formerly used as a homesite.
- 11) Health and Exercise Spas
- 12) Bed and breakfast inns accommodating an excess of ten guests or where the proprietor does not reside at the facility.
- 13) The housing, storing, repair, or regular parking of three or more Class 7 or Class 8 vehicles as defined by the US FHWA. The application must state the number of trucks, trailers, and/or buses. Protective fences or other screening may be required for the issue of this permit.

BULK REQUIREMENTS:

Buildable Lot Size: 20,000 square feet

Structures must not exceed 20% of Buildable Lot Area

Minimum Width at building line: 100 feet

Minimum Yards in buildable lot:

Front: 80 feet from center of road

Rear: 20 feet from property line
Side Minimum 8 and 15 feet from property line

BUILDING:

Minimum Total Floor Area: 900 square feet
Minimum Building Width: 22 feet
Maximum Height: 35 feet
Maximum Ground Coverage 30 percent

DRIVEWAYS:

All driveways intersecting arterial roads, as designated shall be a minimum of 1000 feet apart, except where two driveways are parallel to each other and spaced no more than 10 feet from each other.

EASEMENTS:

Must be a minimum of 66 feet wide

3.5 RURAL RESIDENTIAL DISTRICTS

Purpose:

Rural Residential Districts are established to provide the full range of residential housing types in subdivisions where all of the facilities for residential living, including community sewer and water facilities are available or can be made available in the future. Where community sewer and water facilities are not available, refer to Section 2.3-5. See Subdivision Ordinance.

1. RR-1 - Single Family Residential District

A. Permitted Use - Single-family dwellings

BULK REQUIREMENTS:

Buildable Lot (with community sewer and water)

Minimum Area: 10,000 square feet

Buildable Lot (without community sewer and water)

Minimum Area: 20,000 square feet

With or Without Community Sewer and Water

Minimum Width at Building Line: 75 feet

Minimum Yards in buildable lot:

Front: 80 feet from center of road

Rear: 20 feet from property line

Side: Minimum 8 and 15 feet from property line

BUILDING:

Maximum Ground Coverage: 30% of lot area

Minimum Total Floor Area: 900 square feet

Maximum Height: 35 feet

Minimum Building Width: 22 feet

Easement must be at least 66 feet wide.

B. Accessory Uses

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

C. Conditional Uses

- 1) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and similar uses. (See Section 10 of this ordinance, Conditional Uses.)
- 2) Public utility and service uses such as electric substations, water reservoirs, or pump stations, government buildings, transportation facilities, and similar uses. (See Section 10, Conditional Uses.)

3. RH-1 - Rural Homestead District

Purpose:

The Rural Homestead classification is intended to recognize that for certain homeowners the isolation of rural life outweighs the potential loss of public services such as paved roads and adequate bridges and the rapid provision of emergency police, fire, and ambulance service. The Rural Homestead may be created in agricultural areas where natural barriers provide some level of separation between agricultural and residential uses, and thereby minimize the conflict between incompatible land uses. Rural homesteads are intended to be located in areas not otherwise suitable for agricultural purposes, such as ravines, heavily timbered areas, or areas along minor streams. At least 80% of the area of a Rural Homestead has a soil productivity index of 99 or less, as determined by the Illinois State Department of Revenue or by the University of Illinois.

A. Permitted Uses:

- 1) One Single Family Dwelling located on 2 acres or more.

BULK REQUIREMENTS:

Minimum buildable lot size: 1/2 acre

Minimum Width at building line: 100 feet

Minimum Yards in buildable lot:

Front Setback: 80 feet from center of road

Side Lot: Minimum 8 & 15 feet from property line

Rear Setback: 20 feet from property line

BUILDING:

Minimum Total Floor Area: 900 square feet

Maximum Ground Coverage: 30%

Maximum Height: 35 feet

Minimum Building Width: 22 feet

DRIVEWAYS:

All driveways intersecting state or federal highways shall be a minimum of eight hundred (800) feet apart, and those intersecting

county and township roads shall be four hundred (400) feet apart, except that parallel driveways no more than twenty (20) feet apart at the road entrance shall be permitted.

EASEMENT:

Must be a minimum of 66 feet wide

- 2) Residential minor subdivisions containing no fewer than eight (8) lots and no more than twelve (12) lots, located on a parcel of fifteen (15) acres or more. See Subdivision Ordinance.

B. Accessory Uses:

- 3) Agriculture Uses, including but not limited to horticulture, forestry, crop and tree farming, gardening, dairy, stock and poultry farming, except swine, poultry, and livestock operations on a confinement basis; but excluding slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter. No more than two (2) animal units per acre shall be housed or pastured on tracts of fifteen (15) acres or less.
- 3) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- 3) Rural service occupation: which means a part-time occupation carried on by the resident thereof, in a dwelling or accessory building not involving the employment of any outside employees and excluding any outside storage. (Res. of 12-8-81)
- 4) Barns and other farm buildings.
- 5) Private garages and private greenhouses.
- 6) Signs.
 - a) Temporary signs not exceeding twelve (12) square feet in area advertising the sale or lease of real estate when located upon property to which the sign refers, which signs shall be removed upon sale or lease of the property.

- b) Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed two hundred and fifty (250) square feet in area or remain longer than six (6) months. "For Rent" or "For Lease" signs in commercial and industrial districts for new buildings shall not exceed forty-eight (48) square feet or more than ninety (90) days after the building is completed.
 - c) Church or public bulletin boards not exceeding twenty-five (25) square feet in area.
 - d) Temporary post signs not exceeding four (4) square feet in area indicating the type of plant being grown or the type of fertilizer being used.
 - e) Ground or post signs pertaining to activities conducted on the property.
 - f) Ground or post signs not exceeding eight (8) square feet in area advertising activities within five (5) miles of the sign and providing information of direct interest to the traveling public, including points of interest, recreation and scenic areas, places for camping, lodging, eating, sale of farm supplies, and vehicular service and repair.
 - g) Permanent signs erected in the agricultural district shall not exceed three hundred (300) square feet in area; shall not be illuminated by flashing, intermittent, or moving parts; shall not be erected within 100 feet of an entrance to highway, street, or road, or within three hundred (300) feet of road intersections, or five hundred (500) feet of the intersection of two state or interstate highways and three hundred (300) feet of access roads and residential drives; and there shall not be more than one such sign for each 1,000 lineal feet of highway frontage. Signs shall also be set back fifty (50) feet from all public right-of-way lines, except along classified land access roads where signs are permitted along fence or property lines.
- 7) Private Landing Strip.

- 8) Arboretum or botanical garden, day camp, forestry, military camp, outdoor recreational club, conservation club, plant nursery, park, public recreational, playground, public open land.
- 9) Bed and Breakfast Inns using an existing structure and accommodating no more than ten (10) guests.
- 10) Private stables which are incidental to the principal use and which provides shelter for horses for the exclusive use of the occupants of the residence, and located not less than fifty (50) feet from any property line at the nearest point.

C. CONDITIONAL USES

- 1) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, television and microwave relay towers, water reservoirs, or pumping stations, government buildings (see Section 10, Conditional Uses), sanitary landfills, transportation facilities, and similar uses. Any tower not covered by the Telecommunication or Wind Ordinance.
- 2) Roadside stands offering for public sale agricultural or other products grown or produced off the premises.
See Fee Ordinance.
- 3) Kennels
See Kennel Ordinance.
- 4) Drive-In Theaters, Boathouses, Golf Course
- 5) Publicly owned community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and similar uses.
- 6) Dude Ranches, health and exercise spas, and riding stables.
- 7) Campgrounds with rental spaces for camping trailers, motorized camping vehicles, or tents.

4. WF-1 Waterfront Residence

Purpose:

The waterfront residence district is created to provide recreational and permanent residential sites along the County's abundant natural

waterways. Waterfront residences are located adjacent and contiguous to named rivers and streams and have frontage along those bodies of water. They are located in areas which are not in the floodplain or floodways, and front on county or township roads, except where access is by way of roads maintained by a chartered lot owners or condominium association.

Legal Descriptions for WF-1 areas to be considered are:

1. Entire Iroquois River
2. Sugar Creek from the confluence with the Iroquois River to a point where it crosses 2850 East Road at 1006 North.
3. Spring Creek from the confluence with the Iroquois River to a point where it crosses 1400 North Road at 841 East. (Onarga-Woodland Road)
4. Langan Creek from the confluence with the Iroquois River to a point where it crosses Interstate 57 at 3174 North.
5. Beaver Creek from the confluence with the Iroquois River to a point where it crosses 2380 East.
6. Any non-flowable body of water more than two acres.

A. Permitted Uses:

- 1) Single Family Residence

BULK REQUIREMENT:

Buildable lot size: 20,000 square feet

Minimum width at building line: 100 feet

Minimum Yards in buildable lot:

Front setback: 80 feet from center of road

Side lot: Minimum 8 & 15 feet from property line

Rear setback: 20 feet from property line

BUILDING:

| | |
|---------------------------|-----------------|
| Minimum total floor area: | 900 square feet |
| Maximum ground coverage: | 30% |
| Maximum height: | 35 feet |
| Minimum building width: | 22 feet |

DRIVEWAYS:

All driveways intersecting county and township roads shall be four hundred feet apart, except that parallel driveways no more than twenty feet apart at the road entrance shall be permitted.

EASEMENT:

Must be a minimum of 66 feet wide.

- 2) Residential minor subdivisions containing no less than eight and no more than twelve (12) lots. See Subdivision Ordinance.

B. Accessory Uses:

- 1) Private garages and boathouses
- 2) Home occupation in a single family dwelling provided that such use is incidental to the main use of a dwelling and further provided that such use is limited to a person actually residing in the dwelling.
- 3) Rural service occupation, (which means a part time occupation carried out by the resident thereof) in a dwelling or accessory building not involving the employment of any outside employees and excluding any outside storage.
- 4) Signs, as permitted in Section 5 of this ordinance.

B. Conditional Uses:

- 1) Public utility and service uses such as electric substations, water reservoirs, or pumping stations, government buildings (see Section 10, Conditional Uses), sanitary landfills, transportation facilities, and similar uses. Any tower not covered by telecommunication or wind tower ordinance.

- 2) Roadside stands offering for public sale agricultural or other products grown or produced off the premises.
See Fee Ordinance.
- 3) Kennels.
See Kennel Ordinance.
- 4) Drive-In Theaters, Boathouses, Golf Course.
- 5) Publicly owned community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and similar uses.
- 6) Dude Ranches, health and exercise spas, and riding stables.
- 7) Campgrounds with rental spaces for camping trailers, motorized camping vehicles, or tents.

5. WF-2 Waterfront Residence with Lot Owners Associations

Purpose:

The WF-2 Waterfront Residence District is intended to provide recreational and permanent residential sites where the homes front on or surround a lake or similar body of water. The WF-2 District shall apply only to those areas where there exists an Illinois chartered lot owners or condominium association, or if not currently established, will upon completion, be governed by a lot owners or condominium association.

Application Procedure:

The application procedure for rezoning to a WF-2 Zoning Classification shall be the same as that described in Section 3.8-3 of this Ordinance.

- B. Permitted Uses:**
Single Family Residence

BULK REQUIREMENT:

Buildable lot size: 9,000 square feet

Minimum Width at Building Line: 75 feet

Minimum Yards in buildable lot:

Front Setback: 10 feet where the roads are maintained by a homeowner or Condominium Association.

Or

80 feet from the center of the road where the roads are maintained by a unit of Government, except as provided in this Ordinance.

Side Lot Setback: 10 feet from the farthest projection of the Building.

Rear Lot Setback: 20 feet, except where there are adjacent structures, in which case the minimum setback shall be the average of the setbacks of the adjacent structures.

BUILDING:

Minimum Total Ground Floor Area: 900 square feet

Maximum Ground Coverage: 30%

Maximum Height: 35 Feet

Minimum Building Width: 22 Feet

Easement must be a minimum of 66 feet wide.

B. Accessory Uses:

1) Private garages and boathouses

2) Home occupation in a single family dwelling provided that such use is incidental to the main use of a dwelling and further provided that such use is limited to a person actually residing in the dwelling.

3) Rural service occupation (which means a part time occupation carried out by the resident thereof) in a dwelling or accessory building not involving the employment of any outside employees and excluding any outside storage.

C. CONDITIONAL USES:

1) Public utility and service uses such as electric substations, gas regulator stations, water reservoirs, or pumping stations,

government buildings, and similar uses. Any tower not covered by telecommunications or wind tower ordinance.

- 2) Boathouses and Golf Courses.
- 3) Publicly owned community facilities such as schools, churches, cemeteries, libraries, parks, beaches, recreational facilities, hospitals, institutions, and similar uses.
- 4) Campgrounds with rented or owned spaces for camping trailers, motorized camping vehicles, or tents.

6. UR-1 - Single-Family Residential District

Purpose:

The UR-1 District is created to provide for residential housing in areas where there exists an established urban setting, where smaller homes and lots with a mix of residences and small businesses are the accepted normal for the area.

A. Permitted Uses

- 1) Single-family dwellings
- 2) Retail and Service businesses appropriate in areas where there exists an established urban center, as well as serving neighboring rural areas, including grain elevators, grocery stores, hardware stores, doctors and dentists offices, gasoline filling stations, insurance, real estate, and lawyers offices, implement dealerships, truck, tractor, and farm implement repair facilities, convenience stores, banks and currency exchanges, plumbing, heating, electrical and building construction shops, and restaurants, where in no case is employment to exceed six persons, including the owner(s) and members of the owner(s) family(s).

B. Accessory Uses

- 1) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- 2) Private garages.

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

C. Conditional Uses

- 1) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, and similar uses. Also see Section 10 of this ordinance.
- 2) Public utility and service uses such as electric substations, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses. (See Section 10, Conditional Uses.)
- 3) Any business, including a business otherwise considered a permitted use, when the purchase, use, or possession of the goods or services provided are restricted to persons over the age of eighteen (18).
- 4) Auto sales or repair facilities.
- 5) Video, game, tape, or movie rental stores.
- 6) Retail stores or service facilities not named as permitted uses.
- 7) Businesses employing in excess of six persons, including the owner(s) or members of the owner(s) family(s).

D. **BULK REQUIREMENTS:**

Buildable Lot Size (with community sewer and water)

Minimum Buildable Area: 6,000 square feet

Minimum Width at Building Line: 50 feet

Buildable Lot Size (Without Community Sewer and Water)

Minimum Area: 20,000 square feet

Minimum Yards in buildable lot:

Front: 80 feet from center of road

Rear: 20 feet from property line

Side: Minimum 8 & 15 feet from property line

BUILDING:

Maximum Ground Coverage: 30% of lot area

Minimum Total Floor Area: 900 square feet

Minimum Building Width: 22 feet

Maximum Height: 35 feet

(Ord. No. 90-10, Sec. 7, 8-14-90)

Maximum Building Size: 5000 square feet

Easements must be a minimum of 66 feet wide.

3.6 BUSINESS DISTRICTS

Purpose:

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

1. B-1 - Business District

A.

Purpose:

The B-1 District is intended to provide for location of businesses in areas close or adjacent to established incorporated metropolitan areas.

Businesses in this zoning district are to be located in such a manner as to provide minimum interference with the normal flow of traffic, with access provided through internal roads and drives rather than a series of driveways, and to be located on arterial roads so as to reduce the amount of interference with agriculture. The application procedure for rezoning to this classification shall be the same as that provided in Section 3.8 of this Ordinance, and the design standards included in this section shall be used as a general guide.

A.

Permitted Uses:

- 1) Appliance repair and servicing
- 2) Art gallery, studio
- 3) Art and school supply store
- 4) Automobile dealership
- 5) Bank and other financial institutions
- 6) Bicycle sales, rental, or repair
- 7) Camera shop
- 8) Carpet, rug, and linoleum store
- 9) Catalogue sales office for mail order store

- 10) Commercial school, trade school, or other school offering training in specialized courses of study
- 11) Commercial recreation: movie theater, skating rink, bowling alley, and swimming pool
- 12) Community center for public use
- 13) Currency exchange
- 14) Day care center, nursery school
- 15) Department store
- 16) Dry good store
- 17) Farm Implement sales and service
- 18) Furniture store, including upholstery and refinishing or repair when conducted as part of the retail operations and secondary to the principal use
- 19) Furnace, water heater, electrical, plumbing, water softening equipment, sales, display, service
- 20) Furrier shops, including the incidental storage or conditioning of furs
- 21) Gift shop
- 22) Health club or gymnasium
- 23) Hobby shop
- 24) Home improvement centers and hardware stores
- 25) Jewelry, including watch repair
- 26) Junior department store, including variety store
- 27) Medical clinic
- 28) Millinery sales
- 29) Motel or hotel
- 30) Theater, enclosed
- 31) Museum or art gallery, public
- 32) Offices, business or professional
- 33) Office equipment and supplies, retail
- 34) Paint and wallpaper store
- 35) Pet shop
- 36) Post office or government office
- 37) Restaurants, tea rooms, outdoor sidewalk or garden cafes conducted accessory to indoor establishments
- 38) Shoe store
- 39) Sporting goods
- 40) Garden store
- 41) Toy store
- 42) Auto parts store, provided that no repairs or servicing is done on the premises
- 43) Auto service stations, provided that repairs or servicing are incidental to the operation of the facility
- 44) Convenience stores
- 45) Drive up or carry out restaurants

- 46) Churches and other places of religious worship
- 47) Residences in conjunction with permitted business use
- 48) Signs as regulated in Section 5 of this Ordinance

B. Conditional Uses:

- 1) Any business, including business otherwise considered a permitted use, if the purchase, use, or possession of the goods or services provided are restricted to persons over the age of eighteen (18).
- 2) Retail stores, service facilities, or office uses not named as permitted uses.

D. **BULK REQUIREMENTS:**

- Minimum buildable lot size: 2 acres
- Minimum width of structure: 22 feet
- Minimum Building Size: 1500 square feet
- Minimum Residential living area: 900 square feet
- Minimum Set-back: 100 feet from road right of way
- Minimum width of zoning district: 1000 feet

2. **B-2 - Shopping Center District**

A. Purpose:

The B-2 Shopping Center District is established in order to encourage the provision of adequate commercial facilities at an appropriate location and of an appropriate design, scale, and relationship with the immediate surrounding community. In reviewing the application for rezoning the proposed B-2 District, the County Board will consider the nature of the proposed use, the existing development and zoning in the vicinity of the proposed B-2 District. Traffic generation, both pedestrian and vehicular, and its impact on surrounding streets and highways will also be of major importance in the review process. Each proposed shopping center will be evaluated in accordance with the objective and goals of the Comprehensive Plan.

B. Application Procedure:

The application procedure for rezoning to the B-2 Zoning Classification shall be the same as that described in Section 3.8-3 of this Ordinance.

Conformance to the design standards set forth in the Appendix C of the Iroquois County Code and set forth therein shall be considered as a required part of the approval process.

C.

Subdistricts and Permitted uses:

Prior to tracts of real estate being developed as Planned Shopping Centers, the subject real estate shall be rezoned to a specific B-2 subdistrict and subject to the requirements of that subdistrict.

1) B-2A Neighborhood Shopping Center:

a) The neighborhood shopping center shall be designed with the intent of serving the surrounding residential neighborhoods by providing goods and services that meet day to day needs. Tenants typically found within this center include grocery and drug stores. A major tenant shall not exceed a maximum of 30,000 square feet of gross floor area and no more than two major tenants shall be permitted. No single tenant space other than those permitted above shall exceed 20,000 square feet of gross floor area. Building coverage shall not exceed 25% of the net site area; provided, however, that no B2A shopping center shall exceed 100,000 square feet of gross floor area of enclosed space regardless of overall site size.

b) Permitted and conditional uses shall be the same as in the B-1 district.

c) **B-2A BULK REQUIREMENTS:**

Buildable Lot Size: 2 Acres

Minimum Yard in buildable lot:

Front 100 feet from road right of way

Rear 20 feet from property line

Side Minimum 8 feet and 15 feet from property line

Minimum Building: 1,000 square feet

Minimum Width of Zoning District: 1,000 feet

Minimum Space Between Driveways: 1,000 feet

PARKING:

Parking requirements shall be the same as those set forth elsewhere in this ordinance.

2) B-2B Community Shopping Center

a) The Community shopping center, in addition to serving the function of a neighborhood shopping center, may provide access to a greater variety of merchandise and services. Tenants within this center are similar in character to those stores found within a neighborhood center.

b) A major tenant space shall not exceed a maximum of 60,000 square feet of gross floor area and not more than two major tenants shall be permitted. No single tenant space other than those permitted above shall exceed 40,000 square feet of gross floor area. Building coverage shall not exceed 25% of the site area, provided however, that no B-2B shopping center shall exceed 225,000 square feet of gross floor area of enclosed space regardless of overall site size.

c) Permitted and Conditional uses shall be the same as those in the B-1 District.

d) **B-2B BULK REQUIREMENTS:**

Buildable lot size: 3 Acres

Minimum Yard in buildable lot:

Front: 100 feet from road right of way

Rear: 20 feet from property line

Side: Minimum 8 feet and 15 feet from property line

Minimum Building: 10,000 square feet

Minimum Width of Zoning District: 1,000 feet

Minimum Space Between Driveways: 1,000 feet

PARKING:

Parking requirements shall be the same as those set forth elsewhere in this ordinance.

3.7 INDUSTRIAL DISTRICTS

1. M-1 - Industrial District

- A. Purpose:
This industrial district is established to provide areas for light industrial, office, and administrative uses having few, if any, adverse effects on neighboring properties. To maintain an appropriate environment, high standards of performance are prescribed.
- B. Application Procedure - The application procedure for the establishment of the M-1 Zoning classification shall be the same as that described in section 3.8-3 of this Ordinance.
- C. Permitted Uses
 - 1) Industry, non-retail commercial, laboratories, offices.
 - 2) Signs as regulated in Section 5 of this ordinance.
- D. Accessory Uses - Off-street parking and loading as regulated in Section 4 of this ordinance.
- E. Conditional Uses - Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities. Also see Section 10, Conditional Uses.
- F. Special Regulations
 - 1) All processing and storage shall take place within completely enclosed buildings.
 - 2) Storage, auxiliary to the principal use, is permitted in the open if such storage activities occupy no more than 20 percent of the gross lot area.
 - 3) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of 6 feet in height.

G. BULK REQUIREMENTS:

| | |
|---------------------------------|--|
| Minimum Buildable Lot: | 1 acre |
| Minimum Yards in buildable lot: | |
| Front | 50 feet from right-of-way of any street or road. |
| All others: | 20 feet from lot lines. |
| Building Height: | 35 feet or two stories, whichever is less. |

2. M-2 - Industrial District

- A. Purpose:
This industrial district is established to provide areas in which manufacturing and related commercial operations are the principal use of land. Such uses have some adverse effects on surrounding properties, and are not compatible with residential, institutional, and retail uses. Moderate performance standards are established.
- B. Application Procedure - The application procedure for the establishment of the M-2 Zoning classification shall be the same as that described in section 3.8-3 of this Ordinance.
- C. Permitted Uses
- 1) Industry, non-retail commercial, laboratories, offices.
 - 2) Signs as regulated in Section 5 of this ordinance.
- D. Accessory Uses - Off-street parking and loading as regulated in Section 4 of this ordinance; cooling lakes or facilities.
- E. Conditional Uses:
- 1) Junkyards - Any junkyard, scrap yard or salvage yard for which permission is granted under this section shall at all times be subject to the performance standards established for this ordinance.

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

Any junkyard or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two parking spaces per 100 square feet of retail floor space.

- 2) Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities. Also see Section 10, Conditional Uses.
- 3) Slaughter houses, fertilizer works, plants for the processing of animal skins or hides and plants for the reduction of animal matter.
- 4) Adult Entertainment District or facilities including but not limited to: Adult Bookstores, Adult Entertainment Cabaret, Adult Motion Picture Theater, Adult Novelty Store, Adult Use, Specified Sexual Activities, Specified Anatomical Areas.
 - a) No liquor license shall be issued and no liquor shall be sold or consumed on the premises of any adult use.
 - b) No adult use shall be located within 1000 feet of any property which is zoned or used for residences, churches, schools, parks or other adult use.
 - c) Site Plan Review Required. Prior to the issuance of any permit for the construction or occupancy of an adult use, the applicant for said permit(s) must first proceed through the Site Development and Plan Review Procedure.
 - d) Exterior Display. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.
- 5) A dump, sanitary landfill, and/or incinerator, upon a finding that said use will not constitute a nuisance because of traffic, noise, odors, smoke, or physical activity, may be permitted provided that

all requirements of this ordinance are complied with. State and Federal Compliance also required.

- 6) Chemical Processing
- 7) Commercial Cemeteries
- 8) Waste Management
- 9) Research and Scientific Facilities
- 10) Commercial Carrier, Docks, Storage, and Repair Facilities
- 11) Intermodal Shipping Yards
- 12) Logistic Warehouse
- 13) Commercial Airports

F. Special Regulations - Processing and storage may take place within buildings or outdoors.

- 1) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products shall conform with the performance standards in Section 7 of this ordinance.
- 2) Storage, auxiliary to the principal use, is permitted in the open, but not within 20 feet of the property lines.
- 3) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of 6 feet in height.

G. **BULK REQUIREMENTS:**

Minimum Buildable Lot One (1) Acre

Minimum Yards in buildable lot:

| | |
|------------|--|
| Front | 50 feet from right-of-way of any street or road. |
| All others | 20 feet from all lot lines. |

Building Height: 35 feet or two stories, whichever is less.

Building Height restriction shall not apply when storage is of agriculture by-products including ethanol and bio-diesel

3. **M-3 - Extraction District**

A. Purpose:

To regulate and control all forms of extraction operations and to ensure proper land reclamation in areas of extraction or extraction manufacturing operations.

- B. Application Procedure: The application procedure for the establishment of the M-3 Zoning classification shall be the same as that described in section 3.8-3 of this Ordinance.
- C. Permitted Uses
 - 1) Sand, gravel, marl, clay, limestone, salt, coal extraction and related crushing processes.
 - 2) Oil and gas extraction.
- D. Conditional Uses - Cement concrete or asphaltic concrete mixing plants.
- E. Special Regulations - All extraction and reclamation activities shall be in accordance with the Surface Mined Land Conservation and Reclamation Act administered by the State of Illinois Department of Mines and Minerals. In addition, the following stipulations shall be required:

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

3.8 PLANNED DEVELOPMENT DISTRICT

1. Purpose:

Areas may be designated on the Zoning Map as Planned Development Districts even though no specific plan has been submitted under the Planned Development Procedure. Such districts shall be keyed to the comprehensive plan elements which comprise the statement of intent establishing the design and use criteria for evaluation of specific proposals submitted under the Planned Development Procedure. Proposals for development of these districts shall be reviewed only under the Planned Development Procedure. The intent of these regulations is to enable the governing body to designate those areas subject to potential

development of such intensiveness and importance that plan review and design commitment are necessary as the basis for approval of development.

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

2. Standards

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

3. Procedure

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

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

- B. Application Procedure - Preliminary and/or final development plans shall be submitted and accompanied by an application on forms prescribed by the County, complete with the signature of 100% of the owners of record of the tract involved, and shall have been prepared in accordance with the provisions of this Ordinance.
- C. Preliminary Plat - A preliminary plat of the Planned Development project shall be submitted as required by the Subdivision Regulations Ordinance. It is recommended that this submission be preceded by preapplication conferences to determine whether the developer's intent agrees with the intent expressed by all comprehensive plan elements. Additional supporting material beyond that required by the Subdivision Regulations Ordinance for the preliminary plat shall include:
 - 1) Explanation of the character of the Planned Development, and the manner in which it has been planned to take advantage of the flexibility of these regulations.
 - 2) Statement of present and proposed ownership of all land within the project.
 - 3) Development schedule indicating:
 - Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.
 - Approximate dates for beginning and completion of each stage.
 - 4) Agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the Planned Development, and any of its common open space.
 - 5) Preliminary site plans:
 - a) Date, scale, north point, name and address of designer and/or engineer, name and address of developer, and proposed name of the development.
 - b) The number, location, and type of structures, parcel size, proposed lot coverage of buildings and structures.

- c) A legal description of the total site as well as dimensions of the boundaries of the tract, including bearings and distances, measured from a section corner.
- d) The existing site conditions, including contours at two (2) foot intervals, water courses, and drainage ways, flood plain elevations, wooded areas, and other unique natural features.
- e) The location, minimum size, and configuration of areas to be conveyed, dedicated, or otherwise reserved as common open space.
- f) The existing and proposed vehicular circulation system, including right of way widths and driving surface, widths of streets, off street parking areas, service areas, loading areas, street names, intersection radii, street dedications, and points of access to public right of way, where applicable.
- g) The existing and proposed pedestrian circulation system.
- h) The proposed treatment of the perimeter of the site, including materials and techniques to be used, such as screens, fences, walls, and landscaping.
- i) Proposed lighting controls and lumens, including areas to be lighted, the type of fixtures to be used, and the lighting intensity for all areas to be lighted.
- j) Sanitary, storm sewer, and water line plans and profiles, as well as storm drainage plans.
- k) Parking area plans, cross sections, and landscaping details.
- l) Easements, including without limitation the following: road, pedestrian, utility, drainage, and similiar uses.
- m) Street plans, profiles, cross-sections and names, location and geometries for entrance onto public right of way including acceleration-deceleration and passing lanes, and dedication documents when applicable.

- 6) At the request of the Zoning Officer or County Board appoint an advisory committee to review site plans. The committee shall be made up of representatives of the County Board, Zoning Officer, County Engineer, Board of Health, and such other interested parties as needed.
- D. Amendment - The Zoning Ordinance amendment procedure established in Section 12 shall be initiated after conditional approval of the preliminary plat. Under this procedure, the Zoning District Map may be amended to designate the location proposed to the preliminary plat as a Planned Development District superseding the original or existing zoning district. This amendment shall be in conformance with all comprehensive plan elements. The Planned Development district shall be valid only for that preliminary plat and supporting material upon which the amendment was based. All supporting material shall remain on file with the preliminary plat.
- E. Final Plats - If the amendment is approved, final plats shall be prepared for each stage according to the development schedule. The final plat and supporting material shall show in detail the design and use of all buildings and overall land development plans, as well as such other information the county may require for the complete consideration of the project in addition to information required by the Subdivision Regulations Ordinance. The final plats shall conform to the preliminary plat and supporting material except that the governing body may approve minor changes without public hearing at this time which do not change the concept or intent of the development. Major changes -- changes in density, height of buildings, reduction of proposed open space, changes in the financing, development schedule, or final governing agreements, provisions or covenants, or resubdivision -- may be approved only by submission of a new preliminary plat or applicable supporting material followed by the Zoning Ordinance amendment procedure.
- F. Continuing Control - The Planned Development project shall be developed only according to the approved and recorded final plat and all supporting material together with all recorded amendments shall be binding on the applicants, their successors, and assigns and shall limit and control the uses of premises and location of structures in the Planned Development project. Major changes in the final plat during or after construction shall be accomplished by submission of a new preliminary plat followed by the Zoning Ordinance amendment procedure. The governing body shall consider the Planned Development amendment subject to revocation, if construction falls more than one year behind schedule.

- G. Fees and Permits - The governing body may establish a schedule of reasonable fees to be charged for plat review. Zoning permits shall be required for each structure according to Section 12. The Zoning Enforcement Officer shall base issuance upon conformance with final plat and supporting material.

SECTION 4 - PARKING, LOADING, TRAFFIC, ACCESS

4.1 PARKING AND LOADING

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

1. When the intensity of use of any building, structure, or premises shall be increased through additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
 2. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this ordinance.
 3. Existing Parking and Loading Facilities - Accessory off-street parking or loading facilities which were in existence on the effective date shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements of this ordinance for a similar new building or use.
 4. Permissive Parking and Loading Facilities - Nothing in this ordinance shall be deemed to prevent the voluntary establishment of contiguous off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.
5. Control of Off-Site Parking Facilities - Where required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and shall remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized, and no zoning certificate shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Board of Zoning Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to contin-

ue, and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

4.2 ADDITIONAL REGULATIONS--PARKING

1. Except as otherwise indicated, required accessory off-street parking facilities provided for uses listed hereinafter shall be solely for the parking of passenger automobiles of patrons, occupants (or their guests), or employees of such uses.
2. Collective Provision - Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
3. Size of each parking space shall not be less than 200 square feet exclusive of the space required for ingress and egress.
4. Access - Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
5. Design and Maintenance
 - A. Surfacing and Bumper Guards - All open off-street parking areas except parking spaces accessory to a single-family dwelling shall be improved with an asphaltic concrete surface, concrete, or some comparable all-weather dustless material, and shall have appropriate bumper guards where needed.
 - B. Lighting - Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
6. Mixed Uses - When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
7. Other Uses - For uses not listed in the following schedule of parking requirements, parking spaces shall be provided on the same basis as required for

the most similar listed use, as required by this ordinance, or as varied due to unique circumstances by the Board of Zoning Appeals.

4.3 ADDITIONAL REGULATIONS--OFF-STREET LOADING

1. Location - All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over 2-ton capacity shall be closer than 50 feet to any property in a Residential District unless completely enclosed by a building wall, or uniformly painted solid fence or wall, or any combination thereof, not less than 6 feet in height.
2. Access - Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements, and subject to approval of the Building Commissioner and County Highway Superintendent.
3. Surfacing - All open off-street loading berths shall be improved with a compacted macadam base, not less than 7 inches thick, surfaced with not less than 2 inches of asphaltic concrete or some comparable all-weather dustless material.
4. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
5. For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use, as determined by the Board of Zoning Appeals, shall be provided.

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

Off-street parking, and off-street loading and unloading facilities shall be provided in accordance with the following schedule:

| USE | OFF-STREET PARKING SPACES WHICH SHALL BE PROVIDED | OFF-STREET LOADING AND UNLOADING SPACES WHICH SHALL BE PROVIDED |
|-----------------------------------|--|--|
| Single-Family | Two per dwelling unit | None required |
| Multi-Family | One and one-half per dwelling unit | |
| Motels, hotels, lodging houses | One per lodging unit, plus one stall for each 100 sq. ft. of | One for each struc- ture or each 20,000 sq. ft. of gross |

| | | |
|--|--|--|
| | retail sales or dining area | floor area |
| Commercial (except as provided below) | One per 200 sq. ft. of gross floor area | One for each shop over 10,000 sq. ft. of gross floor area plus one for each additional 100,000 sq. ft. of gross floor area |
| Furniture, appli- ance stores, ma- chinery sales, wholesale storage | One per 400 sq. ft. of gross floor area | One plus one addi- tional for each 25,000 sq. ft. of gross floor area |
| Offices, banks, or public adminis- tration | One per 400 sq. ft. of gross floor area | One for each struc- ture over 40,000 sq. ft. of gross floor area plus one for each additional 100,000 sq. ft. of gross floor area |
| Manufacturing, warehousing | One for each employee on the maximum working shift, plus one for each vehicle used in the conduct of the enterprise | One for each struc- ture plus one for each 60,000 sq. ft. of gross floor area over 40,000 sq. ft. |
| Churches, theaters, auditoriums, and other places of assembly | One per five seating spaces | One for each struc- ture over 100,000 sq. ft. of gross floor area |
| Hospitals, rest homes, nursing homes, and similar uses | One per three em- ployees, plus one per three beds | One for each 100,000 sq. ft. of gross floor area |

4.5 VISIBLE PARKING OF JUNK, ABANDONED OR UNLICENSED MOTOR VEHICLES OR EQUIPMENT PROHIBITED

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

4.6 TRAFFIC VISIBILITY

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

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

4.7 DRIVEWAYS

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

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

4.8 HIGHWAY ACCESS

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

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

1. Freeways, interstate highways, and their interchanges or turning lanes, or to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
2. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
3. Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.

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

SECTION 5 - SIGNS

5.1 PURPOSE OF SIGNS

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

5.2 PERMITS

1. A separate permit shall be required for the erection of signs regulated in this ordinance except that no permit shall be required for signs described in Section 5.3,1 and 4 below.
2. Each application for a sign permit shall be accompanied by a drawing showing the design proposed; the size, character and color of letters; lines and symbols; methods of illumination; the exact location of the sign in relation to the building and property; and the details and specifications of construction. A fee of twenty-five dollars (\$25.00) shall accompany each application for a sign permit which will be issued by the Zoning Enforcement Officer. Additional fees for construction purposes shall be in concert with the County Building Ordinance. (Ord. No. 91-12, Sec. 1, 10-8-91)
3. If the Zoning Enforcement Officer shall find that any existing sign regulated by this law is unsafe or insecure, or is a menace to the public, he shall give written notice to the Named Owner of the sign and the Named Owner of the land upon which the sign is erected, who shall remove or repair the said sign within 45 days from the date of said notice. If the said sign is not removed or repaired, the Zoning Enforcement Officer shall revoke the permit issued for such sign, as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which said sign was located. The Zoning Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

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

5.3 RESIDENTIAL DISTRICTS

Signs shall be permitted in these districts only as follows:

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

The preceding signs shall be permitted providing they do not project into the public right-of-way, and the top of the sign shall not be higher than 8 feet above curb level, and that on a corner lot two signs, one facing each street, shall be permitted for signs described in Section 5.3, 2, 4, and 6 above.

5.4 BUSINESS DISTRICTS

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

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

5.5 INDUSTRIAL DISTRICTS

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

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

5.6 INTEGRATED DEVELOPMENT SIGNS

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

5.7 BILLBOARDS

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

SECTION 6 - FLOODPLAINS

Section 6 Flood Plain Regulations (See also Development in Special Flood Hazard Areas in Section 18 of the County Code)

6.1 PURPOSE

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

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

6.2 DEFINITIONS

For the purpose of this section and this ordinance, the definitions given in Sec 18-42 of the Iroquois County Code shall be considered to be the definitions of any terms used herein.

6.3 PERMITTED USES

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

1. Permitted by Right:
 - A. Military Camp
 - B. Arboretum or Botanical Garden
 - C. Day Camp
 - D. Golf Course
 - E. Park, Public Recreational
 - F. Playground
 - G. Public Open Land
 - H. Residential, Commercial, and Industrial Uses, existing prior to the effective date of this amendatory ordinance or as permitted prior to the date of this amendatory ordinance in an approved subdivision plat, subject to the regulations of Sec. 18.45 through 18.48 of the Iroquois County Code.
 - I. Agriculture

2. Conditional Uses (in areas appropriately zoned in accordance with the latest adopted Zoning Ordinance)

- A. Drive in Theaters
- B. Boathouse
- C. Mineral Extraction
- D. Oil Extraction

6.4 Reference

Flood Plain regulations are found beginning at Section 18-41 of the Iroquois County Code. The more restrictive regulation applies in the event of conflict between the Iroquois Zoning Ordinance and the flood plain regulations starting at Section 18-41.

SECTION 7 - PERFORMANCE STANDARDS

7.1 SPECIAL REGULATIONS IN INDUSTRIAL DISTRICTS AS INDICATED

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

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

A. M-1 Industrial District

- 1) All processing shall be conducted within completely enclosed buildings.

2) Storage of materials, products, and goods is permitted within completely enclosed buildings.

3) Outdoor storage of uncontained bulk materials is prohibited.

B. M-2 Industrial District

1) Processing and storage of materials, products, and goods is permitted within completely enclosed buildings or outdoors, if screened properly from public view.

2) Outdoor storage of uncontained bulk materials is prohibited within 20 feet of property lines.

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

7.2 NOISE

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

A. For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed.

B. The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration as from forge hammers, punch presses, and metal shears which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer.

C. Octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960. Preferred Frequencies for Acoustical Measurements) shall be used with tables marked "Preferred Frequencies." Octave band analyzers calibrated with pre-1960 octave bands (American Standards Association Z24, 10-1953, Octave Band Filter Set) shall use tables marked "Pre-1960 Octave Bands."

D. The following uses and activities shall be exempt from the noise level regulations:

- 1) Noises not directly under the control of the property user.
- 2) Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m.
- 3) The noises of safety signals, warning devices, and emergency pressure relief valves.
- 4) Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads.

2. At no point beyond a lot line of any lot in the M-1 Industrial District shall the sound pressure level resulting from any use on that lot exceed the maximum permitted decibel levels for the designated octave bands, as set forth below.

M-1 INDUSTRIAL DISTRICT - PREFERRED FREQUENCIES

| <u>CENTER FREQUENCY CYCLES PER SECOND</u> | <u>MAXIMUM PERMITTED SOUND PRESSURE LEVEL--DECIBELS</u> |
|---|---|
| 31.5 | 76 |
| 63 | 71 |
| 125 | 65 |
| 250 | 57 |
| 500 | 50 |
| 1,000 | 45 |
| 2,000 | 39 |
| 4,000 | 34 |
| 8,000 | 32 |

M-2 INDUSTRIAL DISTRICT - PRE-1960 OCTAVE BANDS

| <u>OCTAVE BAND CYCLES PER SECOND</u> | <u>MAXIMUM PERMITTED SOUND PRESSURE LEVEL--DECIBELS</u> |
|--|---|
| 20 - 75 | 79 |
| 75 - 150 | 74 |
| 150 - 300 | 66 |
| 300 - 600 | 59 |
| 600 - 1,200 | 53 |
| 1,200 - 2,400 | 47 |
| 2,400 - 4,800 | 41 |

Impact noises, as measured on the impact noise analyzer, shall not exceed 86 decibels at any point beyond a lot line of any lot in the M-2 District.

Between the hours of 7:00 p.m. and 7:00 a.m., the decibel values tabulated above shall be reduced by 12 decibels when measured in a residential district.

7.3 EARTHBORN VIBRATION

In any district, no use shall cause or create earthborn vibrations in excess of the recommended displacement values that will reach the level of damage potential. Based upon U. S. Bureau of Mines data, damage potential can be determined by measurement of "peak particle velocity." Particle velocity is the speed at which the individual earth particles are moving (or vibrating) as the earth wave passes a particular location.

Measurements shall be made at or beyond the adjacent line or the nearest residential district boundary line. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three mutually perpendicular directions.

The maximum permitted displacements shall be the particle velocity of two inches per second. The peak (maximum) particle velocity can be determined from displacement and frequency by the mathematical expression 2π times frequency times displacement.

7.4 SMOKE AND PARTICULATE MATTER

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

For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart described in the U. S. Bureau of Mines Information Circular 6888 shall be employed. The emission of smoke or particulate matter of a density or equivalent opacity greater than No. 1 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter.

Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, wetting, or other acceptable means.

The open burning of refuse, paint, oil, debris, and any other combustible material is prohibited in all industrial districts.

No operation shall result in the emission into the open air from any process or control equipment or in the measurement at any convenient measuring point in a breeching or stack of particulate matter in the gases that exceeds 0.60 pound per thousand pounds of gases during any one hour.

Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four-hour period which will result in the highest average emission rate.

2. M-1 Industrial District - The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 1 is prohibited. However, for two minutes in any four-hour period, smoke up to and including Ringelmann No. 2 shall be permitted.

The rate of emission of particulate matter from all vents and stacks within the boundaries of any lot shall not exceed 0.2 pound per acre of lot area during any one hour.

3. M-2 Industrial District - The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 2 is prohibited. However, for two minutes in any four-hour period, smoke up to and including Ringelmann No. 3 shall be permitted.

The rate of emission of particulate matter from all stacks and vents within the boundaries of any lot shall not exceed one pound per acre of lot area during any one hour.

7.5 TOXIC MATTER

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

7.6 ODOROUS MATTER

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

7.7 FIRE AND EXPLOSION HAZARDS

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

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

- A. Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected with an automatic fire extinguishing system.
 - B. Said material, if stored outdoors, will be no less than 50 feet to the nearest lot line.
2. M-1 Industrial District - The storage, utilization, or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusion of storage of finished products in original sealed containers, which shall be unrestricted. Flammable liquid and gas storage tanks shall not be less than 50 feet from all lot lines.

TOTAL CAPACITY OF FLAMMABLE MATERIAL PERMITTED
(IN GALLONS)

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

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

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

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED
(IN GALLONS)

| | <u>ABOVE</u> | <u>UNDERGROUND</u> |
|---|--------------|--------------------|
| Materials having a closed cup flash point over 187 degrees F., but less than 300 degrees F. | 200,000 | Unrestricted |
| From and including 105 degrees F, to and including 187 degrees F. | 100,000 | Unrestricted |
| Materials having a closed cup flash point of less than 105 degrees F. | 50,000 | Unrestricted |

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

SOURCE: Polytechnic Inc., Chicago, Illinois

7.8 PERFORMANCE REQUIREMENTS AND ENFORCEMENT

1. Any use established in an industrial district shall be operated in such a manner as to comply with the applicable performance standards as set forth governing noise, vibration, smoke, toxic matter, odors, fire and explosive hazards, glare, radio and electrical interference, air pollution, and water pollution. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district in which such use is located.
2. The application for a zoning permit for a use subject to performance requirements shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes, and products; and specifications for the mechanisms and techniques to be used in meeting the Performance Requirements.

3. The County Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.
4. Established uses found to be in noncompliance will be liable for inspection fees and costs. In the event no due cause is found, the challenger will be liable for the fees and costs.

SECTION 8 - MODIFICATIONS AND EXCEPTIONS

8.1 HEIGHT

The district height limitations stipulated elsewhere in this ordinance may be exceeded only under the conditions and within the circumstances listed below. Modification of district height limitations shall be in accord with the following:

Buildings and related facilities within Manufacturing Districts, which are used in connection with the production of plant based fuels (i.e. ethanol or bio-diesel products), may exceed the district's maximum height requirement, provided that all required yards are increased not less than one-half foot for each foot the structure exceeds the district's maximum height requirement.

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

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

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

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

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

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

8.2 YARDS

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

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

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

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

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

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

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

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

8.3 ADDITIONS

Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.

8.4 AVERAGE FRONT YARDS

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

8.5 NOISE

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

SECTION 9 - NONCONFORMING STRUCTURES OR USES

9.1 NONCONFORMING STRUCTURE

1. Maintenance Permitted - A nonconforming structure lawfully existing upon the effective date of this ordinance may be maintained, except as otherwise provided in this section.
2. Repairs - A nonconforming structure may be repaired or altered provided no structural change shall be made.
3. Additions, Enlargements or Moving
 - A. A structure nonconforming as to use, height, yard requirements or lot area shall not be added to or enlarged in any manner unless such structure including such addition or enlargement is made to conform to the use, height, yard, and area requirements of the district in which it is located.
 - B. No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all the requirements of the district in which it is then located.
 - C. Construction of customary accessory structures, additions or enlargements to a non-conforming single family dwelling in an agricultural, rural estate or residential district shall be permitted so long as otherwise lawful.

9.2 NONCONFORMING USES

1. Continuation and Change of Use - Except as otherwise provided in this ordinance:
 A nonconforming use may be changed only to a use of the same or a conforming classification.
2. Expansion Prohibited
 A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.

9.3 NONCONFORMING VARIANCE PERMITTED BY BOARD OF ZONING APPEALS

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

9.4 DISCONTINUANCE OF NONCONFORMING USES OR BUILDINGS

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

9.5 SUBSTANDARD LOT

In any residential district, or rural estate district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record which was recorded in the office of the County Recorder of Deeds before the effective date or amendment of this ordinance.

Such lot or parcel must have been in separate ownership from abutting lands on the date of adoption or amendment of this ordinance. If abutting lands and the substandard lot are owned on that date by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical.

SECTION 10 - CONDITIONAL USES

10.1 CONDITIONAL USES

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

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

10.2 CONDITIONAL USE PROCEDURE

In applying for a conditional use, the applicant shall follow all procedures set forth for zoning amendments, including publication and notice to adjacent property owners. The Zoning Enforcement Officer shall refer the application to the Zoning Board of Appeals.

The Board of Zoning Appeals, after holding a public hearing in accordance with state statutes, shall make a recommendation within 30 days of the concluded public hearing forwarding such recommendations directly to the Planning and Zoning Committee of the County Board. The County Board may approve, modify, or disapprove the application. In the case of approval or approval with modification, the County Board shall issue written authorization to the Zoning Enforcement Officer to issue a zoning permit in full conformance with Section 12. This authorization shall remain on permanent file with the application. The County Board may attach special conditions to insure conformance with the intent of all comprehensive plan elements. The County Board may establish a schedule of reasonable fees to be charged for conditional use permits.

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

1. Conditional Uses in All Districts - The following are designated as conditional uses which may be approved in all zoning districts: public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, pumping stations, government buildings, transportation facilities, and similar uses.
2. Conditional Uses in Specified Districts - Other conditional uses may be approved in only those zoning districts where they are designated as conditional uses under the zoning district regulations.
3. Standards for Decisions and Recommendations of the Board of Appeals. Upon consideration of an application for a Conditional Use Permit, the Board of Appeals shall make no recommendation approving such application without making Finding of Fact that:
 - A. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - B. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish property values within the neighborhood.
 - C. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - D. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.

- E. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

SECTION 11 - BOARD OF APPEALS, ADMINISTRATION, AND ENFORCEMENT

11.1 BOARD OF APPEALS - CREATION AND MEMBERSHIP

A Board of Zoning Appeals, hereinafter referred to by the term "Zoning Board," is hereby authorized to be established. Such Zoning Board shall consist of seven (7) members appointed by the chairman and confirmed by the members of the County Board. Each appointment shall be for five (5) years. Vacancies shall be filled by the Chairman of the County Board for the unexpired terms only, subject to confirmation by the County Board. The County Board shall have the power to remove any member of the Zoning Board for cause, after a public hearing upon giving ten days notice thereof. At the time of appointment to the Zoning Board, not more than one of the members shall be a resident within the limits of any one township. The Chairman of the County Board shall name one of the members of the Zoning Board as Chairman upon his appointment and, in case of vacancy, shall name the Chairman. (ORD. NO. 90-5, 5-8-90)

11.2 MEETINGS

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

11.3 JURISDICTION

1. The Board of Zoning Appeals shall hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Enforcement Officer.

It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

2. The Zoning Board may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Zoning Board may decide to be fitting and proper in the premises and, to that end, the Zoning Board shall also have all the powers of the officer from whom the appeal is taken.
3. When a property owner shows that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulty or particular hardship, then the Zoning Board may in the following instances only make such variations of the strict application of the terms of this ordinance, as are in harmony with its general purpose and intent when the Zoning Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variation. (See Section 11.5, Standards for Variations.)
4. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than 60 percent of its value, by fire or act of God, or the public enemy, where the Zoning Board shall find some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such a permit be issued, if its primary function is for financial gain.
5. To permit the remodeling or expansion of a nonconforming use where the Board finds public necessity and convenience in the continuance or expansion of the nonconforming use, and that such remodeling or expansion does not materially affect the other uses in the neighborhood.
6. Nothing herein contained shall be construed to give or grant to the Zoning Board the power or authority to alter or change the Zoning Ordinance, such power and authority being reserved to the County Board.
7. The Zoning Board may impose such conditions and restrictions upon the use of the premises benefitted by a variance, as it may deem necessary.
8. The results and findings of the Zoning Board on all matters shall be reported in writing to the County Board and/or its designated committee.

11.4 APPEALS -- HOW TAKEN

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

11.5 STANDARDS FOR VARIATIONS

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

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

6. Findings of Fact and Recommendations of the Zoning Board: After the close of the hearing on a proposed amendment, the Zoning Board shall set forth its findings of fact in a written report and shall submit the same together with its recommendations to the Planning and Zoning Committee. The Zoning Board shall make findings based upon evidence presented to it in each specific case, upon, among others, the following matters:

- A. The proposed amendment is consistent with the purposes and intent of the Zoning Ordinance.
- B. The proposed amendment is consistent with the goals, objective, and policies of the Comprehensive Plan.

C. All required utilities, such as water and sanitary facilities, drainage, access to public rights-of-way, recreational facilities, educational facilities, and public safety facilities have been or will be provided, and possess or will possess adequate capacity and/or manpower to accommodate the permitted uses within the zoning classification requested.

D. Compatibility with existing uses of property and the zoning classification of property within the general area of the property in question.

E. The permitted uses in the zoning classification being requested will not substantially increase the level of congestion on public rights-of-way.

F. The suitability of the subject property for the proposed uses under the existing zoning classification.

G. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.

H. The LESA report reflects the suitability of the site for the proposed map amendment requested and uses allowed therein.

I. When the proposed amendment requests a residential use, whether the soils on the site are of the type capable of supporting residential use.

J. Whether the proposed amendment is in the public interest.

11.6 NOTICE OF HEARING

No variation of the terms of this ordinance shall be granted by the Zoning Board unless an application for a permit has been made to the Zoning Enforcement Officer and a duly advertised public hearing has been held by the Zoning Board, as prescribed by statute. Notice shall be given by regular mail at least 10 days prior to hearing to all adjacent property owners. Property owners shall be considered adjacent although they are separated by a street, road or alley, or if a corner of their land touches, or if their property is next to a tract of land only a portion of which is affected by the variation. Notice shall be sent to the person receiving the tax bills as shown by the records in the County Treasurer's office. No proposed variation shall be defeated because of improperly mailed notices if the Zoning Board is satisfied that a diligent effort has been made to notify such property owners.

11.7 ENFORCEMENT

1. This ordinance shall be administered and enforced by the County Zoning Administrator appointed by the County Board, who is hereby designated and herein referred to as the Zoning Enforcement Officer.

2. Proper authorities of the county or any person affected may institute any appropriate action or proceeding against a violator, as provided by statute.

SECTION 12 - PERMITS

PERMIT APPLICATIONS

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

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

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

Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site. The Zoning Enforcement Officer may request a topographical map drawn to sufficient detail to show drainage and/or flood plain elevation and must be submitted if property is within 500' of a 100 year flood plain.

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

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

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

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

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

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

No permit shall be required for:

1. Routine maintenance or repair of buildings, structures, or equipment such as repainting or reroofing a building, or reballasting a railroad track.
2. Alterations of existing buildings having a replacement value of less than \$600.
3. Construction of a service connection to a municipality owned and operated utility.
4. Any agricultural use, except as required in Section 2.2. Application for conditional use permits under Section 3.4, shall be referred by the Zoning Enforcement Officer to the Zoning Board without delay.

SECTION 13- AMENDMENTS

13.1 POWER TO AMEND

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

13.2 PETITIONS

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

13.3 PROCEDURES

1. Upon any application for a proposed ordinance text amendment, supplement, or change being properly filed with the Zoning Enforcement Officer in the County Zoning Enforcement Office and referred items from the Planning and Zoning Committee or Planning and Zoning Office, and the members of the County Board of Zoning Appeals, hereinafter referred to as Zoning Board.
2. Zoning Board shall cause notice of a public hearing to be duly published, as prescribed by statute. Hearings on map amendments shall be held at the Iroquois County Clifford Bury Administrative Center, provided that if the owner of any

property affected by the proposed map amendments so requests in writing, such hearing shall be held in the township affected by the terms of the proposed amendment. All hearings on text amendments shall be held at the Iroquois County Clifford Bury Administrative Center. The published notice of a hearing affecting a particular township or townships shall be published in a newspaper qualified to accept legal notices, in general circulation in the area affected. In addition, where a proposed amendment affects a particular area of the county, notice shall be given by regular mail to all municipalities within one and one-half miles thereof, and all adjacent property owners 10 days in advance of the hearing. Property owners shall be considered adjacent although they are separated by a street, road, or alley, or if a corner of their land touches, or if their property is next to a tract of land a portion of which is to be rezoned. Notice shall be sent to the person receiving the tax bills as shown by the records in the County Treasurer's office. No proposed amendment shall be defeated because of improperly mailed notices, if the Zoning Board is satisfied that a diligent effort has been made to notify such property owners. Within a reasonable time after the hearing, the Zoning Board shall make a report to the County Board. (Ord. No. 92-2, 1,2, 1-14-92)

13.4 PASSAGE OF AMENDMENT

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

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

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

SECTION 14 - FEES, VIOLATIONS, PENALTIES

14.1 FEES

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

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

14.2 VIOLATIONS

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

14.3 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not more than \$500.00 and/or six months imprisonment, or both, for each offense. Each day a violation exists or continues shall constitute a separate offense.

SECTION 15 - RULES AND DEFINITIONS

15.1 RULES

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

15.2 DEFINITIONS

Accessory Use or Structure

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

Adult

Adult entertainment means commercial production, presentation, sale dissemination, or distribution of material that, when considered as a whole, appeals predominately to interest in nudity or sex.

Adult Bookstore

An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas;" or an establishment with a segment or section devoted to the sale or display of such materials; or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

Adult Entertainment Cabaret

A public or private establishment which (i) features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows; (ii) not infrequently features entertainers who display "specified anatomical areas"; or (iii) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of, "specified sexual activities".

Adult Motion Picture Theater

A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult Novelty Store

An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing "novelties", lotions and other items distinguished or characterized by their emphasis on or use for "specialized sexual activities" or "specified anatomical areas" or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of

minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

Adult Use

Adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult novelty stores and other similar uses.

Agriculture

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

Animal Unit

Animal unit means a unit of measurement for any animal feeding operation, livestock management facility, or confinement operation calculated as follows:

1. Brood cows and slaughter and feeder cattle multiplied by 1.0
2. Milking dairy cows multiplied by 1.4
3. Young dairy stock multiplied by 0.6
4. Swine weighing over 55 pounds multiplied by 0.4
5. Swine weighing under 55 pounds multiplied by 0.03
6. Sheep, lambs, or goats multiplied by 0.1
7. Horses multiplied by 2.0
8. Turkeys multiplied by 0.02
9. Laying hens or broilers multiplied by 0.01 (if the facility has continuous overflow watering)
10. Laying hens or broilers multiplied by 0.03 (if the facility has a liquid manure handling system)
11. Ducks or geese multiplied by 0.02

Areas within the 100 Year Flood Plains or Flood Ways

That part of the property that is within the area shown on the Flood Rate Insurance Map or other flood plain or flood way map of Iroquois County, or that has an elevation in its undeveloped condition that is less than the "Base Flood Elevation" for that property, as that term is defined under Article 18 of the Iroquois County Code.

Arterial Roads

Roadways that provide the highest level of service at the greatest speed for the longest uninterrupted distance.

Bed and Breakfast

An owner occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a twelve

month period. Breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding house, or food service establishments.

Boarding House (Rooming or Lodging House)

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

Buildable Lot

That part of the total property not subject to easements or restrictions, such as road, railroad, or utility easements, shared driveways, areas within the 100 year floodplains or flood ways, or area restriction imposed by law or this Ordinance. "Buildable Area" has the same meaning as "Buildable Lot". The buildable lot shall be contiguous.

Building

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

Building Height

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

Camps or Campground

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

Collector Road

Roadways that provide a lower level of service at lower speeds. These roads normally collect traffic from local streets and connect them with arterials.

Comprehensive Plan

The extensively developed and evolving plan, also called a master plan.

Confinement Swine, Livestock, or Poultry Operations

A confinement operation means any animal feeding operation, as defined in the Illinois Environmental Protection Act, livestock shelter, or on-farm milking and accompanying milk-handling area, two or more confinement operations under common ownership, where the facilities are not separated by a minimum distance of 1/4 mile, and that share a common livestock waste handling system, shall be considered a single confinement operation. A confinement operation at educational institutions, livestock pasture

operations, conditions where animals are housed on a temporary basis, such as County Fairs, livestock shows, race tracks, and horse breeding, foaling farms, and market holding facilities are not subject to this definition. For the purpose of this ordinance, any described facility housing 125 or more animal units shall be considered to be a swine, livestock, or poultry confinement operation.

Animal Unit

Animal unit means a unit of measurement for any animal feeding operation, livestock management facility, or confinement operation calculated as follows:

1. Brood cows and slaughter and feeder cattle multiplied by 1.0
2. Milking dairy cows multiplied by 1.4
3. Young dairy stock multiplied by 0.6
4. Swine weighing over 55 pounds multiplied by 0.4
5. Swine weighing under 55 pounds multiplied by 0.03
6. Sheep, lambs, or goats multiplied by 0.1
7. Horses multiplied by 2.0
8. Turkeys multiplied by 0.02
9. Laying hens or broilers multiplied by 0.01 (if the facility has continuous overflow watering)
10. Laying hens or broilers multiplied by 0.03 (if the facility has a liquid manure handling system)
11. Ducks or geese multiplied by 0.02

Conservation

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

Consumer Service

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

Dude Ranch

Dude Ranch shall mean an establishment where lodging is provided, and meals served to guests, and where the primary activity is horseback riding, horse shows, rodeos, and similar activities. Dude Ranches shall not include motels, hotels, boarding houses, or food service establishments.

Dwelling

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

Essential Services

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

Exercise or Health Spas

Exercise or Health Spas shall mean those establishments where physical fitness and weight loss activities are conducted. Typically provided at such facilities are weight rooms, swimming pools, steam baths, gymnasiums, and therapeutic activities are supervised by trained personnel. Such facilities may provide lodging and meals for registered patrons. Exercise or health spas shall not include motels, hotels, boarding houses, or food service establishments.

Family

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

Farm

A farm is comprised of tracts that have all the following elements in common: an operator, cropping practice, labor, equipment, and an accounting system.

Farmer

A farmer is the owner-operator of a tract as defined above.

Floor Area

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

Garage, Private

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

Grade

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

Health or Exercise Spas

Exercise or Health Spas shall mean those establishments where physical fitness and weight loss activities are conducted. Typically provided at such facilities are weight rooms, swimming pools, steam baths, gymnasiums, and therapeutic activities are supervised by trained personnel. Such facilities may provide lodging and meals for registered patrons. Exercise or health spas shall not include motels, hotels, boarding house, or food service establishments.

Home Occupation

An occupation carried on in a dwelling by the resident thereof, not involving the conduct of a retail business or manufacturing business, the employment of more than one person in the performance of such services excepting members of the immediate family residing on the premises; nor exterior storage of equipment or materials used in connection with the home occupation; nor the use, in whole or in part, of an accessory building in connection with the home occupation.

Hotel

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

House or Home

Any building permanently located by means of a foundation, basement, buried wood or steel post, piling, or footing and intended for use as living quarters by any person. No person may dwell in or occupy as a place of habitation any structure not so constructed except as provided in this Ordinance.

Iroquois County Clifford Bury Administrative Center

The Iroquois County Office building with address of 1001 East Grant Street, Watseka, IL 60970.

Junkyard

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

Landing Strip, Private

A strip of land used or intended for use for the landing and taking off of a single non-commercial propeller or rotor driven aircraft of the owner, his tenant and guests and such accessory structures customarily incidental to the operation which may include one structure for the storage and maintenance of not more than one such private aircraft.

Living Quarters

Any structure or portion of a structure intended for occupancy or habitation on a regular, habitual, or permanent basis and including homes, mobile homes, apartment houses or buildings, rooming houses, duplexes, residential hotels, or condominiums. The minimum living quarters for one adult person shall be 550 square feet, and 200 square foot per each additional adult person. Such space shall be considered to include shared storage, bathroom, hallway or utility space within the individual living quarters but not hallways, lobbies, laundry areas, dining areas, kitchens, storage rooms, and similiar uses shared in common with persons not occupying the individual living quarters. No living quarters shall be occupied unless water and sewage standards set by the Ford-Iroquois Board of Health or successor organizations are met or exceeded.

Loading Area

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

Local Road

All roadways not defined as arterials or collectors. These roadways typically provide access to residential land uses.

Lodging Room

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

Lot

A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal front-age on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other open spaces required by this ordinance. When the term “Lot” is used under the heading of “Bulk requirements, or with respect to the definition of a minimum lot size, the term “Lot” has the same definition as “Buildable Lot” defined above.

Lot, Corner

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

Lot Lines and Area

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

Lot, Interior

A lot other than a corner lot.

Lot Recorded

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

Lot Width

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

Lot, Zoning

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

Mobile Home

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

Mobile Home Park

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

Motel

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

Nonconforming Structure

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

Nonconforming Use

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

Non-retail Commercial

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

Nursing Home or Rest Home

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

Open Sales Lot

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

Parking Space

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

Performance Standards

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

Planned Development

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

Relatives

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

Retail Sales

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

Riding Stables

Riding Stables shall mean establishments where the primary activity is horseback riding, horse training, grooming, or boarding, where there are no facilities for the lodging or feeding of patrons or guests.

Rural Homestead

A rural homestead is a single family homesite on a tract of 2 acres or more where at least 80% of the tract has a soil productivity of 99 or less as determined by the U.S. Department of Agriculture.

Sanitary Land Fill

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

Setback, Building

The minimum horizontal distance between the front line of a building or structure and the front lot line.

Service Station, Filling Station, Gas Station

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

Shopping Center

Regional

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

Community

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

Neighborhood

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

Signs

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

Sign, Advertising (Billboard)

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

Sign, Business

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

Sign, Gross Area of

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

“Specified Anatomical Areas”

For the purpose of this Article, “specified anatomical areas” means:

1. less than completely and opaquely covered: (i) human genitals, (ii) pubic region, (iii) buttock; (iv) female breasts below a point immediately above the top of the areola;
and
2. human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Specified Sexual Activities”

For the purpose of this Article “specified sexual activities” means: (i) human genitals in the state of sexual stimulation or arousal; (ii) acts of human masturbation, sexual intercourse or sodomy; and (iii) fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

Structural Alterations

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

Structure

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

Thoroughfare

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

Use

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

Use, Accessory

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

Use, Permitted

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

Use, Principal

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

Use, Conditional

Uses of such variable nature as to make control by rigid pre-regulation impractical. After due consideration in each case, by the County Board, after receiving the report and recommendations of the Zoning Board of Appeals relative to the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "Conditional Use" may or may not be granted by the County Board.

Utilities

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

Water Front Residence

Water front residence is a structure built on a lot bordering or adjacent to a named stream or other body of water. Water front residence may be developed as a single unit or in the context of a minor subdivision.

Width, Minimum at Building Line

The minimum horizontal distance between the side lot lines of a lot measured at the mean building setback line.

Yard

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

Yard, Corner Side

A side yard which adjoins a street or thoroughfare.

Yard, Front (Setback)

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

Yard, Interior Side

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

Yard, Rear (Setback)

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

Yard, Side (Setback)

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

PERFORMANCE STANDARDS DEFINITIONS

Closed Cup Flash Point

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

Decibel

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

Displacement (Earth)

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

Earthborn Vibrations

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

Equivalent Opacity

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

Free Burning

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

Frequency (Vibration and Sound)

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

Impact Noise

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

Impulsive

Discrete vibration pulsations occurring no more than one per second.

Incombustible

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

Intense Burning

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

Moderate burning

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

Octave Band

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

Octave Band Filter

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

Odor Threshold

The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with ASTM

Method D1391-57, "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)."

Odorous Matter

Any material that produces an olfactory response among human beings.

Particulate Matter

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

Pre-1960 Octave Bands

The frequency intervals prescribed by the American Standards Association in ASA Standard 224.10-1953, "Octave Band Filter Set."

Preferred Frequencies

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

Ringelmann Chart

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

Ringelmann Number

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

Slow Burning

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

Smoke

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

Sound Level Meter

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

Sound Pressure Level

The intensity of sound or noise in decibels.

Three-Component Measuring System

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

Toxic Matter

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

Vibration

The periodic displacement of the ground measured in inches.

SECTION 16 PROHIBITION

It shall be unlawful to build, replace, or use any building or structure or to use premises or lands in the County of Iroquois subject to the regulation of the Iroquois County Zoning Ordinance for any purpose or use other than one permitted by the terms of this ordinance in the area in which the same is located.

SECTION 17 DESIGN STANDARDS

The Iroquois County Code shall be and the same hereby is amended by adding the attached Exhibit "1", the "Iroquois County Commercial Design Standards", hereby incorporated by reference in its entirety, as if set out at length herein, as "Appendix C" to the Iroquois County Code.

SECTION 18 EXISTING ACTION

The repeal of any ordinance or part of an ordinance resulting from the adoption of this ordinance shall have no effect on existing litigation and shall not operate as an abatement of any action or proceeding then pending under or by virtue of the ordinance or part of an ordinance so repealed.

SECTION 19 SEVERABILITY

If any one or more of the provisions of this ordinance is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of the ordinance and the application of such provision to other persons and circumstances shall not be affected thereby.

SECTION 20 - EFFECTIVE DATE

WHEN EFFECTIVE

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

ORDINANCE

REGULATING THE SITING OF WIND ENERGY CONVERSION SYSTEMS IN IROQUOIS COUNTY

Drafted by: The Chicago Environmental Law Clinic and Baker & McKenzie

Adopted by: Iroquois County
June 8, 2004

Revised: December 11, 2007
Revision: December 13, 2011
Revision: September 10, 2013
Revision: April 14, 2015

Amendment Section V. D August 12, 2008

**ORDINANCE REGULATING THE SITING OF
WIND ENERGY CONVERSION SYSTEMS IN IROQUOIS COUNTY**

1. INTRODUCTION
 - A. TITLE
 - B. PURPOSE
2. DEFINITIONS
3. APPLICABILITY
4. PROHIBITION
5. SITING APPROVAL APPLICATION
6. DESIGN AND INSTALLATION
 - A. DESIGN SAFETY CERTIFICATION
 - B. CONTROLS AND BRAKES
 - C. ELECTRICAL COMPONENTS
 - D. COLOR
 - E. COMPLIANCE WITH THE FEDERAL AVIATION ADMINISTRATION
 - F. WARNINGS
 - G. CLIMB PREVENTION
 - H. SETBACKS
 - I. COMPLIANCE WITH ADDITIONAL REGULATIONS
 - J. USE OF PUBLIC ROADS
7. OPERATION
 - A. MAINTENANCE
 - B. INTERFERENCE
 - C. COORDINATION WITH FIRE DEPARTMENT
 - D. MATERIALS HANDLING, STORAGE, AND DISPOSAL
8. NOISE LEVEL
9. SHADOW FLICKER
10. PUBLIC PARTICIPATION
11. LIABILITY INSURANCE
12. DECOMMISSIONING PLAN
13. PUBLIC NUISANCE
14. DEFAULTS AND REMEDIES
15. SEVERENCE
16. INDEMNIFICATION

I. INTRODUCTION

A. Title

This Ordinance shall amend the Iroquois County Zoning Ordinance and be known, cited and referred to as the Iroquois County Wind Energy Siting Ordinance.

B. Purpose

This Ordinance is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Iroquois County is safe and effective;
2. To assure the protection of health, safety, welfare, and property values for all Iroquois County residents and land owners.
3. To facilitate economic opportunities for local residents;
4. To promote the supply of wind energy in support of Illinois' Statutory goal of increasing energy production from renewable energy sources.

II DEFINITIONS

- A. "Applicant" means the entity or person who submits to Iroquois County, pursuant to Section V of this Ordinance, an application for the siting of any WECS or Substation.
- B. "Financial Assurance" means cash escrow.
- C. "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.
- D. "Owner" means the entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.
- E. "Licensed Illinois Professional Engineer" means a qualified individual who is licensed as a professional engineer in Illinois.
- F. "L.A." refers to "Local Authority".
- G. "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or

personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, churches, schools and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

- H. Rotor Diameter is the diameter of the circle created by rotating turbine blade tips.
- I. Shadow Flicker is the phenomena that occurs when rotating wind turbine blades cast moving shadows upon stationary objects.
- J. "Substation" means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
- K. "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).
- L. "WECS Project" means the collection of WECSs and Substations as specified in the siting approval application pursuant to Section V. of this Ordinance.
- M. "WECS Tower" means the support structure to which the nacelle and rotor are attached.
- N. "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

III. APPLICABILITY

This Ordinance governs the siting of WECSs and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECSs with an aggregate generating capacity of 3MW or less who locate the WECS(s) on their own property are not subject to this Ordinance.

IV. PROHIBITION

No MET tower, no WECS or Substation governed by Section III of this Ordinance shall be constructed, erected, installed, or located within Iroquois County, unless prior siting approval has been obtained for each individual Met tower, WECS and Substation pursuant to this Ordinance.

V. SITING APPROVAL APPLICATION

- A. To obtain siting approval, the Applicant must first submit a siting approval

application to Iroquois County. This application must be submitted in English.

B. The siting approval application shall contain or be accompanied by the following information:

1. A WECS Project summary, including: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECSs, and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures; It being expressly allowed under any application by the Applicant to submit multiple WECS Project summaries which may vary in nameplate generating capacity and/or type of wind turbine generator used *provided that* each and every Project summary so submitted must still comply with these Ordinances and *provided further* that the County in its sole discretion may approve any one or more of such summaries and that the Applicant may at its discretion move forward on any County-approved Project summaries once the Applicant has finalized its supply agreements for wind turbine generators, substation transformers, and the like.
2. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known.
3. A site plan for the installation of WECSs showing the planned location of each WECS Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s) ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance; and
5. Any other information normally required by the County as part of its Zoning Ordinance.

- C. The Applicant shall notify Iroquois County of any changes to the information provided in Section V.B. above that occur while the siting approval application is pending.
- D. The Applicant shall pay a minimum fee of ten thousand dollars (\$10,000) for up to and including the first ten WECS towers of the project and one thousand dollars (\$1,000) per tower for each additional tower up to a maximum initial fee of fifty thousand dollars (\$50,000). For this fee, the Zoning Administrator will review the application, get the necessary reviews by legal council and engineering consultants, publish the legal notices, hold the Zoning Board of Appeals Hearing, obtain and pay for the court stenographer, take it to the Planning and Zoning Committee for their review, and place it before the County Board for final approval. If the County's expenses exceed fifty thousand dollars, the applicant will be billed and shall reimburse the County in a timely fashion. If the County's expenses exceed the amount of the initial application fee; the Applicant will be billed and shall reimburse the County for said excess expenses prior to the issuance of any permits.
- E. Following application approval the Applicant is eligible to apply for Wind Tower building permits. Refer to Iroquois County main Zoning Ordinance for Fee Schedule.
- F. Actual on site construction must commence within one year of application approval by the County Board or permits will no longer be valid.

VI. DESIGN AND INSTALLATION

A. Design Safety Certification

All Met Towers must be painted in seven, equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the base. There shall be three (3) orange marker balls at least 36 inches in diameter on each quadrant of guy wires, one twenty feet from the ground level, one approximately half the way to the top, and one fifteen feet from the top. Towers shall be lighted with a strobe light during daylight hours and with a flashing red light during nighttime hours each of which is visible for a minimum of 2.5 miles. (3.75 km)

1. WECSs shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party. For the avoidance of doubt, the provision of a design compliance certificate from any one of ANSI, UL, DNV or GL shall

be deemed to satisfy this requirement.

2. Following the granting of siting approval(s) under this Ordinance, a Licensed Illinois Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions; it being understood that an Applicant may submit different building permit applications hereunder in keeping with the project flexibility based on equipment type to be used allowed for in Section V.B.1 hereof, it being further understood that any and all such permit applications shall still be certified by a Licensed Illinois Professional Engineer as contemplated hereunder.

B. Controls and Brakes

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

C. Electrical Components

All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI, UL and International Electrical Commission). All electrical wire and lines connecting WECS to another WECS or substation must be installed no less than 6 (six) feet deep. The owner/operator of the WECS Installation shall be a member of J.U.L.I.E and follow their rules and regulations. During the installation and before wires and lines are covered; there will be an inspection for compliance by an independent inspector chosen by the County and paid for by the Owner/Operator.

D. Color

Towers and blades shall be painted white or gray or another nonreflective, unobtrusive color.

E. Compliance with the Federal Aviation Administration

The Applicant for the WECS shall comply with all applicable FAA requirements.

F. Warnings

1. A 911 address sign which conforms to the specifications of the County

Ordinance for size, color and reflectivity shall be placed and maintained by the owner/operator at the entrance to each WECS access road from a public road. A sign or posting no more than four (4) square feet in area shall be placed and maintained in conjunction with, but in a subordinate position of, that same 911 sign and shall provide the tower number(s) and a toll-free telephone number, answered by a person twenty-four hours a day seven days per week, for emergency calls and informational inquiries.

2. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
3. No wind turbine generator tower or anemometer tower or site shall include any advertising sign, but logos of the Owner or Operator or the wind turbine generator manufacturer shall not be considered "advertising" for the purpose of this Ordinance.
4. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground. Another method of protection for general safety may be officially presented to the County Engineer for his approval.
5. Warning signs identifying underground wire locations shall be placed at all road crossings, creek, waterway, and ditch crossings, and at the base of WECS Towers. All underground wire locations shall be GPS mapped and given to the L.A.

G. Climb Prevention

All WECS Towers must be unclimbable by design for the first twelve feet or protected by anti-climbing devices or otherwise be protected by fences with locking portals at least eight (8) feet high.

H. Setbacks

1. All WECS Towers shall be set back at least one thousand feet (1000) from Primary Structures for participating property owners and at least twelve (12) rotor diameters from property lines of non-participating property owners with the exception of Douglas Township. Douglas Township has a setback from any non-participating Primary Structure of two thousand feet (2000). The distance for the above setback shall be measured from the point of the Primary Structure foundation and/or the Property Line closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the Primary Structure or the Property

in Question may waive this setback requirement; but in no case shall a WECS Tower be located closer to a Primary Structure or Property Line than one thousand feet (1000)."

2. All WECS Towers shall be set back a distance of at least one thousand feet from public roads, third party transmission lines, and communication towers. The County may waive this setback requirement.
3. All WECS Towers shall be set back a distance of at least one thousand (1000) feet from adjacent property lines. The affected adjacent property owner may waive this setback requirement.

4. Any WECS site proposed within one and one half (1 ½) mile of the corporate limits of any incorporated village or city shall require an approval sign-off by that corporate authority.

5. WECS Towers will be able to be sited only in A-1 Zoned areas, except as otherwise waived by the above referred to village or city.

6. A two-mile radius around an existing private airstrip recognized by the FAA will be left free of wind turbines. The airstrip owner may waive this regulation.

7. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

I. Compliance with Additional Regulations

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

J. Use of Public Roads

1. An Applicant, Owner, or Operator proposing to use any County, Municipality, Township or Village road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or Substation(s), shall:
 - a. Identify all such public roads intended for use; and
 - b. Identify all agencies involved; and

- c. Enter into legal agreement concerning road upgrade and maintenance with each of the affected jurisdictions; and
 - d. Obtain applicable weight and size permit from relevant government agencies prior to construction and/or maintenance activities.
2. To the extent an Applicant, Owner, or Operator must obtain a weight or size permit from the local agency of jurisdiction, the legal agreement shall contain a minimum of the following:
- a. A pre-construction and/or pre-maintenance baseline survey to determine existing road conditions and R.O.W. [Conduct a pre-construction and/or maintenance baseline survey to determine existing road conditions for assessing potential future damage; and];
 - b. Outline exact routes intended for construction and/or maintenance use.
 - c. Detail of maintenance responsibility and method of reimbursement if it is deemed the L.A. responsibility
 - d. Expectations of the L.A. when road reconstruction is involved.
 - e. Easement on private property will be the sole responsibility of the applicant, owner or operator
 - f. Outline of time schedule including any and all provision during the Feb. 1 to May 1 posting season
 - g. Outline any and all permits required for entrance off the L.A. roads.
 - h. Provide financial assurance (refer to definition on page three) in the form of a sufficient cash escrow to be held by the to the L.A. for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS.
 - i. Limitation on Liability Clause

K. Minimum Rotor or Wind Vane Clearance. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than 15 feet measured from the highest point of the terrain within

one blade radius from the base of the tower.

L. Lighting. There shall not be strobe lighting, intermittent white lighting or other lighting, unless expressly required by the FAA.

M. The Applicant shall provide all studies to be updated to the final number, size, etc. of towers to be in the final plan.

VII. OPERATION

A. Maintenance

1. The Owner or Operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the above annual summary, the Owner or Operator must furnish such operation and maintenance reports as the County reasonably requests. It being understood that nothing in this Section VII (A)(1) shall be construed so as to require any Owner or Operator of the WECS to violate any non-disclosure or confidentiality covenant that the Owner or Operator may have with any of (i) its equipment supplier(s), (ii) the purchasers of electricity and/or environmental attributes from the WECS, or (iii) any debt or equity financier of the WECS.
2. To the extent that, under Section VI (A)(1) of this Ordinance, any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components so that such modification requires re-certification from the original third-party certifying entity of the WECS (i.e. DNV, GL, UL, etc.), then the Owner or Operator of the WECS shall obtain such re-certification for the affected WECS from such entity in accordance with its then-existing design standards and processing times for re-certification certificates. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third-party certifying entity identified in Section VI (A)(1) of this Ordinance to determine whether the physical modification requires re-certification.

B. Interference

1. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan (or various project summaries and site plans if the Applicant should seek approval of differently sized projects and/or projects constructed with differing wind turbine generators), as set forth in Section V.B.1. and V.B.3. of this

Ordinance. To the extent that (a) the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s) and (b) the United States Federal Communication Commission ("FCC") agrees with such demonstrated interference, then the Applicant shall take all measures prescribed by the FCC to mitigate or eliminate such anticipated interference in compliance with then-existing, FCC-promulgated regulations. If, after construction of the WECS, the Owner or Operator receives a written complaint from the FCC related to the above-mentioned, or any other type of interference with the regulated airwaves, the Owner or Operator shall take all steps required by the FCC to mitigate or eliminate such complaint. All interference issues must first be taken to the Owner or Operator for consideration before going to the FCC.

2. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television or any other regulated airwave, the Owner or Operator shall take all steps required by the FCC to respond to the complaint.

C. Coordination with Local Fire Department

1. The Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.
2. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan. In addition, at no cost to the local fire department, the Owner or Operator shall provide to the local fire department any and all specialized and necessary rescue or retrieve equipment occasioned by the use of the particular wind turbine generators being used at the project (i.e. gurney, body harnesses, etc.). In addition, the Owner or Operator shall have the responsibility to update—at no cost to the local fire department—any such equipment in possession of the local fire department as any updates are received by the Owner or Operator in the normal course of business.
3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. Materials Handling, Storage and Disposal

1. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

2. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

VIII. NOISE LEVELS

The noise emitted by the WECS shall not exceed 35db during the hours of 7:00 AM to 10:00 PM and 30 db during the hours of 10:00 PM to 7:00 AM. The sound measurements must also be "A" weighted for consideration of the low frequency sound pressure. The non-participant property owner may waive this requirement.

Should the County Board determine that noise emissions appear to exceed allowable levels, an acoustic engineering firm shall be hired by the County and paid for by the owner of the WECS facility to determine compliance.

IX. SHADOW FLICKER

There shall be no Shadow Flicker allowed at any time within a one mile radius of a WECS on a non-participant's property or on a participant's primary structure. The non-participant property owner and/or participant may waive this requirement.

X. PUBLIC PARTICIPATION

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation.

XI. LIABILITY INSURANCE

The Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$20 million per occurrence and \$20 million in the aggregate. The Owner or Operator of the WECS shall maintain this policy for the lifetime of the WECS and submit a copy of same to the Iroquois County Board at each renewal. The County of Iroquois and its officials shall be named as additional insureds.

XII. DECOMMISSIONING PLAN

Prior to receiving the issuance of a building permit under this Ordinance, the County, the Applicant or Owner, and/or Operator (Applicant) must agree to a Decommissioning Plan that ensures the WECS Project is properly decommissioned. The Decommissioning Plan shall include:

- A. Provisions describing the triggering events for decommissioning the WECS

Project which shall include but not be limited to any wind turbine generator or anemometer tower that is not generating electricity for a continuous period of six (6) months.

- B. Removal of all transmission equipment, buildings and fences.
- C. Removal of all structures, debris and cabling and all physical material pertaining to the project improvements to a depth of 72 (seventy-two) inches beneath the soil surface.
- D. Provisions for the restoration of the soil surface to the same condition that existed immediately before construction of such improvements.
- E. Financial assurances to Iroquois County to include:
 - a. A basis formed by a licensed Illinois professional engineer's cost estimate for demolition and removal of the WECS facility; repairs to be made to bring roads back to the same condition as they were immediately preceding actual decommissioning; any associated expenses such as operating night time warning lights during the six (6) month period the Project may be abandoned; and the like. The licensed Illinois Professional Engineer, selected by Iroquois County, shall provide the original decommissioning cost estimate prior to the issuance of the building permit and a new cost estimate shall be prepared every three years. The Applicant shall pay the engineer's fee. Payment for said engineer's fee to prepare decommissioning cost estimates is not included in the initial Application Fee. Financial assurances to the County shall be adjusted every three years to reflect new cost estimates prepared by the engineer.
 - b. A minimum cash deposit of \$50,000.00 for each tower shall be placed in an escrow account acceptable to and controlled by Iroquois County. An additional financial assurance shall be supplied, if necessary, to bring the total amount of assurance per tower to an amount at least equal to the said engineer's estimate for demolition and removal with consideration of salvage value, plus road repairs to be made to the same condition as they were immediately preceding actual decommissioning. This assurance shall again, if necessary, be adjusted to reflect the changes in the engineer's estimates as they are adjusted every three years. This additional assurance may be made in the form of cash. All cash security shall be paid into an acceptable escrow account and all other financial security shall be completed before the issuance of any building permits. Said securities shall be released when each tower site and associated infrastructure are completely decommissioned and the road repairs are properly completed as determined by the Iroquois County Zoning Administrator, all affected public road authorities, and final approval by the Iroquois County Board.
 - c. In the event of abandonment of the project, the Applicant shall provide an affidavit to the Iroquois County Zoning Administrator representing that

all easements for wind turbines shall contain terms that provide financial assurance, including access to the salvage value of the equipment, and for the property owners to ensure that the WECS and related improvements are properly decommissioned within six (6) months of abandonment or earlier termination of the wind project.

- d. A provision that the terms of the Decommissioning Plan shall be binding upon the Applicant and any of their successors, assigns, or heirs.
- e. The County may sell any salvage material to reduce the County's expenses related to the decommissioning of any project site and shall be granted access to each site to effect or complete decommissioning.
- f. In the event of project abandonment, the County reserves the right to remove the towers and access any related salvageable materials for the County to sell but the County is not obligated to remove the concrete improvements which provide the structural base for the towers.

XIII. PUBLIC NUISANCE

Any WECS declared to be unsafe by the Iroquois County Board by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared a Public Nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in this ordinance.

XIV. DEFAULTS AND REMEDIES

- A. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this Ordinance.
- B. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner and Operator, setting forth the alleged default(s.) Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- C. Any violation of this ordinance shall be an offense punishable by a fine not to exceed \$1,000.00. Each violation shall be a separate offense. Each day a violation occurs or continues shall be a separate offense. A court may set any appropriate per day fine for each day the infraction exists or until such infraction is remedied. It is the goal of this ordinance to promote structural safety to protect the public and the court in setting any appropriate fine shall consider the nature of the offense, the degree of public safety involved, the efforts of the County and responsible owner or applicant to quickly and safely

resolve and infractions. It is the intent that any dispute between the parties be resolved promptly and where possible by informal discussions as outlined elsewhere in this ordinance.

- D. The County reserves the right to hire outside Counsel to enforce this ordinance. The Owner/Operator is liable for payment of reasonable Attorney's fees in this regard.

XV. SEVERANCE

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

XVI. INDEMNIFICATION

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

IROQUOIS COUNTY SOLAR ENERGY ORDINANCE

1. INTRODUCTION

A. Title

This ordinance shall amend the Iroquois Zoning Ordinance and be known, cited and referred to as the Iroquois County Solar Energy Ordinance.

B. Purpose

This ordinance is adopted for the following purposes:

1. To assure that any development and production of solar generated electricity in all Iroquois County is safe and effective;
2. To assure the protection of health, safety, welfare, and property values for all Iroquois County residents and land owners;
3. To facilitate economic opportunities for local residents;
4. To promote the supply of solar energy in support of Illinois statutory goal of increasing energy production from renewable energy sources.

C. Rules and definitions

1) Definitions.

- a) Community Solar-A solar electric system that provides power and/or financial benefit to, or is owned by, multiple community members where solar generation under 2 Megawatts alternating current (AC).
- b) Solar Farm-A solar panel or array composed of multiple solar panels on ground-mounted rack or poles which are one of the primary use (s) for the parcel of land on which it is located, or any solar energy system that has a primary purpose for wholesale or retail sales of generated electricity larger than 2 Megawatts alternating current (AC).
- c) Private Solar-A solar electric system that is owned by a homeowner or tenant to provide solar electricity for the residence or net metering. This ordinance does not apply to private residential solar systems. Private solar shall be deemed an accessor or permitted use.

2. ZONING DISTRICTS

A. A-1 and A-2 Agricultural, B1 and B2 Business, M1, M2 and M3 Industrial

1. Conditional Uses

- a) Solar farm. Solar farms, also known as solar power plants and solar energy generation facilities located in the A1, A2, B1, B2, M1, M2, and M3 zoning districts are considered a conditional use in accordance with the following minimal regulations and design standards.
- b) Design standards. The design standards and bulk regulations listed in the A1 and A-2 Agriculture, B1 and B2 Business Districts, M1, M2, and M3 Industrial Districts for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar farms and the following regulations shall apply instead. All other design standards and bulk regulations of the respective districts shall apply.
 1. Foundations-The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
 2. Other Standards and Codes-All solar farms shall be in compliance with any applicable local, state and federal regulatory standards along with the National Electric Code as amended.
 3. Power and Communication Lines-Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings within the perimeter of the solar energy development shall be buried according to the National Electric Code (NEC) as adopted by Iroquois County at the time of application. All power and communication lines outside the fenced perimeter of the solar energy development shall be buried no less than 6 feet. Exemptions or variances may be granted by the Iroquois County Board in instances where shallow bedrock, water courses, or other elements of natural landscape interfere with the ability to bury lines.
 - a. All lines shall be geo-located.
 - b. All drainage tiles shall be repaired or restored to same or better condition as to when project began. There will be an inspection for compliance by an independent inspector chosen by Iroquois County and paid for by the owner/operator.
 - c. JULIE shall be contacted before commencing digging excavations.
 - d. Local drainage districts shall be contacted prior to beginning development to locate drainage district tiles.

4. Height- Systems, equipment and structures shall not exceed thirty feet (30) in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.
5. Setbacks
 - a. Ground mounted solar energy systems as part of a solar farm located in A1 and A2 zoning districts shall have a setback for all equipment, excluding fences, a minimum of 80 feet on the front from center of road and 20 feet from all other property lines. One exception is single family dwellings where the solar energy system shall have a setback for all equipment, excluding fences, of 150 feet from the property line of any single family dwelling.
 - b. Ground mounted solar energy systems located in B1 and B2 business districts, and M1, M2, and M3 Industrial shall follow the requirements found in the general zoning ordinance of each respective district.
 - c. Community Solar ground mounted systems shall comply with setback requirements listed in the respective zoning districts in the general zoning ordinance.
 - d. The zoning board of appeals may grant a variance to such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way if the owners of the adjoining properties agree to waive these setback requirements.
6. Screening and Fencing-Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 6 feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
 - a) Solar Farms shall have a twenty-five (25) foot wide buffer which shall consist of a compact evergreen hedge of other type of evergreen foliage along the road frontage and perimeter of adjacent single family dwelling.
 - 1) The buffer shall be planted at a minimum of three (3) feet tall and with the expectation that this hedge shall reach the height of at least six (6) feet within five years and shall be maintained in good condition. Dead evergreen foliage shall be replaced.
 - 2) A landscape plan should be submitted for review and approval by the Iroquois County Board. The landscape plan shall take into account the type(s) of evergreens to be planted, along with the proposed spacing of the plantings, along with an evaluation of the soils. An alternative buffer may also be considered by the Iroquois County Board.

- 3) Topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements if they conceal the use from public view and are maintained. These features must be approved by the Iroquois County Board.
- 4) The landscape plan shall also incorporate native grasses, flowers and plants which will provide wildlife and pollinator habitat, soil erosion protection and/or aid in strengthening the soil structure. This shall not be part of the evergreen screen, but shall be for all other areas of the solar farm that will not interfere with the solar arrays.
7. Lighting-If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or residence.
8. Noise-Noise levels measured at the property line shall not exceed thirty-five (35) decibels from 7 a.m. to 10 p.m. and 30 decibels from 10 p.m. to 7 a.m. when located adjacent to an existing residence or residential district while the solar unit is in production. This noise restriction pertains to permanently installed solar equipment and excludes routine maintenance repair and initial construction.
9. Installation and Design-Individual arrays/solar panels shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
10. Signage-An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24 hour emergency contact number.
11. Outdoor storage-The outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified therein. The Zoning Administrator or his/her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. All outdoor storage areas shall have a gravel surface.

3. PERMIT REQUIREMENTS

- A. Due to the unique nature and special requirements of solar power plants and their potential impacts to adjoining properties and government services, community solar and solar farms shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the County Code or any special conditions recommended by the zoning board of appeals with final approval of the Iroquois County Board. The applicant shall provide 35 copies of all required submittals to the planning and zoning department. However, the applicant shall only be required to submit two copies of all documents providing ownership or interest in the property.

- 1) A site plan with existing conditions showing the following:

- a. Existing property lines and property lines extending five hundred feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
- b. Existing public and private roads, showing widths of the roads and any associated easements.
- c. Location and size of any existing and abandoned wells and sewage treatment systems
- d. Existing buildings and any impervious surfaces.
- e. A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
- f. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grasslands, wooded areas, etc.)
- g. Waterways, watercourses, lakes and public water wetlands.
- h. Any delineated wetland boundaries.
- i. A copy of the current FEMA FIRM map that shows the subject property along with the one hundred year flood elevation showing regulated flood protection elevation, if available.
- j. Floodway, flood fringe and/or general flood plain district boundary, if applicable, and not provided on the copy of the current FEMA FIRM map.
- k. Mapped soils according to the Iroquois County Soil Survey.
- l. Surface water drainage patterns.
- m. The location of any subsurface drainage tiles, where possible.

2. Site Plan of Proposed Conditions:

- a. Location, number, and spacing of solar panels.
- b. Location of access roads and access points.
- c. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.

- d. New electrical equipment other than the existing building or substation that is to be the connection point for the solar farm.
- e. Certified drawings of elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
- f. Weed/Grass control-Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property that must be approved by the Iroquois County Board. Site must be maintained to prevent fire hazards and be in compliance with State and Federal environmental regulations. No soil sterilant shall be permitted to be used on the solar site. There shall be a \$500.00 per week fine for non-compliance of this paragraph.

3) All Solar Farm applications, except community solar projects, shall be accompanied by a preliminary map and plan showing the roads and rights-of-way that will be utilized for both the construction and operation of the solar power plant. Prior to the issuance of a building permit, the application shall submit an executed agreement between the solar power plant owner/operator and all road district authorities with infrastructure affected by the solar power plant to the County.

This agreement shall include at a minimum:

- a. A final map identifying the routes that will be used.
- b. A plan to maintain and/or repair the affected roads which must be approved by the Iroquois County Highway Engineer and affected Township Road Commissioners. This includes a pre-construction baseline survey to determine existing road conditions and Right of Way (ROW) for assessing potential future road damage.
- c. Other inclusions as specified by the Iroquois County Board, Iroquois County Engineer or affected road authorities.

4) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.

5) The number of panels to be installed

6) A description of the method of connecting the array to a building or substation.

7) Prior to receiving the issuance of a building permit under this Ordinance, the County, the Applicant or Owner and/or Operator [Applicant] must agree to a Decommissioning Plan that ensures the Solar Energy Project is properly Decommissioned. The Decommissioning Plan shall include:

a. A basis formed by a licensed Illinois professional engineer's cost estimate for demolition and removal of the Solar Energy facility; repairs to be made to bring roads back to the same condition as they were immediately preceding actual decommissioning; and the like. The licensed Illinois professional engineer, selected by Iroquois County, shall provide the original decommissioning cost estimate prior to issuance of the building permit and a new cost estimate shall be prepared every three years. The Applicant shall pay the engineer's fee. Payment for said engineer's fee to prepare decommissioning cost estimates is not included in the initial Application Fee. Financial Assurances to the County shall be adjusted every three years to reflect new cost estimates prepared by the engineer.

b. Decommissioning of solar panels and related equipment must occur in the event they are not in use for six [6] consecutive months. The operating company and/or land owner shall have six months to complete the decommission plan or the County will take the necessary decommission steps.

1} The Iroquois County Board has authority by majority vote to extend the time frame to complete repairs causing inoperability, upon request, with the applicant outlining reasons why an extension is needed. Request for extension must be received no later than 60 days prior to the deadline for removal and, if approved can be extended in 6 month increments.

c. The plan shall include provisions for removal of all structures [including equipment, solar panels, fencing, and access roads], foundations, and a plan for the restoration of soil and vegetation. Removal of Solar Panels must be in accordance with state and federal EPA guidelines and the panels must not be left in any condition where hazardous materials may leach into the environment.

d. There will be an inspection for compliance by an inspector chosen by Iroquois County and paid for by owner/operator.

e. The Solar Energy facility owner shall provide Iroquois County with Financial Assurance to cover the estimated cost of decommissioning the facility. Provision of this Financial Assurance shall be phased in over the first ten years of the Project's operation as follows:

1} Prior to issuing building permits the County shall be provided Financial Assurance in the form of Letter of Credit; Surety Bond; or Cash Escrow amounting to twenty [20] percent of the estimated costs of decommissioning as determined by the licensed Illinois professional engineer. Letters of Credit and Surety Bonds shall be issued by Financial Institutions approved by the Iroquois County Board with evidence of paid premiums.

2} On or before the sixth anniversary of the commercial operation start date, the Facility Owner shall provide Iroquois County with additional Financial Assurance in the form of Letter of Credit; Surety Bond; or Cash Escrow to bring the coverage

to sixty [60] percent of the updated estimated cost of decommissioning as determined by the licensed Illinois professional engineer. Letters of Credit and Surety Bonds shall be issued by Financial Institutions approved by the Iroquois County Board with evidence of paid premiums.

3) On or before the tenth anniversary of the commercial operation date, the Facility Owner shall provide Iroquois County with Financial Assurance in the form of Cash Escrow to cover one hundred [100] percent of the updated estimated cost of decommissioning as determined by the licensed Illinois professional engineer.

4) An updated cost of decommissioning shall be provided every three years by a licensed Illinois professional engineer during the entire life of the Solar Energy facility. The Financial Assurance shall not release any surety from liability until the Financial Assurance is replaced per the schedule in paragraphs 1, 2, and 3 above. In addition, decommissioning plans signed by the party responsible for decommissioning and the landowner [if different] shall be submitted with the application.

f. The County reserves the right to require additional information of components to the plan as the County deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

8) Actual on site construction must be commenced within 1 years of application approval by the Iroquois County Board or permits will no longer be valid.

4. FEES AND COSTS

A. Applicable fees.

1. The following fees shall apply for Solar Farm Permits.

a. No solar farm or community solar special use permit application shall be accepted until the filing fee of \$1,000.00 is paid and the following requirements are met:

1) Accompanied by a notarized statement of the appropriate corporate officials or official legal representative of the applicant that the applicant will pay to the County additional fees to reimburse the County for monies expended in excess of \$1,000.00 in preparing for, processing, reviewing and evaluating the application to its final resolution.

2) The applicant shall also agree in said notarized statement to stop all proceedings if an invoice for reimbursement to the County is not paid to the County Treasurer within ten days after the invoice has been presented to the appropriate County officer or official County legal representative by the applicant.

B. Building Permit Fees.

1. The initial building permit fee is set at five thousand dollars (\$5,000.00) for the first million dollar value of the solar project.
2. An additional one dollar (\$1) per one thousand dollar (\$1,000.00) value after the first million in value shall be assessed.

C. Remedial Costs.

1. Applicants and/or owners of solar farms shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the Zoning Administrator or the Iroquois County Board.
2. Liability Insurance-The owner or operator of the solar project shall maintain a current and general liability policy covering bodily injury and property damage within limits of a least two million dollars per occurrence and twenty million dollars in the aggregate. The owner or operator of the solar project shall maintain this policy for the lifetime of the solar project and submit a copy of the same to the Iroquois County Board at each renewal. The County of Iroquois and its officials shall be named as additional insured's.
3. Severability-If any section, clause, or provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.
4. Indemnification-The applicant, owner and/or operator of the solar project shall defend, indemnify, and hold harmless the County of Iroquois and its officials from and against any and all claims, demands, losses, suits, class of action, damages, injuries, costs, expenses and liabilities whatsoever, including attorney's fees, without limitation arising out of acts of omissions of the applicant, owner and/or operator associated with the construction and/or operator associated with the construction and/or operation of the solar project.
5. Public Nuisance-Any solar project declared to be unsafe by the Iroquois County Board by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared a Public Nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure set forth in this ordinance.

*The Iroquois County Solar Energy Ordinance originally adopted by the Iroquois County board on the 8th day of August, 2017 and subsequently amended by Ordinance No. 2019-

6 on September 10, 2019. This amendment was approved by the Iroquois County Board at the June 8, 2021 Regular Session County Board Meeting.

**IROQUOIS COUNTY
PERSONAL WIND ENERGY ORDINANCE**

Adopted: November 10, 2009

I. Introduction

A. Title

This Ordinance shall amend the Iroquois County Zoning Ordinance and be known, cited and referred to as the Iroquois County Personal Wind Energy Ordinance.

B. Purpose

This Ordinance is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Iroquois is safe and effective;
2. To facilitate economic opportunities for local residents;
3. To promote the supply of wind energy in support of Illinois' Statutory goal of increasing energy production from renewable energy sources.

II. Definitions

FAA: The Federal Aviation Administration of the United States Department of Transportation.

FCC: The Federal Communications Commission.

Primary Structure: The structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

Small Wind energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power.

System Height: With regard to a small wind energy system, the tower height plus the blade length.

Tower: With regard to small wind energy system, the tower is the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Turbine: The parts of the wind system including the blades, generator, and tail.

PERSONAL WIND TOWER

PERMITTED USE IN THE A-1, A-2, and RH-1 DISTRICTS

Small wind Energy Systems provided the following are met:

1. A Small Wind Energy System shall not be permit on any parcel that is less than 2.00 acres.
2. There shall be no more than one Small Wind Energy System located on a parcel.
3. Small Wind Energy Systems are only permitted as an accessory use to a primary structure, and in no case will a Small Wind Energy System be permitted on a vacant parcel.
4. Small Wind Energy Systems shall only be permitted in a rear yard.
5. Small Wind Energy Systems are not permitted in any platted subdivision.
6. Small Wind Energy Systems may not be constructed within any recorded easements.
7. The maximum permitted system height of a Small Wind Energy System from average grade to the top of the blade shall be no more than one hundred twenty five (125) feet. Wind Energy Systems over one hundred twenty-five (125) feet shall be covered by the Iroquois County Wind Energy Ordinance.
8. Small Wind Energy Systems shall be set back a distance equal to one hundred ten (110) percent of the system height from all adjacent property lines, third party transmission lines, communication towers, and from

occupied structures on the same parcel as the system. Additionally, a system must be a minimum distance equal to two hundred (200) percent of the system height from any dwelling inhabited by humans on neighboring property.

9. The minimum distance between the ground and any protruding blades utilized on a Small Wind Energy System shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The lowest point of the arc of the blade shall also be ten (10) feet above the height of any structure within fifty (50) feet of the base.
10. Guy wires and anchoring systems shall extend no closer than eight (8) feet from an adjacent property line.
11. The supporting tower shall also be enclosed with an eight (8) foot tall fence or the base of the tower shall not be climbable for a distance of twelve (12) feet.
12. Small Wind Energy Systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or appropriate authority. Any required lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
13. Small Wind energy Systems, except as may be required by the FAA, shall be finished in either white or gray or another non-reflective, unobtrusive color as approved by the Iroquois County Planning & Zoning Department, including the blades. The finish shall be flat or matte. The required coloration and finish shall be maintained throughout the life of the system.

14. No Small Wind Energy System shall have any advertising material, writing, picture, or signage other than warning, equipment identification or ownership information. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices, but not including meteorological/weather devices.