

## Chapter 121 ZONING<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 121-1. Title.

This chapter shall be known as the county zoning ordinance.

(Zoning Ordinance 1996, § 1.00)

#### Sec. 121-2. Purpose.

This chapter is adopted pursuant to 55 ILCS 5/5-12001 for the purpose of:

- (1) Promoting and protecting the public health, safety, comfort, morals and general welfare;
- (2) Dividing the unincorporated areas and the unzoned Villages of the County into districts of such number, shape, area and such different classes according to the use of land, buildings and structures, intensity of the use of lot area, areas of open space, and other classifications as may be deemed best suited to carry out the purposes of this chapter;
- (3) Securing adequate light, pure air and safety from fire and other dangers;
- (4) Lessening or avoiding congestion in the public streets and highways;
- (5) Conserving the value of land, buildings and structures throughout the county;
- (6) Enhancing the preservation of natural resources, the environment, historic structures and aesthetic amenities;
- (7) Assuring the orderly growth in the county, of agricultural, residential, commercial, industrial and complementary developments by providing that:
  - a. Lands best suited for pursuit of agriculture be protected from haphazard and unplanned intrusions of urban uses. The LESA system will be one of the tools used to protect agriculture lands.
  - b. Existing residential areas and areas designated for expansion of residential development be suitably located in relationship to business, commercial and industrial areas and be protected against intrusion which will interfere with decent living conditions.
  - c. Existing commercial areas be protected against the encroachment of incompatible uses.
  - d. Existing industrial areas be given adequate protection; additional lands be designated and regulated for future industrial development so that present industry may expand; and that a wide range of sites for new industry be provided, having access to transportation facilities and other features, enabling industry in the county to compete successfully with industry elsewhere in the nation.

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<sup>1</sup>State law reference(s)—Zoning, 55 ILCS 5/5-12001 et seq.

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- e. Existing farming operations located in agricultural areas be protected from public and private nuisance actions precipitated by changed land uses in the areas surrounding the existing farms, as provided by the Illinois Farm Nuisance Act, 740 ILCS 70/0.01 et seq.
  - f. Where land and buildings adjoin incorporated communities or within 1½ miles of a municipality with a comprehensive plan, and where it is evident that such lands could ultimately be annexed to the community, the uses of such land and buildings be related to the existing and planned land use pattern of the adjacent communities.
  - g. The uses of land and buildings within the entire county be so related as to provide effectiveness and economy in government.
  - h. Adequate space be available for the disposition of sewage treatment plant products consistent with the health and welfare of the public.

(Zoning Ordinance 1996, § 2.00)

### **Sec. 121-3. Rules and definitions.**

- (a) *Rules.* In the construction of this chapter, the rules and definitions contained in this section shall be observed and applied.
  - (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.
  - (2) The term "shall" is mandatory and not discretionary;
  - (3) The term "may" is permissive;
  - (4) The term "lot" shall include the terms "piece," "plot," "parcel," and "tract;" and the phrase "use 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 or "The New Illustrated Book of Development Definitions" published by Harvey S. Moskowitz and Carl G. Lindbloom; and
  - (7) The words and terms, set forth herein under subsection (b) "Definitions" wherever they occur in this chapter, shall be interpreted as herein defined.
- (b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Abutting* means to have a common property line or district line.

*Accessory building or structure* means a subordinate building or structure located on the same lot with the main building, or adjoining lots under single ownership, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

*Accessory use* means a use that:

- (1) Serves a principle structure and/or use;
- (2) Is customarily found as incidental to such principle structure or use;

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- (3) Contributes to the comfort, convenience or necessity of those occupying, working at or being served by such principle structure or use;
  - (4) Is, except as otherwise expressly authorized by the provisions of this chapter, located on the same zoning lot or adjoining lot under single ownership as such principle structure or use; and
  - (5) Is under the same ownership and control as the principle structure or use.

*Acre, gross*, means, for purposes of determining number of dwelling units, all of the area of the tract exclusive of existing or proposed bordering streets.

*Adaptive reuse* means the reuse or repurposing of a lawfully established agricultural building which exists because of a previous permitted use, special use permit, or long term legal nonconforming use.

*Addition* means a structure added to the original structure at some time after the completion of the original building or structure or an extension or increase in floor area or height of an existing building or structure.

*Adult bookstore* means an establishment which has as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and which under the laws of the state excludes minors by virtue of age unless accompanied by a consenting parent, guardian or spouse.

*Adult entertainment establishments* means any building or structure which contains, or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with, or to allow personal contact by, employees, devices or equipment or by personnel provided by the establishment, or views a series of dance routines, strip performances or other gyrational choreography provided by the establishment which appeals to the prurient interest of the patron, to include, but not limited to, bath houses, massage parlors, and related or similar activities.

*Adult motion-picture theater* means any premises from which, under the laws of the state, minors are excluded by virtue of age unless accompanied by a consenting parent, guardian or spouse, and in which motion pictures, slides, or similar photographic reproductions are shown as the principle use of the premises or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein such movies are shown on a regular basis; and not to include school or public auditoriums used for noncommercial purposes on an infrequent basis.

*Affordable housing* means any housing capable of being acquired with 30 percent of gross income.

*Agribusiness* means a commercial enterprise which engages in the purchase, sale, barter, or exchange of goods, wares, or services traditionally related to agricultural production, or limited processing of agricultural produce.

*Agriculture* means land, buildings, or structures, the principle use or uses of which is growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, viticulture, or animal or poultry husbandry, and accessory uses customarily incidental to agricultural activities including but not limited to the farm dwelling, dwellings for tenants and full-time hired farm workers and the dwellings or lodging rooms for seasonal workers. It is intended by this definition to include within the definition of agriculture, all types of agricultural operations, but to exclude therefrom industrial operations such as grain elevators, canning facilities, or slaughterhouses, wherein agricultural products produced primarily by others are stored or processed.

*Agronomic rate* means the application of not more than 20 tons per acre per year of landscape waste or compost, except that the state Environmental Protection Agency may allow a higher rate for individual sites where the owner or operator has demonstrated to the agency that the site's soil characteristics or crop needs require a higher rate.

*Airport* means any area of land which is used, or intended for the landing and takeoff of aircraft, and any appurtenant areas which are used or intended for use as airport buildings or other airport structures or rights-of-way, together with all airport buildings and structures thereon. Does not include a private landing strip.

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*Alley* means a permanent service right-of-way which affords only a secondary means of access to property abutting on such right-of-way and is not intended for general traffic circulation.

*Alteration* means a change in size, shape, character, occupancy, or use of a building or structure, and/or any movement of a structure from one location or position to another.

*Ambulatory care center* means an establishment where patients are admitted for surgical treatment on an outpatient basis with related diagnostic and laboratory facilities.

*Amusement facility* means an outdoor area or structure, open to the public, which contains coin operated games, and similar entertainment and amusement devices.

*ANSI* means American National Standards Institute, or its successor bodies.

*Animals, domestic*, means any animals domesticated by people to live in a tame condition, such as dogs, cats, birds (excluding poultry), and the like.

*Animals, exotic*, means animals other than domestic animals that normally live in a state of nature (the wild), are not ordinarily tame or domesticated, and are maintained and housed in accordance with all local, state and federal laws and regulations.

*Animals, farm/livestock/poultry*, means Animals raised for food or product. For the purpose of this chapter, horses and ponies are considered farm animals.

*Animal hospital* means a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to shortterm care incidental to the hospital use.

*Antenna or tower* means any structure erected for the purpose of transmitting or receiving radio and television signals or to support equipment designed for such purposes.

*Apartment building* means a multiple-family dwelling originally designed and constructed to accommodate three or more apartments. The term "apartment building" does not include single-family or two-family dwellings converted for multiple-family use.

*Area, lot*, means the total area within the lot lines.

*Attached structures* means structures that share common, or party, walls with at least one other structure.

*Automatic car wash* means a structure containing facilities for washing vehicles using a chain conveyor or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat and/or air for drying.

*Automobile repair, major*, means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services, including body, frame, or fender straightening or repair; overall painting or paint shop, or vehicle steam-cleaning.

*Automobile repair, minor*, means replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half tons capacity, excluding body repairs.

*Automobile service station* means any building or premises used for the dispensing, sale, or offering for sale at retail to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair. The term "automobile service station" does not include bulk plant, conducting major auto repairs, automobile wrecking, automobile sales or automatic car washes.

*Automobile wash* means any building or premises or portions thereof used for washing automobiles.

*Automobile wrecking yard* means an area of land where one or more motor vehicles, or vehicles, machinery, or equipment drawn or operated by attaching to motor vehicles or mechanical unit, not in or being restored to running or operable condition, or parts thereof are stored in the open; and any land, buildings, or structure used

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for wrecking or storing prior to wrecking of such motor vehicles, vehicles, machinery, or equipment of parts thereof.

*A-weighted sound level* means, in decibels, a frequency-weighted sound pressure level, determined by the use of the metering characteristics and A-weighted network specified in ANSI S1.4-1983 (R2001) "Specifications for Sound Level Meters" and the latest revision thereof.

*Awning* means a structure made of cloth, metal, or other material, whether or not retractable that projects from the wall of a building, not supported by the ground.

*Basement* means that portion of a building which is partly or completely below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes and has more than one-half of its height above grade.

*Bed and breakfast inn* means a house, or portion thereof, where shortterm lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

*Berm* means a mound of earth with a maximum slope of 3:1, a minimum slope of 4:1. Berms shall be planted with grass and/or other landscaping material.

*Berth, loading,* means a stall of dimensions herein specified, adjacent to a loading dock for the maneuvering and parking of a vehicle for loading and unloading purposes.

*Block* means Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.

*Boardinghouse (roominghouse or lodginghouse)* means 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 keeper's family and where lodging or meals or both are provided by prearrangement and for definite periods, at a definite prearranged price.

*Boat livery* means and is similar to, but allows more intensive uses than, a marina and is a commercial establishment with a waterfront location for the provision of: rental of covered or uncovered boat slips or dock space or dry storage space, rental and/or sale of boats and boat motors, repair and maintenance of boats and boat motors, marine fuel and lubricants, bait and fishing equipment, on-shore restaurants, and small boat hauling or launching facilities. Boat liveries shall provide sewage pump-out facilities and employ adequate spill containment equipment if petroleum or other such products are sold on the premises. Such premises or site shall not include boat and/or motor manufacturing as an incidental use. A boat sales lot is not a boat livery.

*Boat yards and ways* means a premises or site used as a commercial establishment for the provision of all such facilities as are customary and necessary to the construction or reconstruction, repair or maintenance, sale of boats, marine engines or marine equipment and supplies of all kinds including, but not limited to, rental of covered or uncovered boat slips or dock space or dry storage space or marine railways or lifting or launching services. Boat yards and ways shall provide sewage pump-out facilities and employ adequate spill containment equipment if petroleum or other such products are sold on the premises.

*Buffering area* means an area reserved for the purpose of creating open space at the perimeter of a parcel to be developed. In the reserved areas no improvements are permitted except for the purpose of direct vehicular access to the site and landscaping and/or screening. Vehicular access ways shall not be computed as part of the required buffering area.

*Buildable area* means the area of a lot remaining after the minimum setback and open space requirements of the zoning ordinance have been met.

*Buildable width* means the width of that part of a lot between side yard lines, measured at the buildable area.

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*Building area* means the area bounded by the exterior dimensions of the outer walls at the ground line.

*Building height* means the vertical distance from the average grade to the highest point of the under side of the ceiling beams in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the under side of the rafters between the top of ceiling joists and the ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, elevator or other accessory equipment, penthouses, tanks, and similar projections when attached to a building, other than signs, shall not be included in calculating the height. Freestanding chimneys, towers, poles, and tanks, when function is related to height, shall also not be included in calculating building height.

*Building, principle,* means a nonaccessory building in which a principle use on the zoning lot on which it is located is conducted.

*Bulk regulations* means regulations pertaining to the relation of the size of buildings or structures to the location of same with respect to one another, and including the following:

- (1) Size and height of buildings;
- (2) Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- (3) Gross floor area of buildings in relation to lot area (floor area ratio);
- (4) All open spaces and setbacks applied to buildings;
- (5) Amount of lot area and lot width provided per dwelling unit; and
- (6) Lot coverage.

*Business* means an occupation, employment, or enterprise which occupies time, attention, labor and materials; or where merchandise is exchanged or sold, or where services are offered.

*Cabin, cottage, summer cottage, and recreation cabin* mean a dwelling unit designed for temporary seasonal occupancy that is not used for more than six months in any given year.

*Camp, campground, and day camp* mean 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 moveable nature, such as a lodge, dormitory, cabin, hunting shelter or tent, whether or not operated for profit and whether occupied by adults or children, either as individuals, families or groups; not including a hospital, sanitarium, nursing or convalescent home, asylum, school, penal or correctional institution or manufactured home park.

*Cannabis dispensing facility* means a facility operated by an organization or business that is registered by the department of financial and professional regulation to acquire cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to the general public.

*Canopy* means a structure made of cloth, metal or other material which may project from the wall of a building and is supported above the ground by poles, posts, columns, beams, girders or other frame work attached to the ground.

*Capacity in person* means the maximum number of persons that can avail themselves of the services (or goods) of an establishment, at any one time, with reasonable comfort and safety.

*Cellar* means a space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6½ feet. Cellars should be used only for mechanical equipment accessory to the principle structure or for nonhabitable space such as a recreation or storage area.

*Cemetery* means an area of land set apart for the sole purpose of the burial of bodies of dead persons or animals and for the erection of customary markers, monuments, and mausoleums.

*Change of use* means any use that substantially differs from the previous use of a building, structure or land.

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*Child care center* means an establishment where children, other than members of the family occupying the premises, are cared for away from their own home by day or night. The term "child care center" includes day nurseries, kindergartens, day care service, day care agency, nursery school or play school. It does not include foster homes or group homes.

*Clinic, inpatient*, means an establishment where patients are admitted for study or treatment on an inpatient basis by two or more licensed physicians, dentists or other professionals for the treatment of human physical and/or mental ailments.

*Clinic, outpatient*, means an establishment, without inpatient nursing care, where one or more physicians and other professionals diagnose and treat human physical and/or mental ailments.

*Closed cup flash point* means the lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn momentarily.

*Club* means an organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.

*Cluster housing* means two or more dwelling structures, each containing one or two dwelling units, on a parcel of ground in a single ownership at the time of development, with frontage on a public street or approved private street.

*Collection* means the physical aggregation of recyclable commodities from consuming parties and all activities up to the point of acceptance of the recyclable commodities by a recycling facility.

*Collection vehicle* means an automobile, truck, trailer or van, licensed by the state department of motor vehicles and the county health department which is used for the collection and transport of consumer recyclable communities.

*Commercial radio and TV receiving dish* means a dish antenna structure of any configuration which purpose is to receive relay and/or transmit communication signals between another space and/or ground transmitter relay or receptor. A dish antenna structure from which profit is derived from the sale of services shall be deemed commercial. The inclusion of commercial radio and TV receiving dishes as a permitted use, with standards, in any zoning district is not intended to affect existing rights to install noncommercial dishes as permitted accessory uses within any zoning district.

*Commercial vehicle* means vehicles associated with the specialized commercial use and this category includes but is not limited to, loaders, fork lifts, tow trucks, wreckers, back hoes, dump trucks, flat bed trucks, stake trucks and construction equipment and the trailers that haul these vehicles.

*Common open space* means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

*Community residential home (group home)* means a dwelling unit licensed to serve clients which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of any of the following: an aged person, a physically disabled or handicapped person, a developmentally disabled person, a nondangerous mentally ill person, a child.

*Compost* means the humus-like product of the process of composting waste, which may be used as a soil conditioner. For purposes of this zoning chapter, only landscape waste composting is not subject to the siting process under section 39.2 of the state Environmental Protection Act.

*Composting* means the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost. Land application is not composting. For purposes of this chapter, only

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landscape waste composting is not subject to the siting process under section 39.3 of the state Environmental Protection Act.

*Composting area* means the area of a composting facility in which waste, composting material or undistributed end-product compost is unloaded, stored, staged, stockpiled, treated or otherwise managed. For purposes of this chapter, composting area refers to landscape waste composting.

*Composting material* means solid wastes that are in the process of being composted.

*Comprehensive plan* means the adopted plan of the county and the adopted plans by any other local unit of government.

*Conforming building or structure* means any building or structure which:

- (1) Complies with all the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located;
- (2) Is designed or intended for a conforming use such as a store building in a business district, or a factory building in an industrial district.

*Consumer recyclable commodity* means paper (including but not limited to newspaper, magazines, cardboard, and office paper), glass, plastic, metal cans (including but not limited to aluminum and steel cans), aluminum containers other than cans (including but not limited to pie pans, baking pans, and aluminum foil), and textiles.

*Container* means something in which consumer recyclable commodities are held or carried, such as a bin, box, or barrel.

*Continuous vibration* means vibration which remains uninterrupted over a period of one minute or more.

*Convenience structure* means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet. A convenience store may include the sale of gasoline and diesel fuel but such sales shall be accessory to the primary sale of convenience goods.

*Court* means an open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by, but is not enclosed by, the wall of such building.

*Coverage of a lot by buildings* means percentage of lot area that is covered or occupied by buildings, including accessory buildings, or that percentage of a lot that may be covered or occupied by buildings, including accessory buildings, under the terms of these zoning regulations.

*Cultivation center* means a facility operated by an organization or business that is registered by the department of agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

*Curb level* means the level of the established curb in front of a building measured at the center of the front and where no curb level has been established, the pavement elevation at the street center line similarly measured. The director of building and zoning may designate the curb level as the average elevation of the finished ground grades immediately adjacent to the building walls in locations of unusual topographic conditions.

*Curbline* means established curb alignment or where not so established, the edge of the vehicular-way shoulder.

*Daytime hours* means 7:00 a.m. to 7:00 p.m., local time.

*Decibel (dB)* means a unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure. For the purposes of this ordinance, the reference pressure shall be 0.002 microbar.



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*Detached* means structures that do not share a common wall, roof, floor or any other structure component with another structure.

*Disability* means a limitation or loss of use of a physical or sensory body part or function, such as visual impairment requiring glasses, loss of a finger or arm, paralyzes of legs, etc.

*District (zoning)* means a section or part of the unincorporated portion of the county within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

*District, overlay*, means a second set of regulations applied to any part or all of a zoning district (as defined for the term "district") or any number of districts. The overlay district regulations may relax or further restrict the number or types of uses allowed as well as the way permitted activities operate within the overlay district boundaries.

*District, underlying*, means a term referring to a zoning district (as defined for the term "district") when it is affected by an overlay district.

*Dock, loading*, means a platform-like structure adjacent to a loading berth from which goods are loaded on and on which goods are unloaded from a vehicle parked in such loading berth.

*Dormitory* means a building that is owned and/or operated by an institution whose primary purpose is to provide living accommodations for individuals associated with the institution.

*Double frontage lot* means a lot which has a pair of opposite lot lines along a public right-of-way or a frontage on a waterway, i.e., river. Double frontage lots are also referred to as through lots.

*Drive-in facility* means any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

*Drive-in theater* means A place of outdoor assembly used for the showing of plays, operas, motion pictures and similar forms of entertainment which is designed to permit the audience to view the performance from vehicles parked within the theater enclosure.

*Driveway* means a private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

*Drop-off center* means a facility used only to accept consumer recyclable commodities directly from the consuming party and accumulate or store them temporarily.

*Dwelling* means a building or portion thereof designed or used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including mobile-type manufactured homes or other trailers, or lodging rooms in hotels, motels, or lodging houses. (See also "manufactured home.")

*Dwelling, detached*, means a dwelling which is surrounded on all sides by open space on the same lot.

*Dwelling, duplex*, means a building containing two dwelling units only, one above the other or side by side.

*Dwelling, multiple-family*, means a building or portion thereof containing three or more dwelling units.

*Dwelling, single-family*, means a dwelling containing one dwelling unit in a detached building unless otherwise specified.

*Dwelling unit* means one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed to serve the entire family, shall always be included within each "dwelling unit."

*Educational institution* means a public, parochial, charitable or nonprofit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

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*Electric distribution center* means a terminal at which electric energy is received from the transmission system and is delivered to the distribution system only.

*Electric substation* means a terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

*Emergency services* means police, fire, rescue or ambulance (but not funeral home) services whether operated by a government agency or by a quasi-public agency performing a public service.

*End-product compost* means organic material that has been processed to maturity.

*Establishment, business,* means a place of business carrying on operations, of which are separate and distinct from that of any other place of business located on the same or other lot.

*Extension* means an increase in the amount of existing floor area beyond the exterior wall.

*FAA* means the Federal Aviation Administration of the United States Department of Transportation.

*Family* means one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of six or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

*Farm* means land, having 20 acres or more, being used primarily for agricultural purposes.

*Farm homestead* means the building located on a farm that is the residence of the farm owner or tenant operator.

*FCC* means the Federal Communications Commission.

*Fence, open,* means a fence including entrance and exit gates, where viewed from at least one horizontal angle, each one foot wide segment for the full length and height of the fence contains at least 60 percent open spaces.

*Fence, solid,* means a fence, including solid entrance and exit gates, which effectively conceals from view from all angles from adjoining properties and streets the premises behind such fence.

*Floor area, gross(1),* means, for the purpose of determining "floor area ratio," the floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls, excluding floor area devoted to parking or loading, but including:

- (1) Basement floor space if one-half or more of the basement story height is above the established curb level;
- (2) Elevator shafts and stairwells at each floor;
- (3) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet, except equipment, open or closed, located on the roof, i.e., bulkheads, water tanks, and cooling towers
- (4) Attic floor space where the structural headroom exceeds 7½ feet;
- (5) Interior balconies and mezzanines;
- (6) Enclosed porches, but not terraces and breezeways;
- (7) Accessory buildings; and
- (8) Structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks; the floor area for such structures shall be determined on the basis of the height of such structure in feet. Ten feet in height shall be deemed to be equal to one floor and if a

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structure measures more than five feet over, such floor equivalent shall be construed to be an additional floor.

*Floor area, gross(2)*, means, for the purpose of determining requirements for "off-street parking and off-street loading" not otherwise prescribed in this chapter, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, defined above, but not including floor area used for off-street parking facilities and such basement floor areas that are used exclusively for the maintenance and operations of the building. All horizontal dimensions shall be taken for the exterior faces of the walls.

*Floor area ratio* means The numerical value obtained by dividing the gross floor area of a building by the total area of the lot or parcel of land on which such building is located.

*Free burning* means and refers to the rate of combustion of a material which burns actively and easily supports combustion.

*Frequency* means the number of times that a displacement completely repeats itself in one second of time. Frequency shall be designated in Hertz (Hz).

*Frontage* means all the property on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead-ended, all of the property abutting on one side between and intersecting the street and the dead-end of the street.

*Garage, private*, means an accessory building, or an accessory portion of a principle building which is intended for and used to store private passenger motor vehicles and one ton capacity or lesser sized trucks. Such garage is for use by members of the family residing on the premises; but this classification shall not be altered by renting, for the purposes described, all of a one or two car garage, or not more than one half of a larger garage, to persons, not residing on the premises.

*Garage, public*, means any building where vehicles/equipment are painted, repainted, rebuilt, repaired, reconstructed and stored for compensation.

*Garage, repair*, means a building or any portion thereof, other than a private storage, or parking garage or automobile service station, designed or used for repairing, equipping or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing or selling of motor vehicles.

*Garage, storage*, means a building or premises used for the housing only of equipment and vehicles; and where no equipment or parts are sold, and vehicles are not rebuilt, serviced, repaired, hired, or sold, except for minor services such as car washing and the dispensing of grease or oil within the building for vehicles stored therein.

*Garden compost operation* means an operation which:

- (1) Has no more than 25 cubic yards of landscape waste, composting material or end-product compost on-site at any one time; and
- (2) Is not engaging in commercial activity. Garden compost operations are exempt from the requirements of this chapter.

*Golf course* means public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto.

*Grade* means the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

*Group home (community residential home)* means a dwelling unit licensed to serve clients which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of

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any of the following: an aged person, a physically disabled or handicapped person, a developmentally disabled person, a non-dangerous mentally ill person, a child.

*Gun club, public, semipublic, or private*, means a premises used for trap shooting, or skeet shooting which may also include clubhouse and maintenance buildings with facilities for serving of food and refreshments, sale and servicing of guns and supplies for trapshooting or skeet shooting to patrons of the gun club.

*Handicap*. See *Disability*.

*Heavy processing facility* means any processing facility other than a light processing facility.

*Height of a building* means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

*Heliport* means an area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

*Highway*. See *Street*.

*Home occupation* means any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit.

*Hospital* means a building having facilities for inpatient nursing care, where physicians and other medical professionals diagnose and treat human ailments.

*Hotel* means an establishment containing lodging rooms for occupancy by transient guests but not including a boardinghouse or roominghouse. 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.

*Hotel, apartment*, means a hotel in which at least 80 percent of the hotel accommodations are occupied by permanent guests.

*Impulsive shock* means a high-magnitude isolated event such as blasting which occurs only a few times a day.

*Incompatible use* means a use which is not compatible with other uses permitted in a district because it is inconsistent therewith.

*Industrial park* means a unified development designed to accommodate a community of compatible types of industry.

*Intense burning* means and refers to a rate of combustion of a material which burns with a high degree of activity and is consumed rapidly.

*Intermittent vibration* means a string of vibration incidents, each of a short duration, of the order of two seconds or less, separated by intervals of much lower vibration magnitudes. They may result from sources which are regular (e.g., pile drivers) or irregular (e.g., intermittent machinery). Repeated intermittent vibration should be treated as continuous vibration for the purposes of this ordinance.

*Junk* means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. The term "junk" includes vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

*Junkyard* means any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment or wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, and/or inoperable motor vehicles or other type of junk. See also: *Automobile wrecking yard*.

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*kennel*  means an establishment operating a facility housing dogs, cats, or other household pets and where breeding, boarding, training or selling of animals is conducted as a business.

*Land application*  means the spreading of landscape waste or compost, at an agronomic rate, as a soil amendment to improve soil structure and crop productivity. Land application is not composting.

*Landing strip, private,*  means a strip of land used or intended for use for the landing and taking off of the private aircraft of the owner or lessee of the landing strip and his guests and such accessory structures customarily incidental to the operation which may include one building for the storage and maintenance of such private aircraft.

*Landscape waste*  means all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

*Landscape waste compost facility*  means an entire landscape waste composting operation, with the exception of a garden compost operation.

*Light processing facility*  occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of two outbound truck shipments per day. "Light processing facilities" are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers.

*Livestock feed lot*  means a relatively small, confined land area for fattening livestock or holding temporarily for shipment for commercial purposes.

*Lodge*  means:

- (1) A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families.
- (2) The place where members of a local chapter of an association hold their meetings and the local chapter itself.

*Lodging room*  means 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*  means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, together with such open spaces as are required, having at least the minimum area required for a lot in the zone in which such lot is located and having its principle frontage on a public street or public way.

*Lot area*  means the total area within the lot lines.

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

*Lot depth*  means the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

*Lot line*  means a property boundary line of any lot held in single or separate ownership.

*Lot line, front,*  means that boundary of a lot which is along an existing or dedicated street or public way and, in the case of a corner lot and/or double frontage lot, that lot line selected by the owner as the front lot line.

*Lot line, interior,*  means a lot line which does not abut a street right-of-way line.

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*Lot line, rear*, means that boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot; parallel to and at the maximum distance from the front lot line.

*Lot line, side*, means any boundary of a lot which is not a front or rear lot line.

*Lot of record* means a lot which is part of a subdivision, the plat of which has been legally recorded or a parcel of land with a legally recorded deed in accordance with the Illinois Plat Act (765 ILCS 205/1 et seq.)

*Lot, reversed corner* means a corner lot, the side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

*Lot, through*. See *Double frontage lot*.

*Lot, trailer* means the area of land assigned to a travel trailer in a tourist park or a manufactured home in a manufactured home park.

*Lot width* means the minimum horizontal distance between the side lot lines measured at the buildable area.

*Manufactured home* There are two basic types of factory built structures: mobile and modular.

- (1) *Mobile-type*. The construction of the mobile type of single-family residence is regulated by the federal Department of Housing and Urban Development (HUD) and must comply with the National Manufactured Home Construction and Safety Standards. These standards apply uniformly across the country and it is illegal for a state or local unit of government to impose additional construction requirements. "Mobile type units" will have a red metal label permanently affixed to the rear of each towable unit.
- (2) *Modular-type*. The construction of modular type dwelling units is regulated by the state department of public health. Unlike the mobile type homes, the local unit of government may require additional items other than the minimum state requirements to be incorporated into the construction of modular homes. Modular type homes shall be placed on a permanent foundation. A state approved modular dwelling will have a yellow seal on the electrical panel box of the home. Modular type units manufactured at a factory in Indiana will not bear a state seal but rather will contain the seal of approval from the state of Indiana. Modular type units are treated as a single-family detached dwelling.

*Manufactured home park* means a designated contiguous parcel of land planned and improved for the placement of five or more mobile-type manufactured homes for use by nontransient dwellers remaining continuously for at least one month, this description shall not include a sales lot in which automobiles or unoccupied manufactured homes or other trailers are parked for the purpose of inspection or sale, but manufactured homes located on a site in the manufactured home park which are unoccupied or vacant for 90 days, after occupancy may be sold or offered for sale on the premises.

*Marina* means a facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

*Marquee or canopy* means a roof-like structure of a permanent nature which projects from the wall of a building and is permitted to overhang into a required yard.

*Maturity* means a state which is characteristically: generally dark in color; humus-like; crumbly in texture; not objectionable in odor; resembling rich topsoil; and bearing little resemblance in physical form to the waste from which it is derived.

*Micron* means a unit of length, equal to 1/1,000 of one millimeter.

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*Miniwarehouse* means a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods and wares.

*Mobile home.* See "manufactured home."

*Moderate burning* means and refers to a rate of combustion of a material which supports combustion and is consumed slowly as it burns.

*Modular home* See "manufactured home."

*Moratorium* means a temporary halting or severe restriction on specified development activities. Moratoria on the issuance of building permits or on sewer hookups, for example may be imposed to allow the community to build the necessary utilities to accommodate the new development. Interim zoning can be considered a form of moratorium which gives time for the zoning ordinance to be changed (or a new one prepared) to allow for changing conditions and needs.

*Motel* means 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 service 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. Fifty percent or more of the lodging rooms are occupied or intended for occupancy by transient guests.

*Motor freight terminal* means a building or area of land in which freight brought by a motor truck is assembled or sorted for routing in intrastate or interstate shipment.

*Moved structure* means a structure permanently established upon a lot after having been moved from another part of the same or a different lot.

*Nacelle.* See Turbine.

*New pollution control facility* means:

- (1) A pollution control facility initially permitted for development or construction after July 1, 1981;
- (2) The area of expansion beyond the boundary of a currently permitted pollution control facility; or
- (3) A permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

The siting approval procedures, criteria and appeal procedures are provided for new pollution control facilities under section 39.2 of the state Environmental Protection Act. According to state statute, "Local zoning or other land use requirements shall not be applicable to such siting decisions."

*Nighttime hours* means 7:00 p.m. to 7:00 a.m., local time.

*Nonconforming building or structure* means a structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the zoning ordinance from which this chapter is derived, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

*Nonconforming lot* means a lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance from which this chapter was derived, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

*Nonoperational wind turbine* means any wind turbine(s) whose power output (in kilowatt hours) for any consecutive 12-month period is less than ten percent of the expected power output. The expected power output for wind turbines shall be the amount claimed in the operator/owner's prospectus.

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*Nonparticipating property (WECS)* means any property or landowner that does not participate in any way in the WECS project and whose property does not fall within the established WECS boundary, per the site plan.

*Nonconforming use* means a use or activity which was lawful prior to the adoption, revision or amendment of the zoning ordinance from which this chapter was derived, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

*Noxious matter* means that which is capable of causing injury or discomfort to humans by chemical reaction.

*Nursing home* means an establishment for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, and which does not contain facilities for surgical care, obstetrics, or medical treatment other than ordinary day-to-day care of convalescent, aged or otherwise infirm persons.

*Occupy* means the residing of an individual or individuals overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial or industrial building.

*Octave band* means a term denoting all frequencies between any given frequency and double that frequency.

*Octave band filter* means an electronic frequency analyzer, designed according to standards formulated by the American National Standards Institute ANSI S1.11-1986 (R1998) and used in conjunction with a sound-level meter to take measurements in special octave intervals.

*Odor threshold* means the minimum concentration of odorous matter in the air that can be detected as an odor by the average person.

*Odor unit* means the release of materials intrinsically odorous or capable of becoming odorous, either by bacterial decomposition or chemical reaction, which renders it perceptible to the average population. More definitively, one odor unit is one cubic foot of air at the odor threshold.

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

*Opacity* means a condition which renders materials partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purposes of these regulations, the equivalence between opacity and Ringlemann shown in the table shall be employed.

*Open sales lot* means 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* means a suitable surfaced and permanently maintained area of land on privately owned property, either within or outside of a building, of sufficient size to store a standard passenger motor vehicle, but in no instance less than 200 square feet in area exclusive of passageways, driveways, or other means of circulation or access.

*Participating property (WECS)* means any property or landowner that participates in any way in the WECS project and whose property falls within the established WECS boundary, per the site plan.

*Particle acceleration* means a characteristic of vibration which if not directly measured can be computed by multiplying the frequency by the velocity times the factor 0.0159. The acceleration will be in meters per second squared when the frequency is expressed in hertz and the velocity in meters per second.

*Particulate matter* means any solid or liquid material other than water, which exists in a finely divided form.

*Performance standard* means 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.



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*Planned unit development (PUD)* means a parcel or tract of land having an area as herein required, initially under unified ownership or control, and which is or is intended to be the site for two or more principle uses, or one principle building for two or more principle uses and within which allowable exceptions in the district regulations are specified.

*Planned unit development plat* means a drawing or map made to a measurable scale upon which is presented a description and definition of the way in which the design requirements of the planned unit development are to be met and intended for recording with the county recorder of deeds.

*Plat* means a map plan or layout showing the subdivision of land and indicating the location and boundaries of individual lots.

*Pollution control facility* means any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act. The following are not pollution control facilities:

- (1) Waste storage sites regulated under 40 CFR 761.42;
- (2) Sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site of facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled, or operated by such person;
- (3) Sites or facilities at which the state is performing removal or remedial action pursuant to section 22.2 or 55.3;
- (4) Abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by or on behalf of a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by or on behalf of a public utility;
- (5) Sites or facilities used by any person to specifically conduct a landscape composting operation;
- (6) Regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;
- (7) The portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r) (2) or (r) (3) of section 21;
- (8) The portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;
- (9) The portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in section 57.9(a)(3) are exempt under this subdivision (10), below;
- (10) The portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recover facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;
- (11) The portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal

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Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;

- (12) The portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with section 22.38 of this Act.
- (13) A transfer station used exclusively for landscape waste, where landscape waste is held no longer than 24 hours from the time it was received.

Also see *New pollution control facility*.

*Poultry* means domesticated birds kept for eggs or meat.

*Prominent discrete tones* means sound having one-third octave band sound pressure level which, when measured in a one-third octave band at the preferred frequencies, exceeds the arithmetic average of the sound pressure levels of the two adjacent one-third octave bands on either side of such one-third octave band by:

- (1) Five dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided that such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band;
- (2) Eight dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided that such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band; or
- (3) Fifteen dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive. Provided that such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

*Property line noise source* means any equipment or facility or combination thereof which operates within any land used as specified by this regulation. Such equipment or facility or combination thereof which emits sound beyond the property line of the land on which it is operated.

*Public open space* means any publicly-owned open area; including, but not limited to, the following: Parks, playgrounds, forest preserves, waterways, parkways, and streets.

*Radiation hazards* means the deleterious and harmful effects of all ionizing radiation, which shall include all radiation capable of producing ions in their passage through matter. Such radiations shall include but are not limited to, electromagnetic radiations such as x-rays and gamma rays, and particulate radiations such as electrons or beta particles, protons, neutrons, and alpha particles.

*Railroad right-of-way* means a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car, or locomotive shops, or car yards.

*Recreational vehicle* means a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

*Recycle and recycling* mean the management of a recyclable commodity in a manner that results in its use:

- (1) As a raw material in place of, or in addition to, a virgin raw material to produce a marketable product; or
- (2) In a particular function or application as an effective substitute for a commercial product. Recycle or recycling includes, but is not limited to, accepting, accumulating, storing, transferring, or processing a recyclable commodity. Recycle or recycling does not include the following:

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- a. The physical alteration of a recyclable commodity, including but not limited to compacting, crushing, baling, chipping, briquetting, flattening, grinding, mechanical or physical sorting, or shredding, for purposes other than to facilitate its transportation or marketability.
  - b. The collection of a recyclable commodity; or
  - c. The management of a recyclable commodity by a person using it:
    1. As a raw material in place of, or in addition to, a virgin raw material to produce a marketable product; or
    2. In a particular function or application as an effective substitute for a commercial product.
  - d. Collection and/or processing activities located on the premises of a residential, commercial, or industrial use and used solely for the recycling of material generated by that residential property, industry, or business.

*Recycling facility* means a facility where consumer recyclable commodities are recycled, including all equipment, fixtures, and structures at the site used in the recycling operation. A recycling facility does not include a drop-off center. There are two categories of recycling facilities:

- (1) *Light recycling facility*. Occupies an area of under 45,000 square feet of gross acceptance area, processing area, and storage area and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to bailing, briquetting, crushing, compacting, grinding, shredding, chipping, flattening, and mechanical or physical sorting of recyclable commodities. A light recycling facility shall not process ferrous or non-ferrous metals other than food and beverage containers.
- (2) *Heavy processing facility*. Any recycling facility other than a light recycling facility or a drop-off recycling facility.

*Rehabilitation* means the upgrading of a building previously in a dilapidated or substandard condition for human habitation or use.

*Research laboratory* means a building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but no facilities for the manufacture of products for sale.

*Reservoir parking* means those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

*Restaurant* means an establishment that serves food and beverages primarily to persons seated within the building; including a cafeteria, coffee shop, lunchroom, tea room, and dining room but not including a drive-in restaurant.

*Rifle or pistol range, public, semipublic, or private* means premises of a building or part thereof used for target shooting with rifles, muskets, or pistols, including such accessory clubhouse and maintenance buildings with facilities for serving food and refreshments, and sale and servicing of firearms used on the range as may be provided.

*Right-of-way* means an area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

*Right-of-way line* means the division line between private property and a dedicated street or way, usually uninterrupted from corner to corner in any given block.

*Ringelmann chart* means the chart published and described in the Bureau of Mines, US Department of Interior, Information Circular 8333 (Revision of IC 7718) May 1, 1967, or that adopted by the state pollution control board.

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*Ringelmann number* means designation of the shade on a Ringelmann chart which coincides most nearly with the apparent visual density of the smoke being observed.

*Road.* See *Street*.

*Rural-based service provider* means any business, profession, or occupation listed in the agricultural district which will not adversely change the character of the immediate area; adversely affect the health, safety, morals, comfort and general welfare of residents in the immediate area; create additional traffic congestion on the public streets and highways; and shall be conducted or operated primarily off-premises from the place of residence of the owner of such business activity, and be limited to the routine maintenance and routine storage of equipment, materials and supplies used in the operation of such business and an accessory office within such owner's dwelling or storage area for the operation of such business. A rural-based service provider shall be accessory to the principle use of rural residence or farming.

*Saloon, bar, cocktail lounge* means any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages, or any place where any sign visible from public ways exhibited or displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

*Sanitarium* means a building, having facilities for inpatient nursing care, where physicians and other professionals diagnose and treat human mental ailments.

*Sanitary landfill* means as defined in section 3.445 of the state Environmental Protection Act. Also see *Pollution control facility*.

*Satellite antenna, private,* means any accessory structure capable of receiving, for the sole benefit of the principle use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit. This includes but is not limited to, satellite receivers, satellite dish antennas, direct broadcast systems (DBSS), and television reception only systems (TVROs).

*Scrap processing facility* means an area of land ten acres or more in size, including any accessory building or buildings thereon used for shearing, cutting, shredding, baling, or otherwise processing scrap, such as but not limited to automobiles, farm equipment, and appliances.

*Setback* means the required minimum horizontal distance between the buildable area and the related front, side, or rear property line. See general provisions regarding measuring setbacks.

*Setback line* means that line parallel to the street right-of-way or other related lot line at a distance therefrom equal to the depth of the required setback for the zoning district in which the lot is located.

*Sewage system and treatment* means manmade devices for the collection, treatment and disposal of sewage.

*Shopping center* means a grouping of compatible commercial enterprises on a lot under single ownership or unified control.

*Sign* means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

*Sign, advertising (billboard),* means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

*Sign area* means 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

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area, be considered and measured as a single-face sign, otherwise each display surface of a sign shall be considered a single sign.

*Sign, business*, means a sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

*Sign, flashing*, means any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

*Sign, ground*, means any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.

*Sign, illuminated*, means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

*Sign, nameplate*, means a sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

*Sign, political*, means a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

*Sign, portable*, means a sign which has no permanent attachment to a building or the ground, including but not limited to, A-frame signs, pole attachments, searchlights, stands, and business signs pasted, painted, or attached to window display areas.

*Sign, portable, illuminated*, means a sign which:

- (1) Is manifestly designed to be transported, as a trailer is transported, on its own wheels even though the wheels of such signs may be removed and the remaining chassis is attached permanently to the ground since this characteristic is based on the design of such a sign;
- (2) Has electrical wiring and illumination as an integral part of total construction; and
- (3) Has a potential electrical connection to power on the site to which it is transported. It is characteristic of a portable illuminated sign that the space provided for advertising matter is so constructed that advertising messages may be changed at will by the replacement of lettering or symbols.

*Sign, roof*, means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

*Slow-burning and incombustible* mean materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five minutes to a temperature of 1,200 degrees Fahrenheit is designated as incombustible.

*Small wind energy system* means 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.

*Smoke* means small gas borne particles resulting from incomplete combustion, consisting predominately, but not exclusively, of carbon, ash, and other combustible material, that forms a visible plume in air.

*Smoke units, number of*, means the number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this calculation:

- (1) A Ringelmann density reading is made at least once every minute during the period of observation;
- (2) Each reading is then multiplied by the time in minutes during which it is observed; and

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- (3) The various products are then added together to give the total number of smoke units observed during the total period under observation.

*Solar farm* means 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.

*Sound level* means the intensity of sound, measured in decibels, produced by an operation or use.

*Sound level meter* means an instrument standardized by the American Standards Association for measurement of intensity of sound.

*Stable, private,(1)* means a building or structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling, but not for hire.

*Stable, private,(2)* means a building where horses are kept for remuneration, hire or sale.

*Stand, roadside,* means A structure for the display and sale only of farm products which are produced on the premises and in the immediate area.

*Story* means that portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above it and, in the case of a split level story, between the surface of the floors at different elevation and the ceilings next above such floors, provided that there is not more than a four foot difference in elevation between the levels of the floor of such a story and the next above or below. A basement shall be counted as a story for the purposes of this chapter when used for the principle use.

*Story, half,* means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

*Street* means any vehicular way which is an existing state, county, township, or municipal roadway, or is shown upon a plat approved pursuant to law.

*Street line* means the dividing line between a lot and the right-of-way of a contiguous street.

*Structural alterations* means 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* means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

*Substance-abuse center* means a medical facility open 24 hours a day meeting comparable standards to a hospital or nursing home. Such facility shall be for the temporary emergency shelter of intoxicated persons, or those persons suffering from alcoholism, drug abuse or other similar conditions for the purpose of treatment.

*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.

*System height* means the tower plus the blade length.

*Tent* means a structure or enclosure, the roof of which or one-half or more of the sides are constructed of silk, cotton, canvas fabric or a similar light material.

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*Textiles* means any material that is woven, knitted, felted, or otherwise produced from any natural or man-made fiber, or a substitute therefore, or combination thereof. Examples of textiles include, but are not limited to cloth, fabric, clothing, linens, towels, rags, rugs, carpets, or shoes.

*Thoroughfare.* See *Street*.

*Tourist home* means a building which contains a single dwelling unit and in which meals or lodging or both are provided or offered to transient guests for compensation. The term "tourist home" does not include a hotel, apartment hotels, or motel.

*Tourist park* means a parcel or tract of land containing facilities for locating three or more travel trailers or mobile type manufactured homes, and for use only by transients remaining less than three months, whether or not a charge is made. An open sales lot in which automobiles or unoccupied trailers are parked for the purposes of inspection or sale is not included in the definition of a tourist park.

*Tower* means the structure on which the wind turbine is mounted.

*Tower height* means the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

*Toxic matter or materials* means those which are capable of causing injury to living organisms by chemical means even though present in relatively small amounts.

*Trailer* means a structure standing on wheels, towed or hauled by another vehicle and used for shortterm human occupancy, carrying materials, goods or objects, or as a temporary office.

*Trailer, camping.* See *Recreational vehicle*.

*Trailer, travel.* See *Recreational vehicle*.

*Transfer station* means as defined in section 3.500 of the state Environmental Protection Act. See *Pollution control facility*.

*Turbine* means the parts of the wind system including the blades, generator and tail. Also known as a nacelle.

*Use* means 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,* means a use that:

- (1) Serves a principle structure and/or use;
- (2) Is customarily found as incidental to such principle structure or use;
- (3) Contributes to the comfort, convenience or necessity of those occupying, working at or being served by such principle structure or use;
- (4) Is, except as otherwise expressly authorized by the provisions of this chapter, located on the same zoning lot or adjoining lot under single ownership as such principle structure or use; and
- (5) Is under the same ownership and control as the principle structure or use.

*Use, permitted,* means 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, principle,* means the main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

*Use, special,* means a use, either public or private which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts.

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*Vacant* means containing or holding nothing; being without contents or occupants; unoccupied or unused, as land; also, abandoned; having neither claimant nor heir, as an estate.

*Variance* means A relaxation of the terms of the ordinance from which this chapter is derived with respect to a specific zoning lot or group of lots where such variation is consistent with the standards set forth in this chapter.

*Variance, major*, means all other variances not listed as a minor variance.

*Variance, minor*, means and includes the following actions:

- (1) Permitting any yard to be smaller or setback to be less than required by the applicable regulations;
- (2) Permitting the use of a lot or lots not of record on the effective date of this chapter, for a purpose otherwise prohibited solely because of insufficient area or width of the premises involved, if the area or width of such premises is no less than 90 percent of that required;
- (3) Permitting the same off-street parking facility to qualify as required facilities for two or more users when the combined number of spaces is not met, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- (4) Reducing the applicable off-street parking or loading facilities required hereunder by not more than one parking space or loading space, or 20 percent of that required by the applicable regulations, whichever number is greater; and
- (5) Increasing by a reasonable amount the maximum distance that a required parking facility may be located from the use served.

*Vibration* means a reciprocating motion transmitted through the earth, both in horizontal and vertical planes.

*Waste disposal site* means as defined in section 3.540 of the state Environmental Protection Act. See *Pollution control facility*.

*Waste incineration operation*. See *Pollution control facility*.

*Waste storage site* means as defined in section 3.485 of the state Environmental Protection Act. See *Pollution control facility*.

*Waste treatment* means as defined in section 3.505 of the state Environmental Protection Act. See *Pollution control facility*.

*WECS* means wind energy conversion system.

*Wind energy conversion system (WECS)*. A wind energy conversion system consists of 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).

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

*WECS 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 the property owner has an equity interest in the WECS); or
- (ii) Any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.



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*WECS project* means the collection of WECS and substations as specified in the special use permit application.

*Yard* means an open space that lies between the principle or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance from which this chapter is derived.

*Yard, corner side*, means a side yard which adjoins a street.

*Yard, front*, means a yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

*Yard, interior side*, means a side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

*Yard line* means a line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

*Yard, rear*, means a space extending across the full width of the lot between the principle building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

*Yard, side*, means a space extending from the front yard to the rear yard between the principle building and the side lot line measured perpendicular from the side lot line to the closest point of the principle building.

*Yard, transitional*, means a yard which must be provided on a lot in a business district which adjoins a lot in a residence district, or a yard which must be provided on a lot in an industrial district which adjoins a lot in either a residence or business district.

*Zoning board of appeals (board of appeals)* means the county zoning board of appeals.

(Zoning Ordinance 1996, § 3.02; Res. No. 98-5-12-070, § I, 5-12-1998; Res. No. 99-5-11-075, §§ II, III, 5-11-1999; Ord. No. 2006-04-11-81, § 3.02, 4-11-2006; Res. No. 2008-02-13-21, § 3(Exh. A), 2-13-2008; Res. No. 2008-08-12-110; § 3(Exh. A), 8-12-2008; Res. No. 2009-06-09-72, § 1(Exh. A), 6-9-2009; Res. No. 2015-11-10-138, Exh. A, 11-10-2015; Res. No. 2017-05-09-45, Exh. A, 5-9-2017; Ord. No. 2014-06-10-91, § 1(Exh. B), 6-10-2014; Ord. No. 2019-10-08-166, § 3(Exh. A), 10-8-2019)

#### **Sec. 121-4. Interpretation.**

- (a) *Minimum requirements.* The provisions herein shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- (b) *Relationship with other laws.* Where the conditions imposed by any provision of this chapter, 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 chapter or of 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.
- (c) *Effect on existing agreements.* This chapter is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this chapter shall govern.
- (d) *Existing violations.* No building, structure, or use which was not lawfully existing at the time of the adoption of this chapter, and to the extent that, and in any manner that said unlawful building, structure, or use is in conflict with the requirements of this chapter, said building, structure or use remains unlawful hereunder.

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- (e) *Requirements of this chapter shall be met.* All permits, licenses and requirements of this chapter and the state and federal government shall be obtained and met prior to commencing a use in any zoning district.
  - (f) *Application of this chapter.* Nothing contained in this chapter shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any building, structure, or facility or to carry on any trade, industry, occupation, or activity. The provisions in this chapter are cumulative and additional limitations upon all other laws and ordinances, heretofore passed governing any subject matter in this chapter.

(Zoning Ordinance 1996, § 4.01)

### **Sec. 121-5. Separability.**

It is hereby declared to be the intention of the county board that the several provisions of this chapter are separable, and the invalidity of any provision of this chapter shall not affect the validity of the remainder.

(Zoning Ordinance 1996, § 4.02)

### **Sec. 121-6. Scope of regulations.**

- (a) *Applicability to all properties.* It is hereby declared that the provisions of this chapter shall apply to all properties as hereinafter specifically provided.
- (b) *Changes in structures or use.* Except as may otherwise be provided in this chapter, all buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alteration or relocation of existing buildings, or structures occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning districts in which such building, structure, use or land shall be located, or as otherwise provided by this chapter.
- (c) *Nonconforming lots, buildings, structures and uses.* Any lawfully established lot, use of a lot, building, or structure existing at the time of the enactment of the zoning ordinance from which this chapter is derived may be continued, even though such lot, building, structure or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued.
- (d) *Occupation.* Where a building permit for a building or a structure has been issued in accordance with the building ordinance of the county as amended, prior to the effective date of the ordinance from which this chapter is derived and provided that construction is pursued and completed under and within the time limited by such building ordinance, the building may be occupied under a certificate of occupancy for the use for which it was originally designed and built.
- (e) *Expiration of permit.* Where a building or use permit has been issued for a permitted use, such permit shall become null and void unless work thereon is substantially underway within 90 days of the date of the issuance of such permit, or within a period of time beyond 90 days granted by the committee of the county board having jurisdiction on written request by the owner.

(Zoning Ordinance 1996, § 4.03)

### **Sec. 121-7. Enforcement; penalties.**

- (a) Any person, firm, or corporation found to be in violation of any of the provisions of this chapter shall be deemed guilty of a petty offense, punishable by a fine not to exceed \$500.00 for each offense. Each day a violation exists, it will be considered a separate offense.

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- (b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the proper authorities of the county, or the owner of property, the value or use of which will be affected by such violation may, in addition to other remedies, institute any appropriate action or legal proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business, or use in or about the premises.
- (c) The planning director and any deputies or assistants duly appointed by the planning director shall have power to make such orders, requirements, decisions, and determinations, under the provisions hereof and limited hereby as are necessary to enforce this chapter.

(Zoning Ordinance 1996, § 17.07)

State law reference(s)—Penalty for zoning ordinance violations, 55 ILCS 5/5-12017.

**Secs. 121-8—121-34. Reserved.**

***ARTICLE II. ADMINISTRATION AND ENFORCEMENT***

**Sec. 121-35. Organization.**

The administration of this chapter is hereby vested in:

- (1) The planning director, sometimes hereinafter referred to as the director;
- (2) The zoning board of appeals, sometimes hereinafter referred to as the board of appeals;
- (3) The county board, sometimes hereinafter referred to as the county board.

(Zoning Ordinance 1996, §§ 17.01)

**Sec. 121-36. Duties of the planning director.**

The planning director or his designee shall:

- (1) Review all applications for permits to erect new buildings or structures, add to, enlarge, or move existing buildings or structures, or install land improvements when no buildings or structures are involved, for compliance with the provisions of this chapter, and shall:
  - a. When he finds compliance with the regulations of this chapter, certify to such compliance on all permits required under other ordinances of this county or the statutes of the state.
  - b. Issue permits based on applications conforming with the requirements of this chapter when no other permit is required under other ordinances of this county or statutes of the state.
  - c. Maintain records of the issuance, denial or certification of all permits applied for.
- (2) Inspect buildings, structures and land improvements for which permits have been issued for compliance with the terms of this chapter or, when a change of use is requested in an existing building, structure, or land improvement, for the purpose of determining whether such change will comply with the terms of this chapter and, after such inspection shall:
  - a. Issue permits where he finds compliance with the terms of this chapter.

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- b. Maintain records of occupancy permits issued and, where applicable, of violations.
  - c. Notify property owners of any violations found after inspection of buildings, structures, and land improvements.
- (3) Decide or make recommendations as this chapter may require, on all other matters upon which the planning director is required to act under this chapter.
- (4) Maintain permanent and current records of matters pertaining to this chapter, including, but not limited to, all maps, amendments, special uses, variations, appeals, applications therefor; and designate on the zoning district map each amendment, special use, and variation with the term of such variation, if any, as may be made or granted subsequent to the adoption of this chapter.
- (5) Provide and maintain public information relative to all matters pertaining to this chapter.
- (6) Issue and certify building permits according to these provisions:
- a. *Certification on permits.* No permits required by applicable ordinances of this county or statutes of the state shall be issued for the construction of a building, structure or land improvement, or an addition, alteration or moving of an existing building or structure, or alteration of an existing land improvement unless the director certifies that the application, with accompanying plans and specification for such building, structure, or land improvement and the use thereof, conforms with the requirements or regulations of this chapter. When requested by the director, a use requiring compliance with performance standards as herein set for in the industrial district shall have affixed to it a certification of such compliance by a recognized testing laboratory or professional engineer, provided at the cost of the applicant.
  - b. *Issuance of permits.* When a permit is not required by other applicable ordinances of this county or statutes of the state for any improvement or land use requiring conformity with the regulations of this chapter, the director shall examine the application pertaining to such improvement and ensure conformity with the requirements of this chapter.
- (7) Issue and certify occupancy permits according to these provisions:
- a. No land shall be occupied or used in a manner different than that existing on the date of the passage of this chapter, and no building or structure hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the director, stating that the building, structure, or land improvement complies with all the requirements of this chapter. Nothing in this section shall prevent the continuance of the present occupancy or use of any existing building, structure, or land improvement or shall require a permit for an existing use except where the director finds the safety of life or property is endangered.
  - b. Certificate for occupancy as set forth in subsection (7)a. of this section shall be applied for at the same time as the application for permits as set forth above, and shall be issued after inspection and certification, by the planning director, for conformity with plans and specification filed hereunder.
  - c. No occupancy permit for a change of use in an existing building, structure, or land improvement shall be issued until the premises have been inspected and certified by the director to be in compliance with applicable requirements of this chapter and other applicable state and local regulations.
  - d. A record of all certificates of occupancy shall be kept on file in the office of the planning director and copies shall be furnished, on request, to any person having a proprietary or leasehold interest in the land, building, or structure affected.

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- (8) An application shall be made to the county soil and water conservation district for a natural resource inventory report for any residential, commercial, or industrial building permit when deemed necessary by the planning director. The planning department may not grant a building permit until receipt of such report.

(Zoning Ordinance 1996, § 17.02; Res. No. 2006-04-11-81, § 17.02, 4-11-2006)

**Sec. 121-37. Zoning board of appeals; appeals, variances and amendments.**

- (a) *Creation.* The zoning board of appeals of the county is hereby established in accordance with state laws.
- (b) *Membership and term of office.* The chairman of the county board shall appoint a zoning board of appeals consisting of seven members which shall be confirmed by a majority vote of the members of the county board present and voting thereon. The members appointed shall be appointed to serve respectively for the following terms: One for one year, one for two years, one for three years, one for four years, and three for five years. Upon the expiration of a member's term, he shall be reappointed or his successor appointed, in the same manner, for a term of five years. One of the members so appointed, shall be named as chairman at the time of his appointment, and in case of vacancy, the chairman of the county board shall designate a chairman of the zoning board of appeals which shall be confirmed by a majority vote of the county board present and voting thereon. All members of the board of appeals shall be residents of separate townships at the time of their appointments. The chairman of the county board shall have the power to remove any member of the board of appeals for cause, after public hearing. Vacancies on the board of appeals shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of new members. The county board may provide for the appointment of successors in the same manner or may allow the board of appeals to revert to a membership of five. One of the members so appointed, shall be named as chairman at the time of his appointment, and in case of vacancy, the chairman of the county board shall designate a chairman of the zoning board of appeals which shall be confirmed by a majority vote of the county board present and voting thereon. The chairman of the county board shall have the power to remove any member of the board of appeals for cause, after public hearing. Vacancies on the board of appeals shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of new members.
- (c) *Meetings and rules.*
- (1) All meetings of the board of appeals shall be held at the call of the chairman and at such times and places within the county as the board of appeals may determine, but in no case shall more than a period of one month lapse between meetings if there are pending cases. All meetings shall be open to the public. Where a public hearing is required, a notice of the meetings is to be published in a paper of general circulation in the township or road district in which the property is located, or, if a newspaper is not published in that area, in a paper published within the county; the notice is to contain the time and place of the meeting, a statement of the particular purpose of the meeting and a brief description of the location of the property or purposes under consideration at such meeting. Notice to adjoining property owners, by the applicant, shall be given pursuant to state statutes. The board of appeals may require additional notice of the applicant. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- (2) The board of appeals shall adopt its own rules of procedure and may require submission of records, plats and other information necessary to make its determinations. A copy of said rules and procedures, and all recommendations thereto shall be filed in the planning office.
- (3) The presence of four board of appeals members at a meeting shall constitute a quorum. No action shall be taken by the board unless a quorum of four members is present.

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- (4) The board of appeals shall keep minutes of its proceedings showing the presence or absence and the vote of each member upon every question, or, if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case and the reasons for granting or denying such application shall be specified. Every rule, regulation and every order, requirement, decision, or determination of the zoning board of appeals shall immediately be filed in the planning office, and shall be of public record.
  - (5) The minutes of the zoning board of appeals shall be open to the public examination during normal working hours.
  - (6) In the performance of its duties, the board of appeals shall incur such expenditures for such purposes and to such amounts as shall be authorized from time to time by the county board.
- (d) *Jurisdiction.* The board of appeals is hereby vested with the following jurisdiction and authority: to hear and recommend upon all matters referred to it under the terms of this chapter or applicable state statutes, including but not limited to amendments, special uses, and variances.
- (e) *Amendments (map or text).*
- (1) To achieve the purposes of this chapter, amendments to this chapter, including the zoning map, may be proposed by any member of the county board, board of appeals, property owner, or interested person, firm or corporation, municipal or private. An application for an Amendment shall be filed with the office of the county clerk in such form and accompanied by such information as required by the board of appeals. Such application shall be forwarded by the county clerk to the secretary of the board of appeals. An application shall be made to the county soil and water conservation district for a natural resource inventory report for any land to be rezoned. These applications will be filed no less than 30 days prior to the zoning hearing. All data generated by the natural resource inventory report will become part of the public record and will be forwarded to the zoning board of appeals and the county board as part of the planning department's staff report.
  - (2) The board of appeals shall hold a public hearing on each application for an Amendment. The public hearing shall be conducted and notice given pursuant to state statute. The board of appeals may require additional notice.
  - (3) After the close of the hearing on a proposed amendment, the board of appeals shall set forth its findings of fact in a written report and shall submit the same together with its recommendations to the board. The board of appeals shall make findings based upon the evidence presented to it in each specific case, upon, among others, the following matters:
    - a. For all districts other than the A2 district:
      1. The proposed amendment is consistent with the purpose and intent of the zoning ordinance.
      2. The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan.
      3. 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 being requested.
      4. Compatibility with existing uses of property and the zoning classification of property within the general area of the property in question.
      5. The permitted uses in the zoning classification being requested will not substantially increase the level of congestion on public rights-of-way.

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6. The suitability of the subject property for the uses permitted under the existing zoning classification.
  7. The suitability of the subject property for the uses permitted under the proposed zoning classification.
  8. 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.
  9. The proposed map amendment is within one and a half miles of a municipality. (NOTE: The most restrictive requirement(s) apply)
  10. That the LESA report reflects the suitability of the site for the proposed map amendment requested and uses allowed therein.
- b. For the A2 district:
1. The proposed amendment is consistent with the purpose and intent of the zoning ordinance.
  2. The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan.
  3. Compatibility with existing uses of property and the zoning classification of property within the general area of the property in question.
  4. The permitted uses in the zoning classification being requested will not substantially increase the level of congestion on public rights-of-way.
  5. The suitability of the subject property for the uses permitted under the existing zoning classification.
  6. The suitability of the subject property for the uses permitted under the proposed zoning classification.
  7. The proposed map amendment is outside of the one and one-half mile jurisdiction of a municipality with an adopted comprehensive plan.
  8. The suitability of the soils on the site must be of the type capable of supporting residential use.
  9. Whether the proposed amendment is in the public interest.
- (f) *Special uses.*
- (1) *Purpose.* The development and execution of this chapter is based upon the division of the county into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses, which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:
    - a. Uses affecting, or potentially affecting, the public interest.
    - b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

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- (2) *Initiation of special use.* Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this chapter in the zoning district in which the land is located.
  - (3) *Hearing.* The public hearing shall be conducted and notice provided. The board of appeals may require additional notice. An application shall be made to the county soil and water conservation district for a natural resource inventory report for any special use. These applications will be filed no less than 30 days prior to the zoning hearing. All data generated by the natural resource inventory report will become part of the public record and will be forwarded to the zoning board of appeals and the county board as part of the planning department's staff report.
  - (4) *Findings of fact and recommendation.* The county board may grant or deny any application for a special use permit after receiving the report of findings and the recommendation of the board of appeals. The county board may apply stipulations or additional conditions and guarantees deemed necessary for the protection of the public interest. The board of appeals shall make findings based upon the evidence presented to it in each specific case regarding the following matters:
    - a. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
    - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
    - c. That the establishment of the special use will not substantially impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
    - d. That adequate utilities, access roads, drainage, or necessary facilities have been or will be provided;
    - e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
    - f. That the special use will, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board.
  - (5) *Revocation.* Except for a special use authorization for a public utility service, where a special use has not been physically undertaken within one year after the date of granting thereof, then the authorization granting such special use shall be null and void, unless the grant is extended by the zoning board of appeals after petition therefor. Where a special use permit is granted for a determinate period of time, the special use permit shall be null and void at the end of such period, unless such permit is extended for a like period of time by the committee of the county board having jurisdiction after petition therefor.

(g) *Variances.*

- (1) *Purpose.* In order to provide for the orderly consideration of variations in the application of this chapter, in harmony with its general purpose and intent, but where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations established by this chapter, the procedures of subsection (g)(2) of this section are adopted.
- (2) *Authorization.* Consistent, and in harmony, with the general purpose and intent of this chapter, and with the standards for variation hereinafter described, the board of appeals may approve applications for variations, without further action of the county board in the following cases:



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- a. To permit any yard to be smaller or setback to be less than required by the applicable regulations;
  - b. To permit the use of a lot or lots not of record on the effective date of this chapter, for a purpose otherwise prohibited solely because of insufficient area or width of the premises involved, if the area or width of such premises is no less than 90 percent of that required;
  - c. To permit the same off-street parking facility to qualify as required facilities for two or more users when the combined number of spaces is not met; provided, that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
  - d. To reduce the applicable off-street parking or loading facilities required hereunder by not more than one parking space or loading space, or 20 percent of that required by the applicable regulations, whichever number is greater; and
  - e. To increase by a reasonable amount the maximum distance that a required parking facility may be located from the use served.
- (3) *Instances not covered above.* In all other cases, variations in the application of this chapter shall be granted only by the county board by ordinance or resolution after considering the findings and recommendations of the board of appeals upon the application therefore.
- (4) *Application for variance.* No variance of this chapter shall be made until application in writing therefore shall first be filed in the Office of the county clerk of this County. Upon receipt of any such application, the county clerk shall deliver the same to the secretary of the zoning board of appeals who shall notify the chairman of the board of appeals of the receipt thereof. An application shall be made to the county soil and water conservation district for a natural resource inventory report for any variance deemed necessary by the planning director. These applications will be filed no less than 30 days prior to the zoning hearing. All data generated by the natural resource inventory report will become part of the public record and will be forwarded to the zoning board of appeals and the county board as part of the planning department's staff report.
- (5) *Findings of fact and recommendation.* Neither the county board, nor the board of appeals, when authorized to do so under this section will vary the application of the regulations created by this chapter unless the board of appeals shall have made findings, based upon the evidence admitted in each specific case that:
- a. Because of the particular existing use, physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the letter of the regulations were to be carried out;
  - b. The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property with the same zoning classification;
  - c. The granting of the variation will not be detrimental to the public welfare, nor injurious to other property or improvements in the neighborhood in which the property is located;
  - d. The proposed variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public street, nor increase the danger of fire, nor endanger the public safety, nor substantially diminish or impair property values within the neighborhood.
- (h) *Appeals from administrative zoning decision.* An appeal to the board of appeals may be made by any person, firm or corporation, or by any office, officer, board, commission, or bureau, municipal or otherwise,

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aggrieved by a decision of the planning director or his staff under this chapter in accordance with the applicable state statutes, and with the following:

- (1) A notice of appeal shall be filed with the county clerk, with a filing fee as stated in section 18-1, within 20 days of the date of the action of the planning director that is being appealed. The planning director shall immediately forward to the hearing officer all materials related to the appeal.
  - (2) An appeal stays all the proceedings in furtherance of the action appealed from, unless the planning director certifies to the board of appeals after the notice of appeal has been filed with him, that by reasons of fact stated in the certificate a stay would, in his opinion, cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the county board or by a court of record on application, on notice to the board of appeals and on due cause shown.
  - (3) A reasonable time shall be set for the hearing of any appeal and due notice shall be given pursuant to state statute.
  - (4) The board of appeals shall make findings of fact and may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision, or determination appealed.
- (i) *Appeals of administrative decisions of the board of appeals.* All final administrative decisions of the board of appeals hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure (735 ILCS 5/3-101).

(Zoning Ordinance 1996, § 17.03; Res. No. 2006-04-11-81, § 17.03, 4-11-2006)

State law reference(s)—Board of appeals, 55 ILCS 5/5-12010 et seq.; amendments, 55 ILCS 5/5-12014.

### **Sec. 121-38. Fees.**

- (a) *Variance, amendment, special use, etc.* An application for a variation, amendment, or special use shall be filed with the Office of the county clerk, accompanied by a fee payable to the county treasurer, which shall be assessed according to section 18-1. In addition, the applicant shall pay for the cost of publication of the legal notice therein.
- (b) *Reasonable accommodation.* A waiver of the aforesaid fees shall be entertained by the zoning board of appeals and may be waived by the county board upon written verified application submitted prior by an indigent or disabled applicant to or contemporaneously with the substantive petition. The application for waiver of fees shall be treated as confidential, made under oath and set forth all factual reason why the fees should be waived. The ZBA shall hold a hearing and take evidence on said application, and shall make findings as to its decision. In considering such an application for waiver, the committee or board shall consider, and make findings on at least the following criteria:
  - (1) The amount of the fees imposed;
  - (2) The relationship between the amount of fees and overall cost of project or improvement;
  - (3) The importance of fees to the county's overall revenues;
  - (4) The importance of the fee waiver to the applicant; and
  - (5) The ability of the applicant or a person legally responsible for the care of a disabled individual to pay the fees.

(Zoning Ordinance 1996, § 17.04; Ord. No. 02-06-11-550, § 17.04, 6-11-2002)

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**Sec. 121-39. Nonconforming lots, buildings, structures and uses.**

- (a) *Purpose.* The purpose of this section is to provide for the regulation of non-conforming lots, buildings, structures, and uses and to specify those circumstances and conditions under which such non-conforming buildings, structures, and uses may be continued and/or redeveloped.
- (b) *General provisions.*
- (1) *Status.* Any lawfully established use, building, structure, or lot, on the effective date of the ordinance from which this section is derived or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
  - (2) *Single-family dwelling.* In an agricultural or residence district, a single-family detached dwelling may be erected upon a lot of record lawfully existing on the effective date of the ordinance from which this section is derived even though such lot does not conform to the area and width requirements for the district in which such lot is located; provided, that there is compliance with all other regulations contained in this chapter and other applicable ordinances of the county. Said lot and single-family dwelling shall be considered a legal conforming use.
  - (3) *Manufactured home.* In an A1, agriculture district, a mobile-type manufactured home may be erected upon a lot of record lawfully existing on the effective date of this chapter even though such lot does not conform to the area and width requirements of the A1 district; provided, that there is compliance with all other regulations contained in this chapter and other applicable ordinances of the county. Said mobile-type manufactured home shall be considered a legal conforming use. The mobile-type manufactured homes shall be placed on a continuous footing and foundation, in accordance with the county building code, or on a pier system, approved by the planning department, which supports the exterior walls of the structure and the center beam. The approved pier system shall extend below the frost line. The residential structures shall conform to the R1 district as it relates to lot coverage, height, setbacks, and FAR. A lot of record existing on the effective date of the ordinance from which this section is derived referred to above shall be as follows:
    - a. In agricultural and residence districts, a lot, parcel or tract of land which was legally recorded in the office of the recorder of deeds prior to the effective date of the ordinance from which this section is derived; and
    - b. In residence districts, a lot in a subdivision which was so recorded after the effective date of this chapter; provided a final plat had been submitted and approved by the county board prior to such effective date and was thereafter recorded in the office of the recorder of deeds within the time period required by the subdivision regulations ordinance of this county.
  - (4) *Continuation of use.* A nonconforming building or structure shall not be enlarged upon, expanded or extended in any manner unless the alteration conforms with the regulations of the district within which it is located. Any nonconforming building or structure is eligible for nonstructural repairs including the replacement of roof covering, veneering or outer walls and incidental repairs, which do not extend or intensify the nonconformities.
    - a. Repairs and alterations may be made to return a building or structure to a safe condition in accordance with an order by a public official who is charged with protecting the public safety and who declares such building or structure to be unsafe and orders its restoration to a safe condition, provided that such restorations does not violate the provisions of this section.
    - b. A building containing a nonconforming residential use on a lot of record may be altered to improve the livability of the building, provided that no structural alteration shall be made which

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would increase the number of dwelling units in the building. The residential structure shall comply with the R-1 district as it relates to lot coverage, building height, setbacks, and FAR.

- (5) *Permit issued prior to ordinance.* Any building for which a permit has been lawfully granted prior to the effective date of the ordinance from which this chapter is derived or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within 90 days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.
- (6) *Scope.* Any lawfully existing building or structure which does not conform with the regulations of the district in which it is located shall be subject to the provisions of this subsection.
- (c) *Nonconforming use of conforming buildings or structures.* Any nonconforming use of a building or structure existing lawfully on the effective date of this ordinance and which remains nonconforming, and any building or structure rendered nonconforming by the adoption of this ordinance, or by any subsequent amendment thereto, may be continued subject to the regulations that follow. The burden of establishing that any nonconformity is a legal non-conformity as defined by this ordinance shall, in all cases, be the responsibility of the owner or user of the nonconformity.
- (1) *Structural alterations, additions, and enlargements.* Additions or enlargements may be made only to make the building or structure conform to the regulations of the district in which it is located.
- a. No building or structure partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by the nonconforming use.
- b. No building or structure, which is considered nonconforming with respect to this section, shall be altered or expanded in any manner, which would increase the degree or extent of the nonconformity.
- (2) *Additions and enlargements.* Except for required yards, any nonconforming building or structure, which is nonconforming as to bulk regulations only, and is designed or intended for a use permitted in the district, shall not be added to or enlarged in any manner unless such additions or enlargements thereto conform to all the regulations of the district where such building or structure is located, and unless such non-conforming building or structure, including all additions or enlargements thereto, shall conform to the following:
- a. Regulations concerning the amount of lot area per dwelling unit, as provided in this section.
- b. The allowable floor area ratio or permitted height as provided in this section.
- c. The allowable gross floor area per building or structure as provided in this section.
- d. That no required yard shall be encroached upon where such required yard is already nonconforming.
- (3) *Relocation of buildings or structures.* No nonconforming building or structure shall be moved in whole or in part to any other location on the same or any zoning lot unless every portion of such building or structure, and the use thereof, conforms to all of the regulations of the district where it is to be relocated.
- (4) *Restoration of damaged buildings non-conforming buildings or structures.*
- a. A nonconforming building or structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building or structure to the condition it was before the occurrence exceeds 60 percent or more of its replacement value at that time, shall not be restored unless the building or structure shall conform to all of the regulations of the district where it is located.

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- b. In the event such damage or destruction is less than 60 percent of the replacement value at the time of replacement, no repairs or reconstruction shall be made unless such restoration is started with one year from the date of partial destruction and is completed within one year thereafter.
  - c. If the restoration is not started within one year the building or structure shall be removed and the area cleared by the owner.
  - d. Any owner occupied mobile-type manufactured home, whether on owned or leased property, may be replaced by the owner for their living arrangements if it is destroyed or damaged by fire or other casualty or act of God. The owner of the mobile-type manufactured home must have title to the replacement mobile-type manufactured home. The replacement home shall be placed on a permanent-type footing and foundation. The replacement home shall not be of less square-footage or older than the home it replaces. This does not apply to mobile-type homes used for agricultural purposes.
- (d) *Nonconforming use of land.* The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principle use of land, may be continued subject to the following provisions:
- (1) *Expansion.* A nonconforming use of land shall not be expanded or extended beyond the area included in the ownership existing at the time the use of land became nonconforming.
  - (2) *Discontinuance.* If the nonconforming use of land is discontinued for a period of one year, it shall not thereafter be renewed and any subsequent use of land shall conform to the regulations of the district in which the land is located.
  - (3) *Change of use.* The nonconforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.

(Zoning Ordinance 1996, §§ 16.00—16.04; Res. No. 99-5-11-075, § V, 5-11-1999; Res. No. 2006-04-11-81, §§ 16.01—16.04, 4-11-2006)

**Secs. 121-40—121-66. Reserved.**

## **ARTICLE III. ZONING DISTRICTS**

### **DIVISION 1. GENERALLY**

**Sec. 121-67. Purpose.**

The various zoning districts and their boundaries as designated on the zoning district map are intended to preserve those areas characterized by existing buildings and structures and uses conforming with the district regulations of the district in which they are located and the designation of vacant lands adjoining the existing developed areas and at other planned locations, in order to secure a balanced distribution of the elements of land use comprising the county's physical structure. It is essential that areas for the various land-use categories be designated in the proper location and proportion to encourage and accommodate economic and resultant population growth throughout the county and to preserve its natural resources.

(Zoning Ordinance 1996, § 5.01)

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## Sec. 121-68. Official zoning map.

- (a) *Provisions for official zoning map.* The county is hereby divided into districts as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.
- (b) *Identification of official zoning map.* The official zoning map shall be identified by the signature of the chairman of the county board, attested by the county clerk and shall bear the effective date of the ordinance from which this chapter is derived.
- (c) *Changes to official zoning map.* If, in accordance with the provisions of this chapter and 55 ILCS 5/5-12014, changes are made in district boundaries or other matter portrayed on the official zoning map by disannexation or by amendment, such changes shall be made by the planning director promptly after the amending ordinance authorizing such changes has been approved by the county board. The amending ordinance shall provide that such changes shall not become effective until they have been duly entered on the official zoning map. No changes of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any such amendment upon adoption and publishing shall be added to the official zoning map.
- (d) *Authority of official zoning map.* Regardless of the existence of copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the planning director, shall be the final authority as to the current zoning status of land and water areas and structures in the county.
- (e) *Location of zoning map.* The official zoning district map, for the areas of the county which are under the jurisdiction of this chapter, is on display in the Office of the Kankakee County Regional Planning Commission, 189 East Court, Kankakee, Illinois.
- (f) *Replacement of official zoning map.* If the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature of number of changes, the county board may by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map shall correct drafting or other errors or omissions to the prior official zoning map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the chairman of the county board, attested by the county clerk, and shall bear the effective date of the old official zoning map and the effective date of the new Official zoning Map.
- (g) *Rules of the interpretation of district boundaries as shown on the official zoning map.* Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
  - (1) Boundaries indicated as approximately following the centerline of streets or alleys shall be construed to follow such centerline.
  - (2) Boundaries indicated as approximately following recorded lot lines shall be construed as following such lot lines.
  - (3) Boundaries indicated as approximately following county limits shall be construed as following such county limits.
  - (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  - (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries

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- indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerline.
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (g)(1)—(5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
  - (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by subsections (g)(1)—(6) of this section, the county board shall interpret the district boundaries.
  - (8) Where a district boundary line divides a parcel in single ownership, the regulations for either portion of the lot may, in the owner's discretion, extend to the entire lot.
- (h) *Disconnected territory.* All territory which may hereafter be disconnected from any incorporated area within the county shall be considered to be zoned in a manner most closely conforming to the zoning of the district of the municipality contiguous with such disconnected territory. Where such disconnected territory is contiguous with two or more districts, it shall be zoned in a manner most closely conforming to the district which has the largest contacting boundary to such disconnected territory until otherwise classified.
- (i) *Exemptions from regulations and standard.*
- (1) The regulations of this chapter are not imposed upon nor shall permits hereunder be required for land use or to be used for the pursuit of agriculture as the principle use, nor with respect to the erection, maintenance, repair, remodeling or extension of buildings or structures of any kind or number, including mobile-type manufactured homes which are related to the pursuit of agriculture as the principle use upon the land, except that buildings or structures for such pursuit of agriculture shall conform with the building setback lines required in the district where such buildings and structures are located and any of the principle uses, the locations of which are restricted by this chapter, shall conform with the applicable regulations of this chapter.
  - (2) The regulations of this chapter do not specify or regulate the type of location of any poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distribution equipment for telephone or other utilities, electric power, gas, water and sewer lines; provided, that the installation shall conform where applicable, to the rules and regulations of the Illinois Commerce Commission, the Federal Aviation Administration, and other state or federal agencies having jurisdiction. Except that the siting of telecommunication towers, antennas, supporting structures, and equipment housing shall conform to 55 ILCS 5/5-12001.1.

(Zoning Ordinance 1996, §§ 5.02, 20.00; Res. No. 99-5-11-075, § VI, 5-11-1999; Res. No. 205-5-10-055)

## **Sec. 121-69. Districts established.**

In order to accomplish the purposes and intent of this chapter and the objectives set forth in this chapter, the unzoned portions of the county are hereby divided into the following districts:

- (1) Agricultural District (A1)
- (2) Agriculture Estate District (A2)
- (3) Single-family Residence District (R1)
- (4) High Density Residence District (R2)
- (5) Rural Estate Residence District (RE)
- (6) Restricted commercial district (C1)

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- (7) General commercial district (C2)
  - (8) Light industrial district (I1)
  - (9) General industrial district (I2)
  - (10) Public Lands (PL)

(Zoning Ordinance 1996, § 5.03)

**Sec. 121-70. Purpose of zoning district regulations.**

The zoning district regulations are designed to regulate the use of land, buildings, and structures; lot and plot areas and widths; volume of buildings or structures (floor area ratio); yards; signs; and, off-street parking and loading facilities. Where a regulation conflicts with another code, requirement, or regulation, the strictest shall apply.

(Zoning Ordinance 1996, § 5.04)

**Secs. 121-71—121-98. Reserved.**

*DIVISION 2. AGRICULTURAL DISTRICTS*

**Sec. 121-99. Agriculture district (A1).**

- (a) *Intent.* Agriculture district regulations are designed to regulate the use of land, buildings, and structures, and the uses thereof within the areas of the county where soil and topographic conditions are best adapted to the pursuit of agriculture and the utilization of other natural land resources. This section applies to the A1 district.
- (b) *Permitted uses.*
  - (1) The minimum lot area shall be five acres. A single-family dwelling is permitted on a lot not less than 20 acres in area. However, after the effective date of the ordinance from which this chapter is derived, the following uses, either as a dominant or accessory use in the pursuit of agriculture, shall not be established or enlarged:
    - a. Livestock feed lots located nearer than 1,000 feet from a residence district boundary line.
    - b. Land used for the disposal of garbage, sewage, rubbish, or offal.
  - (2) Agriculturally related meeting halls and offices, by public conservation agencies; voluntary societies and associations, and governmental agencies.
  - (3) Public parks, playgrounds and recreation areas.
  - (4) The following public service uses when located 200 feet or more from a residence district boundary line or an existing dwelling, except as otherwise provided herein:
    - a. Electric and telephone substations and distribution centers.
    - b. Filtration plants, sewage treatment facilities, pumping stations and other reservoirs, public or community.
    - c. Gas regulator stations.



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- d. Police and fire stations.
  - e. Railroad rights-of-way and passenger stations.
  - f. Well head stations, well separators and other similar above-the-ground facilities customarily used for the distribution of natural gas, provided equipment and other installations shall be in completely enclosed buildings or may be in the open if they are completely enclosed behind a two inch or less mesh chainlink fence, or equal, not less than six feet in height.
- (5) Nurseries, truck and flower gardening greenhouses and wholesale sales and incidental seasonal retail sales of plant materials, a substantial percentage of which are grown on the premises
  - (6) Ethanol plant, utilizing grain or other raw materials grown only on property owned or rented by producer and only for their own use. The producer shall include a cooperative consisting of ten or fewer members.
  - (7) Roadside stands, for the sale of produce and poultry grown and raised on or in the immediate area of the premises, and provided that such stand shall contain not more than 600 square feet of floor area or be higher than one story, and shall not exceed 17 feet in height. The stand or produce on sale shall not be located nearer than 50 feet from a street or highway right-of-way line, except a temporary roadside stand may be within ten feet of a street or highway right-of-way line provided the stand shall be at such location only during the harvest season of garden products grown in the open on the premises. There shall be provided with each roadside stand facilities approved by the planning director for vehicular ingress and egress to such stand from and to the street or highway and adequate parking facilities off of the street or highway right-of-way for motor vehicles of the customers being served or waiting to be served.
  - (8) Rural-based service provider only as an accessory use to an owner-occupied residential use. Any rural-based service provider operation shall fill out and submit an application with the planning office. The application forms are available in the planning office. Any rural-based service provider operation shall notify all owners of property within 500 feet of the subject site by certified mail within five days of filing the applications of the intent and location of the service. If any owner receiving notice as described above shall, within ten days after the date of the notice, file a written objection with the planning office thereto, by certified mail or in person, the question of whether such application shall be granted shall be referred to the zoning board of appeals which shall consider the matter at its next regular or special meeting. A report summarizing the findings of fact and a recommendation of the zoning board of appeals shall be forwarded to the county board for a determination. Rural-based service provider businesses are subject to the following restrictions:
    - a. Shall not be permitted in a platted residential subdivision;
    - b. Shall only be established where an owner-occupied residence exists on the same lot as the provider business;
    - c. Shall be located within such owner's dwelling, storage area, or accessory building for the operation of such a building;
    - d. Shall be operated and storage maintained entirely within an enclosed building or screened on all sides by a solid fence not less than six feet in height;
    - e. Shall not utilize more than 25 percent of the lot area or two acres, whichever is less;
    - f. Detached accessory storage buildings which are used in conjunction with the service operation shall conform to all applicable set back and location requirements set forth within this chapter;
    - g. On-site employees shall consist of immediate family members, and not more than three other persons;

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- h. Said business shall be owned by the owner of the residence;
  - i. Such businesses shall provide a parking area to accommodate at least two cars in addition to one parking space for each on-site employee. Such off-street parking area shall not be located in any required front yard and shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings;
  - j. Retail and/or wholesale sales shall be prohibited on the site of such use, except those sales incidental to the service provided and agricultural uses permitted in other parts of this chapter;
  - k. No more than one business shall be permitted on a site;
  - l. Such businesses shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on or off the premises of such use;
  - m. The planning office shall notify the township assessor within the township in which such rural-based service provider is established within 90 days of the approved use and the structure used in association with such use;
  - n. Hours of operation shall be from 8:00 a.m. to 8:00 p.m.
- (9) Composting of landscape waste for land application in pursuit of agriculture on a parcel not less than 20 acres.
- (10) Home occupations as defined in this chapter.
- (11) Single-family detached dwelling existing on the effective date of the ordinance from which this chapter is derived where a single-family detached dwelling may be divided from a parcel used in the pursuit of agriculture. A one-time exemption is permitted on a given tract of land in existence on the effective date of the ordinance from which this chapter is derived.
- a. An applicant shall file the following information with the planning director:
    - 1. Administrative fee as stated in section 18-1.
    - 2. Application form.
    - 3. Plat of survey containing the following information:
      - i. Stamped and signed by a licensed surveyor.
      - ii. Legal description.
      - iii. Stakes and monuments are clearly identified.
      - iv. Lot size is not less than one acre and not more than five acres.
      - v. Lot width is not less than 150 feet and not more than 499 feet. The lot width may be reduced to 50 feet when a farmstead is located more than 500 feet from a public road.
      - vi. Proposed lot complies with the following provisions:
        - (A) Lot coverage: does not exceed 30 percent of lot area.
        - (B) Floor area ratio: does not exceed 0.2.
        - (C) Setback requirements.
          - aa. Front: Thirty feet in depth on platted rights-of-way. Sixty feet in depth on unplatted roads, measuring from the centerline of the road.

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- bb. Side: Six feet in width. Thirty feet in width when adjoining a street.
  - cc. Rear: 40 feet in depth.
- b. A successful application must meet all of the standards listed below:
- 1. The detached single-family dwelling must have been erected prior to the effective date of the passage of the ordinance from which this chapter is derived and standing on the date of the application.
  - 2. The property must be in compliance with all applicable property maintenance codes and have no outstanding code violations.
  - 3. Rural based service providers and home occupations are in compliance.
  - 4. A single-family detached dwelling is the principle structure on the parcel.
  - 5. The property must have frontage along a public street or have proof of access from a private drive or an easement.
  - 6. Said application must be in compliance with sections 121-146, 121-285, 121-286, and 121-396.
  - 7. Not more than 50 percent of the subject site may contain tillable land.
  - 8. Accessory buildings, structures, and uses must comply with section 121-281 of this chapter.
  - 9. Does not include any new easements of access.
- (12) Child care center within an occupied residence, not more than five children.
- (13) Small wind energy systems provided the following are met:
- a. A small wind energy system shall not be permitted on any parcel that is less than 2.00 acres.
  - b. There shall be no more than one small wind energy system located on a parcel.
  - c. Small wind energy systems are only permitted as an accessory use to a principal structure, and in no case will a small wind energy system be permitted on a vacant parcel.
  - d. Small wind energy systems shall only be permitted in a rear yard.
  - e. Small wind energy systems are not permitted in any platted subdivision.
  - f. Small wind energy systems may not be constructed within any recorded easements.
  - g. 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 125 feet.
  - h. Small wind energy systems shall be set back a distance equal to 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 150 percent of the system height from any dwelling inhabited by humans on neighboring property.
  - i. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 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 feet above the height of any structure within 50 feet of the base.
  - j. Guy wires and anchoring systems shall extend no closer than 30 feet from an adjacent property line.

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- k. The supporting tower shall also be enclosed with a six-foot-tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
  - l. 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.
  - m. Small wind energy systems, except as may be required by the FAA, shall be finished in either off-white, light gray, other neutral color, or a color as approved by the Kankakee County Planning 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.
  - n. 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 waving, fluttering or revolving devices, but not including meteorological/weather devices.
  - o. Small wind energy systems shall not exceed 60 dB(A), as measured at the closest property line. The level, however, may be exceeded during a short-term event such as utility outages and/or severe windstorms.
  - p. Small wind energy systems shall not operate so as to cause microwave, television, radio, or navigation interference contrary to Federal Communication Commission regulations or other laws.
  - q. Small wind energy systems shall comply with all applicable FAA and any other federal, state or local requirements. Nothing in these requirements is intended to preempt other applicable federal, state and local laws and regulations.
- (c) *Special uses.* The following special uses shall be permitted only in accordance with procedures, regulations and standards set forth in this chapter, applicable federal, state, or county regulations and standards, and additional standards that may be required by the county board. Development plans and specifications showing, when applicable, utility installations; site and land improvements; location, architectural elevations and construction details of buildings and structures; traffic control facilities and other improvements shall be submitted to the county board, if requested by the county board, for approval:
- (1) Airports, aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings, and other auxiliary facilities on a parcel not less than five acres.
  - (2) Animal farms engaged in the raising of exotic animals, fox, mink, chinchilla, hogs, chickens, turkeys, dairy cows, horses, and other farm animals when not accessory to the pursuit of agriculture and provided no building or structure is located nearer than 200 feet from a lot line, and is located on a lot no smaller than five acres.
  - (3) Automobile wrecking yards and junkyards, providing they are contained within completely enclosed buildings or screened by a solid wall or attractive solid fence at least 12 feet high.
  - (4) Carnivals, circuses, and other similar uses as recommended by the zoning board of appeals and approved by the county board, for a period not to exceed 90 days, provided, that no lot used for such a purpose shall be located nearer than 500 feet from an existing dwelling, and operations shall conform with the performance standards, measured at the lot line, as set forth in the 12 District.
  - (5) Cemeteries, including crematories and mausoleums, provided no building shall be located nearer than 200 feet from a lot line.
  - (6) Child care centers not to exceed 12 children, ages six months to seven years. Child care center within an occupied residence, not less than six children and not more than twelve children.

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- (7) Churches, chapels, temples, and synagogues.
  - (8) Commercial radio and television towers and accessory buildings, provided, that the plans for the tower and related accessory buildings shall be sealed by a state licensed structural engineer verifying that the construction standards are adequate. Lot size and setbacks of the use shall be determined by the structural engineer and approved by the county board based upon the given specification and location of the subject site as to not endanger the public safety. Although, in no case shall the set back from any public right-of-way be less than 50 feet, provided for in this chapter under "setback requirements."
  - (9) Community centers, county-wide (publicly or semipublicly owned or operated, but not for profit), on a lot not less than 25 acres in area and for such uses as: Agricultural and horticultural fairs, and shows and exhibits conducted by rural and agricultural organizations; and other public or semipublic voluntary organizations, but not including commercial race tracks. The operations of all uses shall conform with performance standards set forth herein in the I1 light industrial district. The setback areas bordering the property lines shall be landscaped and so maintained as permanent open areas but may contain driveways, walks, fences, and buildings or structures at entrances for admission controls.
  - (10) Community residential home.
  - (11) Convalescent, nursing, and rest homes and accessory uses, buildings, and structures.
  - (12) Convents, seminaries, monasteries, and nunneries.
  - (13) Educational and institutional uses:
    - a. Colleges, junior colleges, and universities including fraternity and sorority houses, dormitories, and other accessory structures and facilities necessary to its operation on a lot not less than 20 acres in area, and provided no buildings or structures, including off-street parking and loading facilities, are located nearer than 200 feet from a lot line.
    - b. Schools, parochial, private or not for profit and boarding schools, public or private on a lot not less than two acres for a nursery school, eight acres for an elementary school, and 30 acres for a high school.
    - c. Hospitals and sanitariums and accessory uses, buildings, and structures, on a lot not less than ten acres in area and provided no buildings or structures, including off-street parking and loading facilities, are located nearer than 200 feet from a lot line.
  - (14) Farm related sales and service:
    - a. 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 or a residence district boundary line. The operations shall conform with performance standards set forth in the I1 industrial district.
    - b. Dairy products processing including the production or other acquisition of whole milk, cream, skim or dried milk and processing the same for delivery to customers in bottles, cans, cartons or other appropriate container, excluding, however, the production from such products of cheese or ice creams, on a lot not less than one-half acre and provided the lot is located not nearer than 1,000 feet from an existing dwelling or place of public assembly, a residence district boundary line, or a residential lot of record. The operations shall conform with the performance standards, measured at the lot line, as set forth in the I1 district.
    - c. Slaughterhouse, general or custom, including the humane slaughtering, skinning, defeathering, eviscerating, cutting up, packaging, or wrapping of animals or poultry and the operation of locker plants, lockers, and freezer units including the storing, freezing, smoking or curing of meat and

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poultry products in conjunction therewith on a lot not less than ten acres in area and not less than 400 feet in width and any such activity shall be located at least 500 feet from the nearest dwelling unit or residence district boundary line. Said operations shall conform with the performance standards, measured at the lot line, as set forth in the I2 district.

- d. Grain elevators.
  - e. Feed, grain and seed sales.
  - f. Livestock sales.
  - g. Farm implement, machinery and equipment sales and service.
  - h. Veterinary care of farm animals.
- (15) Firewood sales.
- (16) Flea markets.
- (17) Golf courses, standard, providing no clubhouse, accessory building or open off-street parking spaces shall be nearer than 50 feet from a lot line adjoining a street or a residence district boundary line, and 20 feet from an interior lot line.
- (18) Heliports.
- (19) Commercial landscape waste composting facilities other than garden compost operations are subject to the issuance of a special use permit. In no event shall a commercial compost facility be located nearer than 500 feet from an existing dwelling or a residential or commercial district boundary line, unless a special finding in favor thereof is recommended by the zoning board of appeals, the county board may then upon good cause shown, waive said 500-foot requirement.
- (20) Liquid propane sales and service, provided that the operation shall conform with performance standards set forth in the I1 industrial district.
- (21) Mining and quarrying operations. Preparation and transportation of minerals and other natural resource operations including but not limited to the extraction of sand, gravel, other aggregate and top soil, and oil or nonexempt gas well drilling, provided that:
- a. The following information shall be submitted with the application for a special use permit:
    - 1. Documentation of approval from the appropriate federal, state, and local agencies;
    - 2. A location map prepared by a registered professional engineer or registered land surveyor showing:
      - i. The location of the proposed operation and the present uses of land to be included in the request;
      - ii. The extent of area to be excavated and the anticipated depth of excavation. No open pit, shaft, operating equipment, or building related to the processing of product shall be less than 200 feet from any public road or 50 feet from any interior side or rear property line;
      - iii. Boundaries of land to be affected by the operation, including the location of storage sites for overburden, access and internal service roads, storage sites for equipment, and offices and other structures to be used in conjunction with the operation;
      - iv. All buildings or structures which use is other than for the processing of product shall be located no less than 50 feet from any property line;

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- v. Boundaries of adjoining lands owned by persons other than the applicant and the existing uses and zoning of those adjoining lands;
  - vi. The location of all watercourses, bodies of water, public rights-of-way, public buildings, public recreation areas, public facilities and other public property on or within 1,000 feet of the boundaries described as the land affected by the operation;
  - vii. Existing topography of the property indicated by contour lines of no greater than five foot intervals;
3. A development plan of the area to be affected by the operation prepared by a registered professional engineer.
    - i. The nature and content of the overburden to be removed in the course of the operation;
    - ii. The nature and depth of the various strata of overburden above and between mineral seams to be excavated (not less than one core sample per ten gross acres of area);
    - iii. The extent of area to be excavated and the anticipated depth of excavation;
    - iv. The location and quality of underground water known to be present at the site;
    - v. An estimate prepared by a qualified soils engineer or geologist of the probable impact of the operation upon community and/or individual water supplies;
  4. A detailed operational plan including, but not limited to, hours of operation, monitoring program, production rates, the types, quantities and use of equipment, methods of extraction, traffic impact study, drainage study, stormwater management, soil study, floodplain information, off-street parking and loading information, septic and well information;
  5. A detailed land reclamation plan of the area included within the permit, showing:
    - i. Proposed use or uses of the land following the operation;
    - ii. Actions to be taken during mining to conserve and replace topsoil removed during the proposed operation;
    - iii. The sedimentation and erosion control plan for the reclamation including the type of vegetation to be planted for soil stabilization purposes;
    - iv. Proposed location of future roads, private rights-of-way, drainage courses and other proposed improvements; and
    - v. A performance guarantee in the form of a corporate surety bond, letter of credit or cash bond shall be furnished to the county board in an amount adequate to assure compliance with the approved reclamation plan. The exact amount and termination date of the completion of operations and the rehabilitation of the tract shall be established in the special use permit review process and imposed at the time of approval based upon the estimated costs of reclaiming the site and the estimated length of time the operation will be conducted. Proof that the applicant has filed an Illinois State Land Reclamation Bond with the Department of Mines and Minerals may be accepted in lieu of the county's requirement for bonding or letter of credit;

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6. Such other information as may be required by the zoning board of appeals, the county board, or the planning department.
- b. Such operations shall not be located less than 200 feet from a residence, business, or commercial district, use, or a residential lot of record, except for those uses owned by the operating company.
  - c. The affected mining area shall have a six-foot high earthen berm and a six-foot high chainlink fence either in front or behind the berm; the necessity of the fence shall be determined by the zoning board of appeals based upon conditions at the time of the application. Subsequent requirements for fencing shall be reviewed by the committee of the county board having jurisdiction as development in the area occurs.
  - d. No blasting or other use of explosives is permitted unless specifically requested and authorized within the special use permit. If permitted by the county board, blasting must conform to the following county requirements and standards:
    1. The board shall require the applicant to prepare pre-blasting and post-blasting studies of the area (as conducted by a qualified geotechnical engineering company approved by the board), to determine the probable affects of blasting and other excavation methods upon existing uses in the area surrounding the proposed site.
    2. An environmental assessment shall be completed by an aquatic biologist or an individual with a similar background and education. A written report shall be drafted stating the impact blasting and other uses of explosives may have on waterways and aquifers in and under the area.
    3. The use, handling and detonation of explosives in connection with said quarrying operations shall be under the direct supervision of persons having the requisite experience and knowledge to conduct such operations with safety. If such persons are hereafter required to be licensed by any federal agency or by the state or county, such persons shall meet the licensing requirements and obtain such license.
    4. The storage of explosives shall be in accordance with all applicable federal and state laws and regulations and shall be stored in magazines, buildings, or structures which shall meet the safety requirements of such laws and regulations.
    5. Blasting procedures shall be in accordance with modern techniques, generally accepted in the mining and quarrying industry, and shall comply with the recommendations provided by the preblasting and post-blasting studies.
    6. Blasting procedures shall be subject to and comply with the applicable requirements of the state department of mines and minerals, Federal Bureau of Mines, Illinois Environmental Protection Agency, and any other governmental agency having jurisdiction thereof.
    7. Blasting procedures shall be in conformity with approved safety regulations, customs, and practices generally accepted in the mining and quarrying industry, and the safety regulations of governmental agencies having jurisdiction thereof.
    8. The time and day of detonation of any blast may be restricted by conditions set forth in the special use permit.
    9. Proof of liability insurance shall be provided to the county board at the time of the granting of the special use permit and subsequent proof shall be provided each year.



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- e. A letter signed by the applicant and property owner granting right of entry upon the property to appropriate public officials for semiannual inspections shall be presented to the county board at the time of the issuance of the special use permit.
  - f. The special use permit shall be reviewed by the committee of the county board having jurisdiction every second year to make certain the conditions of the permit and operational standards are being complied with.
- (22) Recreational areas, campgrounds, camps, and day camps whether or not operated for profit.
- (23) Recreational uses:
- a. Outdoor recreation: On a lot having an area and width as approved by the county board and used for one or more of the following uses: Polo fields, equestrian sports, horse shows and hunter trails; hunt clubs and gun clubs; conservation clubs; archery ranges, fishing ponds, swimming clubs, and tennis clubs; golf driving ranges; licensed go-cart tracks but not used for races; private or semipublic picnic grounds and parks, marinas and other boat landing facilities for pleasure craft and accessory uses, buildings or structures such as off-street parking and loading spaces; administration, maintenance and club house buildings, including sale of food and beverages, provided such building and off-street parking and loading spaces shall be set back from any lot line in accordance with requirements set forth by the county board.
  - b. Resorts: On a tract of land having frontage or approved access to frontage on a river or lake; and there shall be contained in the resort, dwelling units and lodging rooms for guests and employees of the lodge, and two or more of the uses set forth in subsections (e)(23) b.1. and 2. of this section; and may contain accessory uses set forth in subsection (e)(23) b.3. of this section; and provided that all buildings shall be located no nearer than 100 feet from a lot line.
    - 1. Indoor recreation facilities for use only by guests of the resort, located in the principle building or a detached recreation building clubhouse, as follows: swimming pools, ice skating rinks, tennis courts, gymnasiums, theaters, and other indoor recreation facilities, as approved by the county board.
    - 2. Outdoor recreation facilities, for use only by guests of the resort as follows: boating, swimming, water skiing, and other water sports; ice skating, skiing, hockey and other winter sports; basketball, softball, volleyball, and similar sports; tennis courts; standard, par 3, pitch and putt and miniature golf courses; and other outdoor recreation facilities as approved by the county board.
    - 3. Accessory buildings and uses thereof customarily incidental to the uses set forth in subsections (e)(23) b.1. and 2. of this section including signs, the location, area, design, and illumination of which are approved by the county board. Accessory uses for lodges, or clubhouses also include, when located in the principle building, restaurants and cocktail lounges; curio, gift, sporting goods, flower, and wearing apparel shops; and tobacco, newspaper, magazine, and bookstores or counters.
- (24) Recycling: reverse vending machines (See also general provisions):
- a. Small collection facility.
  - b. Large collection facility.
  - c. Light processing facility.
  - d. Heavy processing facility.
- (25) Sewerage treatment plants, public or community; provided, however, that no building permit for the construction of such treatment plant shall be issued by the planning director under its "building code"

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until he has assured that the location of such treatment plant with reference to distance and direction from habitations, office buildings, church, schools, parks, and other recreational facilities has been approved by the county board, after receiving the report and recommendations of the director.

- (26) Signs, advertising as regulated in article V, division 2.
- (27) Substance abuse center.
- (28) Kennels shall be a minimum of 500 feet from any zoned residential district or 500 feet from any existing dwelling other than the dwelling of the owner or lessee of the premises.
- (29) Billboards.
- (30) Research facility for domesticated animals and livestock.
- (31) Wind energy conversion systems (WECS) as regulated herein.
- (32) Storage, blending, and utilization of flammable liquids, gases, or materials which produce flammable or explosive vapors or gases exceeding the total capacity as specified in Table 6: Permitted Quantities of Highly Toxic Materials (section 121-207 Performance standards) when connected to an intrastate or interstate pipeline for the purpose of transporting the stored, blended, or utilized product through the pipeline. These facilities must comply with all performance standards as specified in section 127-207 of the County Code.

Setbacks for these facilities shall comply with the setbacks specified in section 121-206 of the County Code.

- (33) Adaptive reuse. The repurposing of existing structures in the A1 agriculture district for uses that are not agriculturally related.
  - The property must contain existing structures that were devoted to a nonagricultural use, special use, or long term nonconforming use that are no longer used for that particular use.
  - The applicant must demonstrate that a viable agricultural use for the property could not be found.
  - The applicant must demonstrate the need for the new use and how the use will complement the site and surrounding area.
  - The applicant must demonstrate that the new use will not impact the neighborhood or the public's health, safety, or welfare in a negative way.
  - The property must comply with all other ordinances and codes.
- (34) Solar farm. Solar farms, also known as solar power plants and solar energy generation facilities, shall be permitted in the A1 district as a special use, in accordance with the following minimal regulations and design standards.
  - a. *Design standards.* The design standards and bulk regulations listed in the A1-Agriculture district for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar farms and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.
    - 1. 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 applicant local, state and federal regulatory standards, and the National Electric Code as amended.

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3. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions or variances may be granted in instances where shallow bedrock, water courses, or other elements of natural landscape interfere with the ability to bury lines.
  4. Minimum lot size. No solar farm shall be erected on any lot less than five acres in size.
  5. Height. Systems, equipment and structures shall not exceed 30 feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.
  6. Setbacks. Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment excluding fences a minimum of 100 feet from the front property line or any property line abutting a road or right-of-way and 50 feet from all other property lines, with the exception of residential property lines, in which the solar energy system shall be setback 100 feet from residentially zoned lots and properties containing existing residential structures, with the setback distance to be measured from the property line between the solar farm and the residentially zoned lots or properties containing existing residential structures. 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. The zoning board of appeals granting of such a variance will be part of their recommendation to the county board.
  7. Screening and fencing. Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of eight feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. The zoning board of appeals shall have the discretion to recommend or at the discretion of the county board, a 30-foot wide buffer of which part shall be consisting of a compact evergreen hedge or other type of evergreen foliage which shall be recommended along the entire perimeter of the facility, or an alternative buffer may also be considered. The buffer shall be planted at a minimum of three feet tall and with the expectation that this hedge shall reach the height of at least eight feet within three years and shall be maintained in good condition. If a vegetative buffer is to be part of the solar farm development, a landscape plan should be submitted for review and approval. The landscape plan shall take into account the type(s) of evergreens to be planted, along with the proposed spacing of the plantings, along with an evaluation of the soils. An alternative buffer may also be considered. Earth berms other topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements, if they conceal the use from public view and are maintained.
  8. Lighting. If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
  9. Noise. Noise levels measured at the property line shall not exceed 50 decibels when located adjacent to an existing residence or residential district.
  10. Performance standards. All solar power plants must conform to the performance standards as listed in section 121-207 of chapter 121.
  11. 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.

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12. Outdoor storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein. The planning director or his or her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses.
- b. *Application Requirements (zoning)*. Due to the unique nature and special requirements of solar power plants and their potential impacts to adjoining properties and government services, solar power plants 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 required by the zoning board of appeals or the Kankakee County Board. The applicant shall provide 50 copies of all required submittals to the planning department. However, the applicant shall only be required to submit two copies of all documents proving ownership or interest in the property.
1. A site plan with existing conditions showing the following:
    - i. Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
    - ii. Existing public and private roads, showing widths of the roads and any associated easements.
    - iii. Location and size of any abandoned wells, sewage treatments systems.
    - iv. Existing buildings and any impervious surfaces.
    - v. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.
    - vi. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)
    - vii. Waterways, watercourses, lakes and public water wetlands.
    - viii. Any delineated wetland boundaries.
    - ix. A copy of the current FEMA FIRM map that shows the subject property. And, the 100-year flood elevation and any regulated flood protection elevation, if available.
    - x. Floodway, flood fringe and/or general flood plain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.
    - xi. Mapped soils according to the Kankakee County Soil Survey.
    - xii. Surface water drainage patterns.
  2. Site plan of proposed conditions:
    - i. Location and spacing of solar panels.
    - ii. Location of access roads and access points.
    - iii. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.

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- iv. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.
    - v. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
    - vi. Weed/Grass control. Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operating company during the operation of the solar farm must maintain the fence and adhere to the weed/grass control plan. If the operating company does not there can be a fine of \$500.00 per week if the fence is not secure or the weed/grass control plan is not followed, as per section 121-7 of these regulations. All landscaping and plantings on the property shall be subject to the weed and grass control plan and its subsequent fines and penalties and must be replaced if they die or become damaged. All groundcover on the site shall be planted with a pollinator friendly seed mix.
  3. All solar power plant applications shall be accompanied by a preliminary map and plan showing the roads and rights-of-ways that will be utilized for both the construction and operation of the solar power plant. Prior to the issuance of a building permit, the applicant shall submit an executed agreement between the solar power plant owner/operator and all road district authorities with infrastructure affected by the solar power plant to the county. This agreement shall include at a minimum:
    - i. A final map identifying the routes that will be used.
    - ii. A plan for maintaining and/or repairing the affected roads.
    - iii. Other inclusions as specified by the zoning board of appeals, the county board or affected road authority.
  4. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
  5. An itemized cost estimate of the entire construction costs of the project.
  6. A description of the method of connecting the array to a building or substation.
  7. At the time of applying for the special use application a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre operation of the project, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the county.
  8. Prior to the issuance of a building permit and as part of the building permit application submittal, a map showing the location of any and all subsurface drain tile shall be provided to the building division and the appropriate drainage district, if any.
  9. A decommission plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months, the operating company and or land owner have six months to complete the decommission plan or the county will take the necessary decommission steps. The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Decommissioning security financing shall be required by the county in order to assure the proper decommissioning of the site and in no instance shall the financial security be less than

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\$1,000.00 per acre. This security financing should be in the form of an irrevocable letter of credit or cash placed in a county escrow account. The county board may, in its sole discretion, agree to accept security, or a portion thereof, in another form such as a bond or corporate guarantee. The decommissioning plan and financial security must be presented to and accepted by the Kankakee County Board prior to the issuance of a building permit for the facility.

An update to this decommissioning plan shall be submitted to the county every three years. In addition any decommissioning plans signed by the party responsible for decommissioning and the landowner (if different) shall be submitted with the application.

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

c. *Fees and costs.*

1. Applicable fees. The fees listed in section 121-38 are not applicable to solar farm special use permit applications and the following fees shall apply. No solar farm special use permit application shall be accepted until the filing fee of \$5,000.00 is paid and 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 moneys expended in excess of \$5,000.00 in preparing for, processing, reviewing and evaluating the application to its final resolution. 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 corporate officer or official legal representative of the applicant.
2. Remedial costs. Applicants and/or owners of solar farms shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the planning director or the Kankakee County Board.

d. *Revocation*

1. Due to the complexity of scheduling the construction phase of solar farm development with the various entities involved and their associated permitting and approval processes the one-year special use permit commencement period regulated in subsection 121-37(f)(5) is hereby suspended and a three-year commencement period shall apply.

(35) Reserved.

(36) Cannabis dispensing facility.

- (d) *Lot area.* Not less than two acres, except as otherwise regulated herein for a specific permitted or special use.
- (e) *Lot width.* Not less than 330 feet, except as otherwise regulated herein for a specific permitted or special use.
- (f) *Floor area ratio.* Not to exceed 0.1.
- (g) *Setback requirements.* Except as otherwise regulated herein, setbacks shall be provided as follows (See general provisions for measuring setbacks):
- (1) *Front:* not less than 50 feet.
  - (2) *Side:* not less than 30 feet for an interior side and not less than 50 feet for a side adjoining a street.
  - (3) *Rear:* not less than 100 feet, except for a specific special use.

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(h) *Off-street parking and loading.* In accordance with regulations set forth in the applicable section of this chapter.

(i) *Signs.* In accordance with the regulations set forth in the applicable section of this chapter.

(Zoning Ordinance 1996, §§ 6.00—6.09; Res. No. 99-5-11-075, § I, 5-11-1999; Ord. No. 02-06-11-550, §§ I, II, IV, 6-11-2002; Res. No. 02-07-09-566, 7-9-2002; Res. No. 2006-04-11-81, §§ 6.02, 6.03, 4-11-2006; Ord. No. 2007-01-09-14, 1-9-2007; Res. No. 2008-02-13-21, § 3(Exh. A), 2-13-2008; Res. No. 2008-08-12-110, § 3(Exh. A), 8-12-2008; Res. No. 2011-05-10-84, 5-10-2011; Res. No. 2015-11-10-138, Exh. A, 11-10-2015; Res. No. 2017-05-09-45, Exh. A, 5-9-2017; 2019-02-11-31, § 3(Exh. A), 2-11-2019; Res. No. 2019-03-12-47, § 3(Exh. A), 3-12-2019; Res. No. 2021-11-09-408, § 3(Exh. A), 11-9-2021; Res. No. 2021-12-14-438, Exh. B, 12-14-2021)

Editor's note(s)—Res. No. 2008-08-12-110, § 3(Exh. A), adopted Aug. 12, 2008, added subsection (c)(30) to § 121-99. Inasmuch as said subsection already existed, the new provisions have been redesignated as (c)(31) at the editor's discretion.

### **Sec. 121-100. Agriculture estate district (A2).**

(a) *Purpose.* The A2 agriculture estate district is intended to promote low density residential uses of a rural character in areas of the county where soil and topographic conditions are best adapted to residential uses. This district is only allowed outside the mile and a half jurisdiction of a municipality with an adopted comprehensive plan and located on the least productive farm land or contiguous to the farmstead. The maximum developable area is 15 acres. The subdividing of property in this district shall conform to the county's subdivision rules and regulations. This section applies to the A2 district.

(b) *Permitted uses.* The following uses are permitted in the A2 district:

(1) Dwelling, single-family detached.

(2) Accessory uses and structures, incidental to and on the same zoning lot as the principle use, as follows in addition to the accessory uses listed in general provisions:

a. Garages and carports.

b. Greenhouses and conservatories, private (noncommercial)

c. Home occupations as defined in this chapter.

d. Rural based service provider as regulated in the A1 district.

e. Swimming pools and tennis courts, private (noncommercial).

f. Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.

g. Temporary storage of building materials and equipment for on-site construction for a period not to exceed the duration of such construction.

h. Temporary storage of boats, campers, motor homes, other types of recreational vehicles, and firewood, provided they are stored to the rear or side of the principle structure and being no closer than ten feet from the property line.

i. Miscellaneous accessory structures including but not limited to satellite receiving dishes and play houses.

j. Keeping of horses, excluding other livestock, as regulated in the general provisions of this chapter

k. Keeping of exotic animals as regulated in subsection 121-99(c)(2) of this section.

(3) Small wind energy systems provided the following are met:

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- a. A small wind energy system shall not be permitted on any parcel that is less than 2.00 acres.
  - b. There shall be no more than one small wind energy system located on a parcel.
  - c. Small wind energy systems are only permitted as an accessory use to a principal structure, and in no case will a small wind energy system be permitted on a vacant parcel.
  - d. Small wind energy systems shall only be permitted in a rear yard.
  - e. Small wind energy systems are not permitted in any platted subdivision.
  - f. Small wind energy systems may not be constructed within any recorded easements.
  - g. 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 125 feet.
  - h. Small wind energy systems shall be set back a distance equal to 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 150 percent of the system height from any dwelling inhabited by humans on neighboring property.
  - i. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 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 feet above the height of any structure within 50 feet of the base.
  - j. Guy wires and anchoring systems shall extend no closer than 30 feet from an adjacent property line.
  - k. The supporting tower shall also be enclosed with a six-foot-tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
  - l. 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.
  - m. Small wind energy systems, except as may be required by the FAA, shall be finished in either off-white, light gray, other neutral color, or a color as approved by the Kankakee County Planning 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.
  - n. 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.
  - o. Small wind energy systems shall not exceed 60 dB(A), as measured at the closest property line. The level, however, may be exceeded during a short-term event such as utility outages and/or severe windstorms.
  - p. Small wind energy systems shall not operate so as to cause microwave, television, radio, or navigation interference contrary to Federal Communication Commission regulations or other laws.
  - q. Small wind energy systems shall comply with all applicable FAA and any other federal, state or local requirements. Nothing in these requirements is intended to preempt other applicable federal, state and local laws and regulations.



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- (c) *Special uses.*
    - (1) Reserved.
  - (d) *Lot size.* There shall be a minimum lot size of two acres and a maximum lot size of 15 acres.
  - (e) *Lot width.* Minimum lot width shall be 250 feet.
  - (f) *Lot coverage.* Lot coverage shall not exceed 30 percent of the lot size.
  - (g) *Floor area ratio.* Not to exceed 0.2.
  - (h) *Setback requirements.* Setbacks shall be provided as follows (See general provisions for measuring setbacks):
    - (1) *Front:* not less than 50 feet in depth;
    - (2) *Side:* not less than 20 feet in width except a side adjoining a street-not less than 50 feet in width;
    - (3) *Rear:* not less than 50 feet in depth.
  - (i) *Building height limitations.* Not more than 2½ stories, or 35 feet, whichever is lower.
  - (j) *Off-street parking and loading.* In accordance with regulations set forth in this chapter, no vehicle over one ton in capacity shall be parked or stored in this district unless in a completely enclosed building.
  - (k) *Signs.* In accordance with the regulations set forth in the applicable sections of this chapter.
- (Zoning Ordinance 1996, §§ 7.00—7.10; Res. No. 2008-02-13-21, § 3(Exh. A), 2-13-2008; Res. No. 2019-03-12-47, § 3(Exh. A), 3-12-2019; Res. No. 2021-12-14-438, Exh. B, 12-14-2021)

**Secs. 121-101—121-145. Reserved.**

*DIVISION 3. RESIDENTIAL DISTRICTS*

**Sec. 121-146. Single-family residence district (R1).**

- (a) *Purpose and scope.* The R1 residence district regulations are designed to conserve existing good residential areas and to regulate the efficient use and orderly development of vacant land designated for residential uses. This section applies to the R1 district.
- (b) *Permitted uses.*
  - (1) Agriculture, on a lot not less than 20 acres in area.
  - (2) Churches, temples, or synagogues, on a lot not less than three acres in area.
  - (3) Dwelling, one single-family detached.
  - (4) Golf courses, standard, provided no clubhouse or accessory building or open off-street parking spaces shall be nearer than 50 feet from a lot line adjoining a street or a Residence District boundary line, and 20 feet from an interior lot line.
  - (5) Public parks, playgrounds and other recreational areas.
  - (6) Schools, nonboarding, elementary, junior high and high, and accessory uses, buildings, and structures on a lot not less than three acres.
  - (7) Home occupations as defined in this chapter.
  - (8) Child care center within an occupied residence, not more than five children.

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- (9) Roadside stands, for the sale of produce, live plants, and eggs grown and raised on or in the immediate area of the premises, and provided that:
- a. The property in which the stand is located shall be two acres or larger.
  - b. The establishment of the roadside stand does not invalidate or violate any covenants or restrictions specified for a subdivision.
  - c. The stand shall not contain more than 500 square feet of floor area or be higher than one story, and shall not exceed 17 feet in height. The roadside stand need not be in a stand-alone structure and can utilize a portion of a larger structure.
  - d. The stand or produce on sale shall not be located nearer than 50 feet from a street or highway right-of-way line, except a temporary roadside stand may be within ten feet of a street or highway right-of-way line provided the stand shall be at such location only during the harvest season of garden products grown in the open on the premises.
  - e. There shall be provided with each roadside stand facilities approved by the planning director for vehicular ingress and egress to such stand from and to the street or highway and adequate parking facilities off of the street or highway right-of-way for motor vehicles of the customers being served or waiting to be served.
  - f. One on-site sign not exceeding 64 square feet on each side and not exceeding ten feet in height measured from average grade shall be permitted for roadside stands with the following requirements.
    1. Setback. No sign shall be erected nearer than ten feet from a right-of-way line adjoining a street and no nearer than five feet from an interior side or rear lot line. No sign shall be erected closer than ten feet from the edge of pavement or assumed edge of pavement of any point of ingress and egress.
    2. Type. Signs shall not be digital, flashing, or illuminated and shall not have any moving parts.
    3. Number. There shall be not more than one sign per lot, except that on a corner lot, two signs, one facing each street, shall be permitted. Signs located near intersections shall be in compliance with clear space requirements described in section 121-282(c) of this chapter.
    4. Off-site signage shall be in accordance with the provisions of this chapter as regulated herein.
- (c) *Special uses.* The following allowable special uses shall be permitted only in accordance with procedures, regulations and standards set forth in this chapter:
- (1) Ambulatory care center.
  - (2) Bed and breakfast.
  - (3) Boardinghouses.
  - (4) Cemeteries, including crematories and mausoleums, on a lot not less than ten acres in area and provided no building shall be located less than 300 feet from a lot line.
  - (5) Child care centers, not to exceed 12 children. Child care center within an occupied residence, not less than six children and not more than twelve children.
  - (6) Clinic, inpatient.
  - (7) Clubs and lodges (nonprofit), on a lot not less than five acres in area and provided that no buildings shall be located nearer than 50 feet from a lot line.

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- (8) Community residential home.
  - (9) Hospitals and sanitariums, on a lot not less than ten acres in area and provided no building shall be located nearer than 150 feet from a lot line.
  - (10) Private parks, playgrounds, recreation areas.
  - (11) Private landing strips or fields, and heliports.
  - (12) Public service uses, as permitted in the agriculture district herein.
  - (13) Residential uses.
    - a. Duplexes.
    - b. Multiple-family dwellings, on a lot initially under single ownership and control containing at least two acres in area and which has at least 250 feet of frontage on a road. All multiple-family dwellings shall be served by central sewer and water facilities. Minimum size shall be 700 square feet per dwelling unit.
    - c. Single-family detached dwellings on lots greater than two acres in area.
  - (14) Substance abuse center.
- (d) *Temporary uses.* Carnivals, circuses, and other similar uses as recommended by the zoning board of appeals and approved by the county board, for a period not to exceed 30 days, provided, that no lot used for such a purpose shall be located nearer than 500 feet from an existing dwelling, and further provided that all operations shall conform with the performance standards, measured at the lot line, as set forth in the I1 industrial district.
- (e) *Lot area and width.*
- (1) Lot area and width of single-family detached dwelling units shall be as follows:
    - a. Not less than 30,000 square feet and not more than two acres with a lot width of not less than 120 feet when served with individual sewerage disposal systems and individual wells. However, if the percolation test rate in inches per hour is more than two, the lot size may be reduced to 20,000 square feet and the lot width to 100 feet.
    - b. Not less than 15,000 square feet and not more than two acres with a lot width of not less than 90 feet when served by a public or community water system and an individual sewage disposal system.
    - c. Not less than 12,000 square feet and not more than two acres with a lot width of not less than 80 feet when served by a public or community sewerage system and an individual well.
    - d. Not less than 9,000 square feet and not more than two acres with a lot width of not less than 70 feet when served by a public or community sewerage and water system.
  - (2) For duplexes:
    - a. Not less than one acre in size and a lot width of not less than 150 feet when served with one individual sewerage disposal system for both units and individual wells.
    - b. Not less than one acre in size and a lot width of 150 feet when served by individual sewerage disposal systems for each unit and individual wells.
    - c. Not less than 36,000 square feet in size and a lot width of 150 feet when served by a public or community water system and one individual sewerage disposal system for both units.

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- d. Not less than 36,000 square feet in size and a lot width of 150 feet when serviced by a public or community water system and individual sewerage disposal systems for each unit.
  - e. Not less than 12,000 square feet in size and a lot width of 80 feet when served by a public or community sewage and water system.
- (3) Other permitted and special uses: not less than one acre unless otherwise specified.
- (f) *Floor area ratio*. Ratio not to exceed 0.2.
  - (g) *Lot coverage*. Lot coverage shall not exceed 30 percent of the lot size.
  - (h) *Height*. Height shall be not more than 2½ stories, or 35 feet, whichever is lower.
  - (i) *Setback requirements*. Except as otherwise regulated herein for a specific permitted use or special use, setbacks shall be provided as follows (See general provisions for measuring setbacks):
    - (1) *Front*: not less than 30 feet in depth;
    - (2) *Side*: not less than six feet in width except a side adjoining a street, not less than 30 feet in width;
    - (3) *Rear*: not less than 40 feet in depth.
  - (j) *Off-street parking and loading*.
    - (1) In accordance with regulations set forth in this chapter.
    - (2) No vehicle over one ton capacity shall be parked or stored in this district.
  - (k) *Signs*. Shall be in accordance with the regulations set forth in the applicable sections of this chapter.

(Zoning Ordinance 1996, §§ 8.00—8.10; Res. No. 99-5-11-075, §§ I, VII(3), 5-11-1999; Res. No. 02-07-09-566, § IV, 7-9-2002; Res. No. 2006-04-11-81, §§ 8.02—8.04, 4-11-2006; Res. No. 221-10-12-374, § 3(Exh. A), 10-12-2021)

### **Sec. 121-147. High density residence district (R2).**

- (a) *Intent*. The R2 district is intended for certain areas of relatively small lot sizes to afford the opportunity, for all segments of the population, to place single-family detached housing. The use of land in this district is limited primarily to relatively high density residential uses. This district shall be located within 1½ miles of a municipality and all uses shall be served by municipal sewerage and water. This section applies to the R2 district.
- (b) *Permitted uses*. The following uses are permitted in the R2 district:
  - (1) Dwelling; single-family detached; on a lot containing at least 8,000 square feet with a lot width of 70 feet.
  - (2) Mobile-type manufactured homes - on a lot containing at least 8,000 square feet with a lot width of 70 feet, provided said home is placed on a continuous footing and foundation in accordance with chapter 105, or on a pier system, approved by the Planning Department, which supports the exterior walls of the structure and the center beam. The approved pier system shall extend below the frost line so as not to shift or settle unevenly under the weight of a manufactured home or other forces due to frost, vibration, wind or water. The home shall have a minimum of a 4/12 pitch roof, and commercial grade skirting.
  - (3) Parks, playgrounds and other recreational areas, public.
  - (4) Home occupations as defined in this chapter.
  - (5) Child care center within an occupied residence, not more than five children.

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- (c) *Special uses.* The following special uses may be allowed in the R2 district, provided they are served by municipal sewer and water:
- (1) Child care centers: Child care center within an occupied residence, not less than six children and not more than twelve children.
  - (2) Churches, temples, synagogues.
  - (3) Duplexes, on a lot containing at least 12,000 square feet with 100 feet of lot width.
  - (4) Golf, and other outdoor recreation.
  - (5) Manufactured home parks provided they meet the minimum requirements listed below:
    - a. General requirements:
      1. Name and address of applicant.
      2. Location and legal description of the proposed manufactured home park.
      3. Plans and specifications of the proposed manufactured home park development including but not limited to the following:
        - i. A map indicating the area and dimensions of the tract of land;
        - ii. The number, location and size of all manufactured home sites;
        - iii. The location and width of all public and private streets, roadways and walks;
        - iv. The location of all water, storm sewer and sanitary sewer lines, water supply, and refuse and sewage disposal facilities;
        - v. All buildings existing or to be constructed within the manufactured home park;
        - vi. The location of internal lighting and electrical systems;
        - vii. Location of recreational and retention facilities.
    - b. Development standards for manufactured home parks:
      1. General provisions.
        - i. No manufactured home park shall be located in an area, where the conditions of soil, groundwater level, drainage or topography may cause hazard to the property, health or safety of the occupants.
        - ii. No manufactured home park shall be located such that it is exposed to objectionable smoke, dust, noise, odors, vibrations or other adverse influences.
        - iii. Ingress and egress to a manufactured home park shall be provided in such a manner to facilitate access by emergency vehicles, and should be designed to provide efficient and safe traffic circulation in the vicinity.
        - iv. No part of any manufactured home park shall be used for non-residential purposes except accessory uses that are required to directly serve manufactured home park residents and for management and maintenance of the manufactured home park.
        - v. No manufactured home park shall contain an area of less than ten acres nor less than 20 manufactured home sites provided, however, that manufactured home parks in existence on the effective date of the ordinance from which this chapter is derived having a total area or number of manufactured home sites

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less than herein prescribed may continue to operate. Existing manufactured home parks may be altered to bring such parks into conformity with this chapter. However, no additions or alterations may be made to any existing manufactured home park unless such additions or alterations are in conformity with this chapter and unless the total area of the manufactured home park, with such additions or alterations, consists of at least three acres or 24 manufactured home sites and provided further that such additions or alteration to any manufactured home park shall contain not more than four manufactured home sites for each gross acre of land.

2. Required setbacks and screening for manufactured home park exterior boundary.
  - i. All manufactured homes shall maintain the following setbacks from manufactured home park boundaries facing public streets:
    - (A) State or U.S. highways or major streets: 50 feet.
    - (B) County highways or collector streets: 50 feet.
    - (C) Township road or minor streets: 30 feet.
  - ii. There shall be minimum side and rear yards of 50 feet.
  - iii. All manufactured home parks shall be provided with visual screening such as fences or berming, as approved by the county board, along all boundary lines abutting existing public rights-of-way, residential, commercial or industrial development. Such fences or berming shall be of sufficient height and density to adequately filter from view the manufactured homes, accessory structures and other uses in the manufactured home park.
3. Not less than six percent of the gross site area of the manufactured home park shall be devoted to recreational facilities. Such facilities shall be centrally located on the site and readily accessible to all manufactured home occupants. Open recreational areas may include park space, play lots, swimming pools. Recreation areas may be decentralized provided that no single parcel of outdoor recreation space contains less than 6,000 square feet nor has a minimum average width of less than 70 feet. Retention and detention areas shall not be considered recreational facilities.
4. Manufactured home site requirements.
  - i. The limits of each manufactured home site shall be designated in accordance with the approved plan required by this chapter.
  - ii. All manufactured homes shall maintain the following minimum setbacks from the boundaries of its manufactured home site:
    - (A) The minimum distance between the manufactured home and the front site boundary adjacent to private streets or roads shall be 20 feet.
    - (B) The minimum interior side setback shall be six feet and the minimum distance between the entrance side of the manufactured home and the manufactured home site boundary shall be 20 feet.
    - (C) The minimum rear setback shall be a minimum of ten feet.
  - iii. In no case, however, shall a manufactured home site consist of an area of less than 7,000 square feet and it shall be a minimum of 70 feet wide.

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- iv. Each manufactured home shall be placed on a continuous footing and foundation, in accordance with the County Building Code, or on a pier system, approved by the Planning Department, which supports the exterior walls of the structure and the center beam. The approved pier system shall extend below the frost line so as not to shift or settle unevenly under the weight of a manufactured home or other forces due to frost, vibration, wind or water.
  - v. Each manufactured home site shall be provided with an outdoor living space to supplement the interior living space of the manufactured home. This outdoor living space must be paved monolithically or constructed of masonry or concrete moveable units placed sufficiently close together to create a single usable surface. The area of outdoor living space shall be a minimum of 160 square feet with a minimum dimension of eight feet.
  - vi. The space between grade and the manufactured home floor shall be enclosed with noncombustible skirting. The area thereby enclosed may be used for storage of ordinary household objects and material.
  - vii. A minimum of two improved off-street paved parking spaces shall be provided for each manufactured home site.

5. Street requirements.

- i. All manufactured home parks shall be provided with adequate safe and convenient vehicular access from abutting public streets.
- ii. Public street dedications within or abutting manufactured home parks shall be made in accordance with the subdivision regulations.
- iii. Entrance drive into manufactured home parks shall have direct access to a public street and shall be designed to have free traffic flow onto such public streets. No parking or manufactured home lot access driveway shall be permitted off an entrance drive for a distance of 50 feet from a public right-of-way.
- iv. The internal private and/or public street system serving manufactured home sites shall provide convenient circulation by means of minor streets and properly located collector public streets. Cul-de-sac streets shall be limited to a length of 300 feet.
- v. Minimum pavement widths for private streets shall be in accordance with the county's subdivision regulations. All dimensions are exclusive of parking areas.
- vi. With respect to paving materials, curbs and gutters, grading, intersections, off sets, and radii of curvature, the provisions of the subdivision ordinance shall apply to private streets.
- vii. Parking spaces perpendicular to private streets shall not be located within the required pavement width. Parallel parking on one side of a minor street is permitted provided the required 24 feet of pavement remains unobstructed for travel.

6. Street lighting.

- i. Street lights shall be designed to produce a minimum of 0.1 footcandle throughout the street system. Potentially hazardous locations such as intersections, major pedestrian crossings, and portions of streets abutting

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service buildings and recreation areas shall be illuminated with a minimum of 0.3 footcandle.

- ii. All gas or electric service to the street lighting system shall be located underground.

7. Pedestrian walkways.

- i. Individual walks to each manufactured home stand from paved streets or parking areas are required and shall be a minimum of two feet in width.
- ii. Common walks are required throughout the manufactured home park and shall be a minimum of four feet in width.
- iii. Individual and common walks shall be paved monolithically or constructed of masonry or concrete moveable units placed sufficiently close together to create a uniform surface. Individual walks shall not be less than two feet in width. Common walks shall not be less than four feet in width.
- iv. No walk shall be used as a drainageway. Sudden changes in alignment and gradient shall be avoided.

c. Utilities and required services:

1. Water supply and distribution systems:

- i. All manufactured homes shall be furnished with a municipal public supply of water.
- ii. All other applicable minimum requirements of the state department of public health must be met.

2. Sewage systems:

- i. All manufactured homes shall be supplied with a municipal public sewerage collection system.
- ii. All other applicable minimum requirements of the state department of public health must be met.

d. Solid waste disposal:

- 1. All refuse shall be stored in watertight containers located on each manufactured home site or within 150 feet thereof.
- 2. Refuse shall be collected regularly and transported to a disposal site in compliance with state law. Incineration of any refuse or vegetation within a manufactured home park is prohibited.
- 3. All other applicable minimum requirements of the state department of public health must be met.

e. Electrical distribution system:

- 1. Electrical installations in manufactured home parks shall conform to the National Electrical Code, latest edition.
- 2. The electrical distribution system in all manufactured home parks shall be underground.



3. Manufactured home site feeder circuits shall be rated for a capacity of not less than 100 amperes of 120/240 volts. Additional secondary receptacles of not less than 50 amperes each may be provided at manufactured home sites.
4. The total load for a manufactured home park shall be calculated on the basis of 16,000 watts per manufactured home site. The minimum allowable demand factors which may be used in calculating load on feeders and service are as follows:

Number of Manufactured Home Sites Served	Demand Factor(Percent)
1	100
2	55
5	33
10	27
20	25
50	23
100 or more	22

- f. Telephone service and television systems:
  1. All telephone service to manufactured homes shall be underground.
  2. Distribution of master television antenna service to manufactured home sites shall be underground.
- g. Fire protection:
  1. Manufactured home parks shall be kept free of all litter, rubbish or other accumulated flammable materials.
  2. Approved fire hydrants shall be located throughout the manufactured home park and shall be located not more than 500 feet from any manufactured home. The hydrants shall deliver a minimum of 75 gallons of water per minute at a pressure of 20 pounds per square inch at the highest elevation point of the manufactured home park.
  3. Fire extinguishers shall be provided in accordance with the state department of public health requirements.
  4. All manufactured home parks shall provide the following community facilities:
    - i. A management office;
    - ii. Management storage facilities.
  5. Other facilities as may be required by state statutes.
- (6) Multiple-family dwellings on a lot initially under single ownership and control containing at least one acre in area and which has at least 150 feet of frontage on a road. Density shall be one unit for every 4,000 square feet of lot area.
- (7) Planned unit developments.
- (8) Public safety buildings.
- (9) Public and private schools.

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- (d) *Lot size.* Unless otherwise noted, the minimum lot area shall be in accordance with bulk requirements and off-street parking and loading requirements.
  - (e) *Lot width.* Unless otherwise noted, minimum lot width shall be 150 feet.
  - (f) *Lot coverage.* Lot coverage shall not exceed 40 percent of the lot size.
  - (g) *Floor area ratio.* Not to exceed 0.2.
  - (h) *Setback requirements.* Except as otherwise regulated herein for a specific permitted use or special use, setbacks shall be provided as follows (See general provisions for measuring setbacks):
    - (1) *Front:* not less than 20 feet in depth;
    - (2) *Side:* not less than six feet in width except a side adjoining a street; not less than 20 feet in width;
    - (3) *Rear:* not less than 25 feet in depth.
  - (i) *Building height limitations.* Not more than 2½ stories, or 35 feet, whichever is lower.
  - (j) Off-street parking and loading.
    - (1) In accordance with regulations set forth in this chapter.
    - (2) No vehicle over one ton in capacity shall be parked or stored in this district.
  - (k) *Signs.* Shall be in accordance with the regulations set forth in the applicable sections of this chapter.
- (Zoning Ordinance 1996, §§ 8.11—8.22; Res. No. 99-5-11-075, § IV, 5-11-1999; Res. No. 02-07-09-566, § IV, 7-9-2002; Res. No. 2006-04-11-81, §§ 8.11, 8.14, 4-11-2006)

### **Sec. 121-148. Rural estate residence district (RE).**

- (a) *Purpose.* The RE rural estate residence district is intended to promote low density residential uses of a semirural character. This district is located in areas of existing large lot development and/or in areas of natural beauty where maximum open space preservation is desired. This section applies to the RE district.
- (b) *Permitted uses.* The following uses are permitted in the RE district:
  - (1) Dwelling, single-family detached.
  - (2) Accessory uses and structures, incidental to and on the same zoning lot as the principle use, as follows in addition to the accessory uses listed in general provisions:
    - a. Garages and carports.
    - b. Greenhouses and conservatories, private (noncommercial).
    - c. Home occupations as defined in this chapter.
    - d. Swimming pools and tennis courts, private (noncommercial).
    - e. Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.
    - f. Temporary storage of building materials and equipment for on-site construction for a period not to exceed the duration of such construction.
    - g. Temporary storage of boats, campers, motor homes, other types of recreational vehicles, and firewood allowed, to the rear or side of the principle structure and being no closer than ten feet from the property line.

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- h. Miscellaneous accessory structures including but not limited to satellite receiving dishes and playhouses.
  - i. Keeping of horses, excluding other livestock, as regulated in the general provisions of this chapter.
  - j. Keeping of exotic animals as regulated in subsection 121-99(c)(2).
  - k. Child care center within an occupied residence, not more than five children.
- (c) *Special uses.* The following special uses may be allowed in the RE district:
- (1) Bed and breakfast.
  - (2) Cemeteries.
  - (3) Child care centers: Child care center within an occupied residence, not less than six children and not more than twelve children.
  - (4) Churches, temples, synagogues.
  - (5) Convents, monasteries, seminaries.
  - (6) Golf, and other outdoor recreation.
  - (7) Private landing strips.
  - (8) Public safety buildings.
  - (9) Public and private schools, parks, playgrounds.
  - (10) Quasi-public uses, retreat houses, conference centers.
- (d) *Lot size.* Minimum lot size of one acre.
- (e) *Lot width.* Minimum lot width shall be 150 feet.
- (f) *Lot coverage.* Lot coverage shall not exceed 30 percent of the lot size.
- (g) *Floor area ratio.* Not to exceed 0.2.
- (h) *Setback requirements.* Except as otherwise regulated herein for a specific permitted use or special use, setbacks shall be provided as follows (See general provisions for measuring setbacks):
- (1) *Front:* not less than 50 feet in depth.
  - (2) *Side:* not less than 20 feet in width except a side adjoining a street, not less than 50 feet in width.
  - (3) *Rear:* not less than 50 feet in depth.
- (i) *Building height limitations.* Not more than 2½ stories, or 35 feet, whichever is lower.
- (j) *Off-street parking and loading:*
- (1) Shall be in accordance with regulations set forth in this chapter.
  - (2) No vehicle over one ton in capacity shall be parked or stored in this district unless in a completely enclosed building.
- (k) *Signs.* Shall be in accordance with the regulations set forth in the applicable sections of this chapter.
- (Zoning Ordinance 1996, §§ 9.00—9.11; Res. No. 2006-04-11-81, §§ 9.02, 9.03, 4-11-2006)

**Secs. 121-149—121-179. Reserved.**

## *DIVISION 4. COMMERCIAL DISTRICTS*

### **Sec. 121-180. Purpose.**

The commercial district regulations are designed to provide for the establishment of compatible, shopper-type business uses at locations which provide convenient shopping facilities for persons residing in nearby residential areas; the establishment of service business and commercial uses which, due to their specialized scope of services and methods of operation, are permitted uses only in this district; and the establishment at other locations of major business centers which serve a larger consumer population within the county's trade area so that a wide variety of business uses may be provided within the county for both daily and occasional shopping.

(Zoning Ordinance 1996, § 10.01)

### **Sec. 121-181. General requirements.**

- (a) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (b) A dwelling unit or lodging room is permitted as an accessory use in the principle building and such dwelling unit or lodging room shall be occupied only by the proprietor, manager, or watchman of the principle use and his family.
- (c) The conduct of business, service, or processing shall be within completely enclosed buildings, except for off-street parking or loading.
- (d) All commercial activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products shall conform with the performance standards set forth herein in the I1 industrial district, provided that performance standards shall in every case be applied at the boundaries of the lot on which any such activities take place.
- (e) The parking of trucks as an accessory use in the conduct of a permitted business shall be limited to vehicles of not over 1½ tons capacity when the business is located within 150 feet of a Residence district boundary line.
- (f) All business, storage, servicing, or processing shall be conducted within completely enclosed buildings, with the following exceptions:
  - (1) Storage auxiliary to the principle use is permitted in the open, if it occupies not more than 20 percent of the gross lot area.
  - (2) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles.
  - (3) Storage of merchandise on display for sale to the public is unrestricted.
  - (4) Off-street parking and loading.
  - (5) Amusement parks.
- (g) Where any use which is not within a completely enclosed building abuts the side or rear lot line of a lot in a Residence district or is separated from a Residence district only by an alley along a side or rear lot line, such

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use shall be effectively screened from such Residence district by a solid wall, fence or screen (including solid entrance and exit gates) at least six feet in height, extending along such rear or side lot lines which fence should be reasonably attractive and compatible with the presence of the Residence district. (See also section 121-285.)

(Zoning Ordinance 1996, § 10.02)

**Sec. 121-182. Restricted commercial district (C1).**

(a) *Scope and permitted uses.* This section applies to the C1 district. Permitted uses are as follows:

- (1) Ambulatory care center.
- (2) Antique shops.
- (3) Art and school supply stores.
- (4) Art galleries.
- (5) Banks and financial institutions.
- (6) Barbershops and beauty parlors.
- (7) Book and stationery stores.
- (8) Bus stations.
- (9) Business machine sales and service.
- (10) Camera and photographic supply stores.
- (11) Candy and ice cream stores.
- (12) Carpet and rug stores.
- (13) Child care centers, not to exceed 35 children.
- (14) China and glassware stores.
- (15) Churches, chapels, temples, and synagogues.
- (16) Clothes pressing establishments.
- (17) Coin and philatelic stores.
- (18) Computer equipment, parts, supplies, sales and service.
- (19) Convenience stores.
- (20) Custom dressmaking.
- (21) Delicatessens.
- (22) Department stores.
- (23) Drugstores.
- (24) Dry cleaning and laundry receiving stations.
- (25) Florist shops and conservatories.
- (26) Foodstores, grocery stores, meat markets, fish markets, and bakeries.
- (27) Frozen food stores, including locker rental in conjunction therewith.

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- (28) Fruit and vegetable sales.
  - (29) Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principle use.
  - (30) Furrier shops, including the incidental storage and conditioning of furs.
  - (31) Garden supply and seed stores.
  - (32) Gift shops.
  - (33) Haberdasheries.
  - (34) Hardware stores.
  - (35) Hobby shops, for retail of items to be assembled or used away from the premises.
  - (36) Household appliance stores, including radio and television sales and accessory servicing and repairing of such commodities sold on the premises.
  - (37) Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principle use.
  - (38) Jewelry stores, including watch repair.
  - (39) Laundry and dry cleaning establishments, coin-operated, self service only, or hand laundries, employing not more than two persons in addition to one owner or manager.
  - (40) Leather goods and luggage stores.
  - (41) Liquor stores, package.
  - (42) Medical and dental clinics.
  - (43) Millinery shops.
  - (44) Musical instrument sales and repair.
  - (45) Offices, business and professional.
  - (46) Office supply stores.
  - (47) Optician sales, retail.
  - (48) Paint and wallpaper stores.
  - (49) Photo finishing service.
  - (50) Photography studios, including the developing of film and pictures, when conducted as part of the retail business on the premises.
  - (51) Picture framing, when conducted for retail trade on the premises only.
  - (52) Post offices.
  - (53) Public service uses:
    - a. Electric substations and distribution centers.
    - b. Fire stations.
    - c. Gas regulator stations.
    - d. Police stations.
    - e. Railroad passenger stations.

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- f. Railroad rights-of-way, but not including railroad yards and shops.
  - g. Telephone exchanges telephone transmission equipment buildings, and micro-wave relay towers.
  - h. Waterworks, reservoirs, pumping stations, and filtration plants.
- (54) Records, tapes, compact disc & sheet music stores.
  - (55) Restaurants, including the serving of alcoholic beverages if incidental to the serving of food as the principle activity, but not including live entertainment or dancing.
  - (56) Satellite equipment sales and service.
  - (57) Sewing machine sales and service, household appliances only.
  - (58) Shoe stores.
  - (59) Signs, as regulated herein.
  - (60) Sporting goods stores.
  - (61) Tailor shops.
  - (62) Taverns, not featuring live entertainment or dancing.
  - (63) Telephone booths, outdoor.
  - (64) Ticket agencies, amusement.
  - (65) Tobacco shops.
  - (66) Toy shops.
  - (67) Travel bureaus and transportation ticket offices.
  - (68) Variety stores.
  - (69) Vending machines.
  - (70) Video tape and disc rental sales.
  - (71) Water system, individual.
  - (72) Wearing apparel shops.
  - (73) Accessory uses, incidental to, and on the same lot as a principle use.
  - (74) Billboards.
- (b) *Special uses.* The following allowable special uses shall be permitted only in accordance with procedures, regulations and standards set forth in this chapter:
- (1) Other uses similar to the above permitted uses.
  - (2) Automobile service stations, for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies-including installation and minor services customarily incidental thereto; facilities for washing if not more than two vehicles are permitted only if enclosed in building.
  - (3) Marinas and boat landing facilities for passenger boats only.
  - (4) Parking lots, open and other than accessory, for the storage of motor vehicles of not over 1½ tons capacity.
  - (5) Cannabis dispensing facility.

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- (c) *Lot area.* Minimum lot area shall be in accordance with bulk, off-street parking and loading requirements of the district and as specifically required for a special use.
  - (d) *Lot width.* Minimum lot width of 80 feet shall be provided for each lot used for a permitted or special use.
  - (e) *Setbacks.* C1 setbacks (See general provisions for measuring setbacks)
    - (1) *Front:* not less than 40 feet in depth.
    - (2) *Side:*
      - a. not less than five feet in width.
      - b. On a corner lot, a side yard adjoining a street shall be not less than 40 feet in width, except if a corner lot is a record prior to the effective date of the ordinance from which this chapter is derived and is not wide enough to provide a yard of such width and leave remaining a buildable width of 30 feet, then such side yard may be reduced by the distance necessary to leave such buildable width.
    - (3) *Rear:* not less than 20 feet in depth.
    - (4) Transitional yards, along a side lot line which coincides with a side or rear lot line of a lot in a residence district, the side yard shall be equal in width to the minimum side yard required for a lot in the residence district, and when an alley separates such lots, the side yard for the lot in the business district shall be not less than five feet in width. When a building or structure on a lot in the business district exceeds 30 feet in height, such a side yard as required above shall be increased by two feet in width for each one foot of building height over 30 feet.
  - (f) *Floor area ratio.* Not to exceed 1.0.
  - (g) *Off-street parking and loading.* In accordance with regulations set forth in the applicable sections of this chapter.
  - (h) *Signs.* In accordance with regulations set forth in the applicable sections of this chapter.

(Zoning Ordinance 1996, §§ 10.03—10.08; Res. No. 02-07-09-566, § V, 7-9-2002; Res. No. 2006-04-11-81, § 10.03, 4-11-2006; Ord. No. 2019-10-08-166, § 3(Exh. A), 10-8-2019; Res. No. 2021-11-09-408, § 3(Exh. A), 11-9-2021)

### **Sec. 121-183. General commercial district (C2).**

- (a) *Scope and permitted uses.* This section applies to the C2 district. Permitted uses are as follows:
  - (1) Amusement establishments, bowling alleys, pool halls, gymnasiums, skating rinks, shooting galleries, and similar uses.
  - (2) Amusement parks, including permanent carnivals, kiddie parks, golf driving ranges, par 3 and miniature golf courses, and other similar outdoor amusement facilities.
  - (3) Animal hospitals.
  - (4) Auction rooms.
  - (5) Automobile accessory stores.
  - (6) Automobile service stations, for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation of minor services customarily incidental thereto; facilities for washing of not more than two vehicles are permitted only if enclosed in a building.
  - (7) Bakeries, including the sale of bakery products to restaurants, hotels, and other similar establishments when conducted as part of the retail business on the premise.



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- (8) Bicycle sales, rental and repair stores.
  - (9) Blueprinting and photostating establishments.
  - (10) Boat liveryes.
  - (11) Boat sales, rentals, storage, and repair including the sales of boat fuels.
  - (12) Building material sales-for retail sales of dimension lumber, millwork, cabinets, and similar building materials but not including processing or manufacture of millwork.
  - (13) Bus stations and terminals.
  - (14) Cartage and express facilities.
  - (15) Catering establishments.
  - (16) Child care centers over 35 children.
  - (17) Clinic, outpatient.
  - (18) Clubs and lodges (nonprofit).
  - (19) Contractors' or construction offices and shops, without outside storage.
  - (20) Convention halls and meeting halls.
  - (21) Crematories.
  - (22) Dry cleaning plants and laundries with no limitation on number of employees.
  - (23) Equipment sales.
  - (24) Exhibition halls.
  - (25) Exterminating shops.
  - (26) Farm implement and machinery sales.
  - (27) Feed, fertilizer, and seed sales.
  - (28) Flea markets.
  - (29) Fuel, for retail sale of coal and other solid fuels and oil and other liquid fuels, provided such liquid fuels in excess of 120 gallons are stored in underground tanks, excluding IEPA aboveground storage.
  - (30) Grain elevators.
  - (31) Greenhouses, retail.
  - (32) Grocery stores.
  - (33) Health, exercise & physical fitness clubs and spas.
  - (34) Hotels and motels.
  - (35) Ice retail establishment.
  - (36) Laboratories, medical and dental.
  - (37) Laundry and dry cleaning establishments.
  - (38) Linen, towel diaper, and other similar supply services.
  - (39) Live bait stores.
  - (40) Locksmith shops.

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- (41) Machinery sales.
  - (42) Mail order houses.
  - (43) Marinas or boat landing facilities for passenger boats only.
  - (44) Model homes or garage displays.
  - (45) Monument sales.
  - (46) Motor vehicle sales.
  - (47) Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.
  - (48) Packing and crating establishments.
  - (49) Parking lots, open for storage of motor vehicles of not over 1½ tons capacity.
  - (50) Pawnshops.
  - (51) Pet shops.
  - (52) Philanthropic and eleemosynary institutions.
  - (53) Pools, hot tubs, and spa sales and service.
  - (54) Printing and publishing establishments.
  - (55) Radar installations and towers.
  - (56) Radio and television studios stations, and towers, transmitting and receiving.
  - (57) Recording studio.
  - (58) Recycling facilities (see also general provisions) with the following:
    - a. Reverse vending machines.
    - b. Small collection facility.
  - (59) Restaurants, regularly featuring live entertainment and dancing.
  - (60) Riding academies.
  - (61) Schools, commercial or trade, subject to the provisions of the performance standards set forth herein the I1 industrial district.
  - (62) Schools, music, dance, or business.
  - (63) Secondhand stores and rummage shops.
  - (64) Stadiums, auditoriums and arenas, open or enclosed.
  - (65) Taverns, regularly featuring live entertainment and dancing.
  - (66) Taxidermists.
  - (67) Theaters, indoor.
  - (68) Trailer sales and rental, for use with private passenger motor vehicles.
  - (69) Undertaking establishments and funeral parlors.
  - (70) Billboards.

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- (b) *Special uses.* The following allowable special uses shall be permitted only in accordance with procedures, regulations and standards set forth in this chapter:
- (1) Automobile laundries, on a lot not less than 20,000 square feet in area and not less than 100 feet in width.
  - (2) Clinic, inpatient.
  - (3) Fairgrounds and race tracks of all kinds, including grandstand seating and other accessory uses customarily incidental thereto; provided, that they are located no nearer than 200 feet from residence district boundary lines and commercial and organized activity areas, buildings, structures, off-street parking and other service uses are set back at least 50 feet from any street line, and 100 feet from any side or rear lot line.
  - (4) Hospitals, on a lot not less than ten acres and provided no building shall be located nearer than 100 feet from a lot line.
  - (5) Kennels, on a lot not less than 20,000 square feet in area, and not less than 100 feet in width provided no buildings or structures are located nearer than 100 feet from a lot line adjoining a residence district.
  - (6) Miniature automobile tracks, on a lot not less than one acre in area and not less than 200 feet in width provided no buildings or structures are located nearer than 100 feet from a lot line adjoining a residence district.
  - (7) Theaters, drive-in, provided, that vehicular entrance and exit points are on streets or thoroughfares located within a business or manufacturing district and traffic control regulation, either by traffic signal lights or other means, is provided. Any building or structure, including an enclosing fence or wall, shall be set back not less than 40 feet from a property line adjoining a street or a residence district boundary line and not less than 20 feet from other property lines. Artificial lighting shall be arranged in such a manner that rays of light shall not beam directly upon adjoining properties and streets. Off-street reservoir parking spaces, equal in number to ten percent of the vehicle capacity of the theater shall be provided for.
  - (8) Tourist park, on a lot not less than five acres and a minimum individual site area of 1,500 square feet. A development plan and specifications shall be approved prior to construction by the committee of the county board having jurisdiction. Such plan shall set forth the size and spacing of campsites, the roadway system, soils and drainage, parking at each campsite plus one space for every two sites at another location water supply and sewage disposal and accessory uses which may include recreational facilities, the sale of convenience goods and services for the park occupants and the sale of camping trailers, travel trailers and recreational vehicles.
  - (9) Planned unit developments.
  - (10) Substance abuse center.
  - (11) Others uses similar to the above permitted uses.
  - (12) Cannabis dispensing facility.
- (c) *Lot area.* As in the C1 restricted commercial district.
- (d) *Lot area.* As in the C1 restricted commercial district.
- (e) *Setbacks.* As in the C1 restricted commercial district.
- (f) *Floor area ratio.* Not to exceed 1.2.
- (g) *Signs.* In accordance with regulations set forth in the applicable sections of this chapter.

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- (h) *Off-street parking and loading.* In accordance with regulations set forth in the applicable sections of this chapter.

(Zoning Ordinance 1996, §§ 10.09—10.15; Res. No. 99-5-11-075, § VII(1), 5-11-1999; Res. No. 2006-04-11-81, § 10.09, 4-11-2006; Ord. No. 2019-10-08-166, § 3(Exh. A), 10-8-2019; Res. No. 2021-11-09-408, § 3(Exh. A), 11-9-2021)

**Secs. 121-184—121-204. Reserved.**

*DIVISION 5. INDUSTRIAL DISTRICTS*

**Sec. 121-205. Purpose.**

The regulations for industrial districts are designed to provide for the establishment of a full range of industrial and allied activities and to govern their operations in a manner that will not have a deleterious effect on agricultural, residential, business and commercial areas. It is essential that there be adequate provisions for the expansion of industry existing today and for attracting a diversification of new industry. Adequate industrial sites and industrial expansion will create growth and development of the county's economic and tax base and provide a variety of employment for its labor force.

(Zoning Ordinance 1996, § 11.01)

**Sec. 121-206. Regulations along residence district boundary lines.**

- (a) Where an industrial district is within 500 feet of a residence district boundary line, all operations for establishments engaged in production, processing, assembly, disassembly, cleaning, servicing, testing, repairing, or storing of materials, goods, or products shall be within completely enclosed buildings, except for open off-street parking spaces for motor vehicles in operable condition and outdoor accessory storage, provided such outdoor storage is effectively screened from the residential districts by a solid wall, uniformly painted solid fence or chainlink metal fence with dense plantings of trees and shrubs, and open storage is not of a greater height than that of the enclosing fence or wall. Any solid fence shall be reasonably attractive and compatible with the presence of the residence district.
- (b) Where an industrial district adjoins a residence district, the operations of an establishment engaged in production, processing, assembly, disassembly, cleaning, servicing, testing, repairing, and/or storing of materials, goods, or products shall be not less than 200 feet from the boundary of the residence district, except:
- (1) One-story office buildings need not be setback more than 80 feet from any residence district boundary line;
  - (2) Where a railroad right-of-way separates an industrial district from a residence district, such operations shall not be closer than 40 feet from the residence district boundary line, provided the height of buildings or uses does not exceed one-half the distance between such buildings or uses and the residence district boundary line; and
  - (3) Open off-street parking spaces and off-street loading berths as accessory to permitted or special uses shall not be closer than 20 feet from the residence district boundary line.

(Zoning Ordinance 1996, § 11.02)

**Sec. 121-207. Performance standards.**

- (a) *General.* Any use established in the I1 and I2 district after the effective date of the ordinance from which this chapter is derived shall be so operated as to comply with the performance standards governing:
- (1) Noise;
  - (2) Vibration;
  - (3) Air pollution.
    - a. Visual emissions;
    - b. Particulate matter emissions;
    - c. Fugitive particulate matter emissions;
    - d. Odorous matter;
    - e. Airborne toxic matter;
  - (4) Toxic substances;
  - (5) Fire and explosive hazards;
  - (6) Glare and heat.

No use already established on the effective date of the ordinance from which this chapter is derived shall be altered, enlarged or otherwise modified so as to conflict with, or further conflict with, the applicable performance standards established hereinafter for the district in which such use is located.

- (b) *Noise.*
- (1) *Measurement techniques.* Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards referenced. Measurement techniques shall be conducted in accordance with the state Pollution Control Board Regulations Parts 900, 901, and 951.
  - (2) *Exceeding designated octave bands.* At no point on the boundary of a residential zoned district or commercial zoned district shall the sound pressure level of any operation or plant (other than background noises not directly under the control of the manufacturer) exceed the decibel limits in the octave bands designated in table 1 of this section.

Table 1

Octave band center	Within residence	District boundaries	Within commercial
Frequency (hertz)	Daytime	Nighttime	District boundaries
31.5	72	63	80
63	71	61	79
125	65	55	74
250	57	47	69
500	50	40	63
1000	45	35	57
2000	39	30	52
4000	34	25	48
8000	32	25	45

- (3) *Impulsive sound.* No person shall cause or allow the emission of impulsive sound from any noise source located in any industrial district to transgress into any residential district and along any adjacent lot which exceeds the allowable dB(A) sound level specified in table 1 of this section, when measured at any point within such residential district, or adjacent lot, provided however, that no measurement of sound levels shall be made less than 25 feet from the noise source.

Table 2

Allowable dB(A) sound levels of impulsive sounds emitted by a noise source located in an industrial district and received in the respective zones			
Residential district		Adjacent property	
Daytime	Nighttime	Business district	Industrial district
56	46	61	65

- (4) *Prominent discrete tones.*

- a. No use shall cause or allow the emissions of any prominent discrete tone from any noise source located in any industrial district to transgress into any residential district, provided however, that no measurement of one-third octave band sound pressure levels shall be made less than 25 feet from such noise source.
- b. This rule shall apply to prominent discrete tones having a one-third octave band sound pressure level ten or more dB below the allowable octave band sound pressure level specified in the applicable table in this section for the octave band which contains such one-third octave band.

- (5) *Exemptions.* The following uses and activities shall be exempt from the noise regulations of sections B.2, B.3, and B.4:

- a. Sound emitted from emergency warning devices and unregulated safety relief valves.
- b. Sound emitted from lawn care maintenance equipment and snow blowers and similar snow removal equipment used during daytime hours.
- c. Sound emitted from equipment being used for temporary construction during daytime hours.
- d. Sound from vehicles entering and leaving the property except sound emitted from trucks and vehicles under the control of the property user and/or owner. Examples of sound from such vehicles and trucks not either entering or leaving the premises are idling engines and trailer mounted refrigeration units.
- e. Sound emitted by agricultural field machinery used except during nighttime hours.
- f. Sound emitted by temporary emergency electrical generators used during daytime hours. The exemption does not apply to the sound emitted by permanently installed and/or hard-wired emergency electrical generators.

- (c) *Vibrations.*

- (1) *Controlling vibrations.* Vibrations within any industrial district shall be controlled so as not to become a nuisance to adjacent uses.
- (2) *Vibration in excess of proposed limits.* No industrial operation or activity (except those not under the direct control of the manufacturer) shall cause at any time ground transmitted vibrations in excess of the limits set forth table 3. Vibrations shall be measured at any point in a residential district.
- (3) *Measurement techniques.* Test procedures to determine whether the emission of vibration is in conformance with this regulation shall be in substantial conformity with standards and recommended

practices established by the American National Standards Institute, Inc. (ANSI) and the latest revisions thereof, including ANSI S2.2-1959 (R1990) "Calibration of Shock and Vibration Pickups, Methods for the," ANSI S2.11-1969 (R1986) "Calibrations and Tests for Electrical Tranducers used for Measuring Shock and Vibration, Selection of," ANSI 3.18-1979 (R1993) "Guide for the Evaluation of Human Exposure to the Whole Body Vibration," and ANSI 3.29-1893 (R1990) "Guide to the Evaluation of Human Exposure to Vibration in Buildings."

(4) *Maximum permitted vibration levels.*

- a. No activity or operation in any Industrial District shall cause or create earthborne vibrations in excess of the values given in Table 3. This table designates to combined axis steady state or continuous vibration limits that apply on or beyond adjacent lot lines within the zone, and on or beyond appropriate district boundaries. Where more than one set of vibration levels apply, the most restrictive shall govern.

Table 3 Vibration Limits

Peak Particle Acceleration, m/s <sup>2</sup>			
Frequency	Residential District		Commercial District
	Nighttime Hours	Daytime Hours	
1.00	0.0036	0.0050	0.0202
1.25	0.0036	0.0050	0.0202
1.60	0.0036	0.0050	0.0202
2.00	0.0036	0.0050	0.0202
2.50	0.0038	0.0053	0.0213
3.15	0.0040	0.0056	0.0224
4.00	0.0042	0.0059	0.0235
5.00	0.0045	0.0063	0.0252
6.30	0.0047	0.0066	0.0263
8.00	0.0050	0.0070	0.0280
10.00	0.0062	0.0087	0.0347
12.50	0.0078	0.0109	0.0437
16.00	0.0100	0.0140	0.0560
20.00	0.0130	0.0182	0.0728
25.00	0.0160	0.0224	0.0896
31.50	0.0200	0.0280	0.1120
40.00	0.0250	0.0350	0.1400
50.00	0.0310	0.0434	0.1736
63.00	0.0390	0.0546	0.2184
80.00	0.0500	0.0700	0.2800

- b. The maximum particle acceleration shall be the maximum vector sum of the three mutually perpendicular components recorded simultaneously. Particle acceleration may also be expressed as 0.0159 times the velocity in meters per second multiplied by the frequency in Hertz (cycle per second).
- c. The values shown in the table are for up to three vibration events per day. A frequency-of-occurrence multiplying factor,  $F_n$ , shall be used to adjust the values above if more than three vibration events occur per day.

$$F_n = 1.7N - 0.5$$

Where N is the number of events per day (N>3).

- d. The values above are for vibrations lasting up to 1 second. A duration multiplying factor, F<sub>d</sub>, for discrete events with durations exceeding one second shall be used to adjust the values.

$$F_d = T - 0.32$$

Where T is the event duration in second (T>1).

- e. The frequency-of-occurrence multiplying factor and the duration multiplication factor shall, if applicable, be used to adjust the values by multiplying the value by the applicable multiplication factor. The values above shall be multiplied by ten for impulsive shocks which occur less than three times a day during daytime hours. No impulsive shocks are permitted during nighttime hours.

(d) *Air pollution.*

- (1) Any use already established on the effective date of this ordinance shall be permitted to be altered, enlarged, expanded, or modified, provided that new sources of smoke or particulate matter conform to the performance standard established for the district in which such use is located. The total emission weight of particulate matter from all sources within the boundaries of the lot shall not exceed the net amount permitted in the district in which the use is located after such alteration, enlargement, expansion, or modification.
- (2) For the purpose of grading the density and smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart (40 percent opacity) is prohibited at all times, except as otherwise provided herein.
- (3) Measurement procedures for air pollution as adopted by the State of Illinois Pollution Control Board shall be followed.

Table 4 Equivalence Between Opacity and Ringelmann.

Opacity (Percent)	Ringelmann No.
10	0.5
20	1.0
30	1.5
40	2.0
60	3.0
80	4.0
100	5.0

a. *Visual emissions.*

- 1. In any industrial district, no persons shall cause or allow the emission of smoke or other particulate matter into the atmosphere having no opacity greater than 20 percent. However, for two minutes in any four hour period, smoke up to and including a opacity of 40 percent shall be permitted.
- 2. Opacity limitations shall not apply to emission of uncombined water or water vapor. The determination of opacity of a smoke or particulate emission shall be in accordance with the procedures adopted by the state air pollution control regulations.



b. *Particulate matter emissions.*

1. No persons or businesses shall cause or allow the emissions of particulate matter, through one or more stacks, vents, ducts, chimneys, or other method into the atmosphere in excess of the limits set below.
2. The net rate of particulate matter within the boundaries of any lot shall be determined by adding together the maximum individual emissions in pounds per hour from all sources within the boundaries of the lot and dividing this total by the number of acres of lot area. It is this quantity that should not exceed rates in the following table 5.

Table 5

I-1 Light industrial district	I-2 General industrial district
0.5	5.0

Tests for particulate matter shall be conducted in accordance with the procedures adopted by the state air pollution control regulations.

- c. *Fugitive particulate matter emissions.* Dust and other types of air pollution borne by the wind from sources such as storage areas, yards, roads, conveying equipment and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, sheltering, paving, oiling, fencing, wetting, collecting or other acceptable means. However, no persons shall cause or allow the emission of fugitive particulate matter, across lot lines which is visible by an observer looking generally toward the zenith, beyond the property line. Total suspended particulate concentrations across district boundary lines or into areas generally residential in character shall not exceed 50 micrograms per cubic meter above background.

d. *Odorous matter.*

1. The release of odorous matter from any operation, activity or use, in the I-1 light industrial district shall not cause or create a concentration in excess of one odor unit at any time when measured beyond the lot line, either at ground level or at a habitable elevation. The limitation may be exceeded one day per month for reason of equipment or process breakdown.
2. The release of odorous matter from any operation, activity or use, in the I-2 general industrial district shall not cause or create a concentration in excess of eight odor unit at any time when measured beyond the I-2 district boundary line, either at ground level or at a habitable elevation. The limitation may be exceeded one day per month for reason of equipment or process breakdown.
3. Odor units and odor concentrations shall be determined in accordance with the state air pollution regulations (ASTM D-1391-57 adopted by Mills).

- e. *Airborne toxic matter.* No activity or operation shall cause, at any time, the discharge of toxic matter across lot lines in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business. In no case shall the concentration of toxic materials released across lot lines exceed ten percent the value permitted an industrial worker (Ref: Threshold Limit Values, American Conference of Governmental Industrial Hygienists). A listing of toxic air contaminants is found in state pollution control board regulations, section 232, appendix A.

(e) *Toxic substances.*

- (1) *Storage, handling, transport.* The storage, handling, or transport of toxic substances shall comply with the state pollution control board requirements.
- (2) *Maximum permitted levels.* Any highly toxic substance listed by the department of health and human development, national institute for occupational safety and health, "Registry of Toxic Effects of Chemical Substances," as revised from time to time, contained in one or more containers, tanks or equipment with the lot line in quantities in excess of the quantities listed in Table 6 shall not be permitted in the I-1 light industrial district.

Table 6 Permitted Quantities of Highly Toxic Materials.

Physical state*	Maximum quantity permitted in original sealed containers	Maximum quantity permitted in open containers or in-process
Liquid	55 gallons	5 gallons
Solid	500 pounds	50 pounds
Gas	50 pounds	10 pounds

\* When a material exists in more than one state in commercial use, the more restrictive regulation shall govern.

- (3) *Radioactive substances.* The storage, utilization, manufacture, or handling of any radioactive substance contained in one or more containers within lot lines in quantities of one curie or more shall not be permitted in the I-1 and I-2 districts, except that one or more containers in excess of one curie shall be permitted only as a Special Use.
- (f) *Fire and explosive hazards.*
- (1) Activities involving the manufacture or storage of materials or products which decompose by detonation are permitted only in the I-2 district, and then only as a special use.
  - (2) Activities involving the storage and utilization of materials or products which decompose by detonation are permitted only in the I-2 district and then only when specifically permitted. Such materials shall include, but shall not be limited to, all primary explosives such as lead azide, lead styphate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; polytechnics 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.
- (g) *Glare and heat.* Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Illumination shall not exceed 0.5 footcandles, measured in any residential district.

(Zoning Ordinance 1996, § 11.03; Res. No. 2006-04-11-81, § 11.03, 4-11-2006)

### **Sec. 121-208. Light industrial district (I-1).**

- (a) *Scope and permitted uses.* This section applies to the I1 district. The following uses provided that they conform with applicable performance standards, section 46-26, and other general requirements set forth in this chapter are permitted uses:

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- (1) Agriculture as regulated herein.
  - (2) Blueprinting and photo-copying establishments.
  - (3) Building material sales establishments, dimension lumber, millwork, cabinets, and other building materials, including milling, planning, jointing, or manufacture of millwork.
  - (4) Cartage and express facilities.
  - (5) Contractor's offices and shops.
  - (6) Electrical and gas appliance establishments, sales and service.
  - (7) Farm related sales and service.
  - (8) Forest preserves, parks and playgrounds, public.
  - (9) Frozen foodstores with lockers.
  - (10) Fuel and ice retail sales establishments.
  - (11) Greenhouses.
  - (12) Highway maintenance shops and yards.
  - (13) Mail order houses, distribution center.
  - (14) Miniwarehouses.
  - (15) Monument manufacturing, including accessory open sales lots.
  - (16) Office, general.
  - (17) Parking lots.
  - (18) Plumbing, heating, and ventilating equipment and fixtures, sales, service, and repair establishments.
  - (19) Printing and publishing establishments.
  - (20) Public utility, governmental service and similar uses as follows:
    - a. Bus transit facilities, including shelters, passenger stations, parking areas, and service buildings.
    - b. Electric distribution centers and substations.
    - c. Compressor stations, well head stations, well separators and other similar above-the-ground facilities customarily used for the distribution of natural gas as a part of the operations of a natural gas company or nonexempt operations of a public utility company.
    - d. Gas regulator stations.
    - e. Public utility and governmental service establishments.
    - f. Radio and television towers.
    - g. Railroad rights-of-way and passenger stations.
    - h. Telephone exchanges, microwave relay towers and telephone transmission equipment.
    - i. Water-filtration plants, pumping stations, and reservoirs, and sewage- treatment plants and lift stations.
  - (21) Recycling: reverse vending machines (See also general provisions).
    - a. Small collection facilities.

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- b. Light processing facilities.
- (22) Research laboratories.
  - (23) Schools and training centers, commercial or trade.
  - (24) Storage of commercial vehicles.
  - (25) Storage garages.
  - (26) Wholesale establishments.
  - (27) Establishments similar to those listed above which are engaged in production, processing, assembly, disassembly, cleaning, servicing, testing, repair, or storage of materials goods, or products as determined by the planning director. Provided operations conform with the performance standards and other general requirements set forth in this subsection applicable to an I1 district.
  - (28) Accessory uses to the above permitted uses.
  - (29) Newspaper distribution agencies for home delivery and retail trade.
  - (30) Motor vehicle service, storage, and repair, including body repair, painting, and engine rebuilding.
  - (31) Poultry, live-slaughtering and retail sale on the premises.
  - (32) Outdoor skeet and trap shooting ranges.
  - (33) Storage, warehousing, and wholesale establishments.
  - (34) Warehousing, mini.
  - (35) Concrete plants.
  - (36) Small wind energy systems provided the following are met:
    - a. There shall be no minimum lot size for small wind energy systems providing that all setbacks are met.
    - b. The number of SWES units allowed on a property shall be determined by the lot size and compliance with all required setbacks.
    - c. Small wind energy systems are only permitted as an accessory use to a principal structure, and in no case shall a small wind energy system be permitted on a vacant parcel.
    - d. The primary purpose of the small wind energy system shall be the production of energy for consumption on the parcel in which it is installed. In no instance shall the SWES be constructed for the sole purpose of energy production for wholesale or retail sale purposes. It is permissible to sell excess energy that is produced by a SWES.
    - e. Small wind energy systems in the I1-Light Industrial district shall have a maximum nameplate capacity of 500 kw.
    - f. Small wind energy systems may not be constructed within any recorded easements.
    - g. The maximum permitted system height of a small wind energy system in the I1-Light Industrial district from average grade to the top of the blade shall be no more than 175 feet.
    - h. Small wind energy systems shall be set back a distance equal to 110 percent of the system height from all adjacent property lines, right-of-way lines, public roadways, third-party transmission lines, and communication towers on the same parcel as the system. Additionally, a system must be a minimum distance equal to 150 percent of the system height from any dwelling inhabited by humans on neighboring property.

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- i. Small wind energy systems shall be setback a distance equal to 110 percent of the system height from all small wind energy systems located on the same parcel.
  - j. Small wind energy systems shall be setback a minimum of 50 feet from any building located on the same parcel as the SWES.
  - k. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 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 feet above the height of any structure within 50 feet of the base.
  - l. Guy wires and anchoring systems shall extend no closer than 30 feet from an adjacent property line, right-of-way line or public roadway.
  - m. The supporting tower shall also be enclosed with a six-foot-tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
  - n. 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.
  - o. Small wind energy systems, except as may be required by the FAA or appropriate authority, shall be finished in either off-white, light gray, other neutral color, or a color as approved by the Kankakee County Planning 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.
  - p. 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.
  - q. Small wind energy systems shall not exceed 60 dB(A), as measured at the closest property line. The level, however, may be exceeded during a short-term event such as utility outages and/or severe windstorms.
  - r. Small wind energy systems shall not operate so as to cause microwave, television, radio, or navigation interference contrary to Federal Communication Commission regulations or other laws.
  - s. Small wind energy systems shall comply with all applicable FAA and any other federal, state or local requirements. Nothing in the Kankakee County Code is intended to preempt other applicable federal, state and local laws and regulations.
  - t. Nonoperational wind turbine(s): It shall be a condition of the building permit that nonoperational wind turbines shall be removed.
    - 1. The project owner/operator shall insure that a copy of all prospectuses shall be placed in the county's permit file.
    - 2. County staff may, at any time in the future, compare the amount of power stated (in kilowatt hours) in the appropriate prospectus with the actual power generated and determine if any wind turbine system(s) meet the definition for "nonoperational wind turbine."
    - 3. County staff may collect other data as necessary to determine if any wind turbine system(s) meet the definition for "nonoperational wind turbine."

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4. Upon removal the site shall be restored to its original pre-construction condition, including removal of the foundation to a minimum of four feet below grade.

- (b) *Special uses.* \* The following allowable special uses shall be permitted only in accordance with procedures, regulations, and standards set forth in this chapter:
- (1) Uses and special uses permitted in the commercial district.
  - (2) Airports and heliports, public or private, including aircraft landing fields, runways, flight strips, and flying schools, together with hangars, terminal buildings, and other auxiliary facilities.
  - (3) Air, rail, or motor truck freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
  - (4) Automobile testing grounds.
  - (5) Landfills, as regulated herein in the Agriculture District special uses.
  - (6) Mining, quarrying, preparation and transportation of minerals and other natural resource operations including but not limited to the extraction of sand, gravel, other aggregate and top soil, and oil or nonexempt gas well drilling, provided that all special use permit requirements are met as set forth for the agriculture district.
  - (7) Outdoor amusement facilities, including kiddie parks, golf driving ranges, par 3 and miniature golf courses and other similar outdoor amusement facilities. Such special use, if established, shall be subject to reconsideration, without filing fee, every two years by the board of appeals and county board for renewal, extension or termination.
  - (8) Penal and correctional institutions.
  - (9) Signs, advertising as regulated in section 121-395.
  - (10) Stadiums, auditoriums, arenas, or armories.
  - (11) Theaters, drive-in, as in the commercial district herein as special use.
  - (12) Billboards.
  - (13) Wind energy conversion systems (WECS) as regulated herein.
  - (14) Cultivation centers. On property of five acres or larger in size and providing that the facility must be free standing structure not occupied by any other business or tenant, or used for any purpose other than a medical cannabis cultivation center.
  - (15) Cannabis dispensing facility.

Note(s)—\* Also a special use in the I-2 General Industrial District per section 121-209b.1.

- (c) *Lot size.* Minimum lot size not less than 20,000 square feet.
- (d) *Lot width.* Minimum lot width of 150 feet.
- (e) *Floor area ratio.* Not to exceed 0.8.
- (f) *Setback requirements.* Except as required herein under regulations along residential district boundary lines, and applicable I1 district performance standards, yards shall be provided in accordance with the following (See general provisions for measuring setbacks):
  - (1) *Front:* not less than 40 feet in depth.
  - (2) *Side:*
    - a. Not less than 40 feet wide when adjoining a street.

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- b. Not less than ten feet wide when adjoining an interior lot line.
  - (3) *Rear*: not less than 20 feet in depth, except when adjoining an alley or railroad right-of-way.
  - (4) *Transitional*: Where a side or rear lot line coincides with a side or rear lot line in an adjacent Residence or commercial district, a setback of 30 feet in width or depth, as the case may be, shall be provided along such side or rear lot line.
  - (g) *Off-street parking and loading*. Shall be in accordance with regulations set forth in the applicable sections of this chapter.
  - (h) *Signs*. Shall be in accordance with regulations set forth in the applicable sections of this chapter.
  - (i) *Building height*. Fifty-foot maximum building height. Structures may exceed this 50-foot height limitation by providing additional setbacks as follows: for each 1 foot of additional height above 50 feet, structures shall be setback from all front, side and rear property lines by two feet more than the otherwise required minimum setback. Structures in this district shall not exceed 95 feet in height. Building height shall be measured from ground level to roof apex. Rooftop appurtenances shall not be included as a part of this measurement.
- (Zoning Ordinance 1996, §§ 11.04—11.11; Res. No. 2006-04-11-81, §§ 11.04, 11.05, 11.11A, 4-11-2006; Res. No. 2008-08-12-110, § 3(Exh. A), 8-12-2008; Res. No. 2009-06-09-72, § 1(Exh. A), 6-9-2009; Res. No. 2014-06-10-91, § 1(Exh. B), 6-10-2014; Ord. No. 2019-10-08-166, § 3(Exh. A), 10-8-2019; Res. No. 2021-11-09-408, § 3(Exh. A), 11-9-2021)

## **Sec. 121-209. Industrial district (I2).**

- (a) *Scope and permitted uses*. This section applies to the I2 district. The following uses are permitted, provided that they conform also with applicable performance standards and other general requirements of this chapter.
  - (1) Any use permitted in the I1 district.
  - (2) Air, rail, or motor truck freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
  - (3) Large collection facilities (recycling). (See also general provisions).
  - (4) Establishments similar to those listed above which are engaged in production, processing, assembly, disassembly, cleaning, servicing, testing, repair, or storage of materials goods, or products as determined by the planning director, provided operations conform with the performance standards and other general requirements set forth in this subsection applicable to an I2 district.
- (b) *Special uses*. The following allowable special uses shall be permitted only in accordance with procedures, regulations, and standards set forth in this chapter.
  - (1) Any use allowed as a special use in the I1 district, unless a permitted use listed above.

The following restrictions shall apply to cannabis dispensaries in all districts where they are permitted:

    - a. Cannabis dispensing facilities shall be setback a minimum of 1,500 feet from the property boundaries of schools, playgrounds, parks, religious facilities, community residential homes, penal institutions, and registered daycare facilities existing at the time of their establishment.
    - b. Cannabis dispensing facilities shall be setback a distance of 1,000 feet from properties zoned R1-single family residential, R2-high density residential, and RE-rural estate, and properties within platted residential subdivisions regardless of their zoning district classification.

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- c. Cannabis dispensing facilities shall only be established in a free-standing structure not occupied by any other business, tenant or used for any purpose other than a cannabis dispensary. However, a cannabis dispensing facility may share parking facilities with other uses or properties.
  - d. Cannabis dispensing facilities shall not possess or offer drive-thru service except during times when indoor sales and operations are not possible due to extraordinary circumstances.
  - e. No cannabis or cannabis related products shall be consumed on the premises of a cannabis dispensing facility.
  - f. With the exception of advertising and signage, all business operations of a cannabis dispensing facility shall be conducted within the confines of an enclosed structure and under no circumstance shall the sale of cannabis or cannabis related products be conducted outdoors except during times when indoor sales and operations are not possible due to extraordinary circumstances.
  - g. Cannabis dispensing facilities shall comply with all other provisions of this chapter and regulating state statutes.
- (2) Storage and utilization of flammable liquids or materials which produce flammable or explosive vapors or gases exceeding the total capacity permitted in the I2 district.
  - (3) Public or private gun clubs including rifle and small arms ranges under qualified range officers' supervised direction during operating hours. The application for a special use permit must be accompanied by detailed plans and specifications, including projected layout, which meet the minimum safety regulations of the National Rifle Association and a copy of said regulations shall be attached and become part of the application. Such special use, if established, shall be subject to reconsideration, without filing fee, every two years by the board of appeals and county board for renewal, extension or termination.
  - (4) Other uses similar to the permitted uses for the I2 Manufacturing District.
  - (5) Adult book stores, motion picture theaters, and entertainment establishments; with, but not limited to, the following restrictions (for purposes of this section, distance shall be by airline measurement from property line to property line, using the closest property lines of the parcels of land involved):
    - a. The establishments are not located within 1,000 feet of any property zoned A1, A2, RE, R1 or R2.
    - b. The establishment is not located within 1,000 feet of any residential dwelling.
    - c. The establishment is not located within 1,000 feet of any church, religious institution, day care center, library, teen center, school, public park or playground, or recreational facility where minors congregate. As used in this subsection, "minors" means person under 18 years of age.
    - d. The establishment is not located within 1,000 feet of another adult establishment.
    - e. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified anatomical areas" or "specified sexual activities" from any public way. This shall apply to any display, decoration, sign, show window or other opening. No person shall operate or cause to be operated an adult use within any premises wherein alcoholic beverages are served, sold or consumed.
    - f. No person under the age of 21 shall be allowed on the premises.
    - g. All viewing areas, which shall be defined as the area where a patron or customer would ordinarily be positioned while watching a film or viewing device, shall be visible from a continuous main aisle or public room and shall not be obscured by any curtain, door, wall or other enclosure.
    - h. There shall be no aperture whatsoever in any wall or partition between viewing areas.



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- i. Each viewing area shall be lighted at a minimum level of ten footcandles in all parts thereof.
  - j. All performers shall be at least 21 years of age.
  - k. All performances, exhibitions or displays shall take place on a platform raised at least two feet from the level of the floor, and located at least ten feet from any patron.
  - l. No performer shall fondle or caress any patron or other performer, and no patron shall fondle or caress any performer.
  - m. No patron shall be permitted to pay or give any gratuity to any performer, and no performer shall solicit any pay or gratuity from any patron.
- (6) Asphalt plants, provided no plant, accessory structure, or open off-street parking spaces, shall be nearer than 1,000 feet from any residential district boundary line, an existing residence, park, or school.
  - (7) Automobile-wrecking yards and junk yards, providing they are contained within completely enclosed buildings or screened by a solid wall or attractive solid fence at least 12 feet high.
  - (8) Scrap processing facility on a site of not less than ten acres in area. The facility must be screened by an attractive solid fence at least 12 feet in height along the perimeter of the site.
  - (9) Heavy processing facilities (recycling). See also general provisions.
  - (10) Billboards.
  - (11) Wind energy conversion systems (WECS) as regulated herein.
- (c) *Lot size.* As in the I1 district.
  - (d) *Lot width.* As in the I1 district.
  - (e) *Floor area ratio.* Not to exceed 1.2.
  - (f) *Setback requirements.* As in the I1 district.
  - (g) *Off-street parking and loading.* Shall be in accordance with regulations set forth in this chapter.
  - (h) *Signs.* Shall be in accordance with regulations set forth in this chapter.
  - (i) *Building height.* Fifty-foot maximum building height. Structures may exceed this 50-foot height limitation by providing additional setbacks as follows: for each one foot of additional height above 50 feet, structures shall be setback from all front, side and rear property lines by two feet more than the otherwise required minimum setback. Structures in this district shall not exceed 95 feet in height. Building height shall be measured from ground level to roof apex. Rooftop appurtenances shall not be included as a part of this measurement.

(Zoning Ordinance 1996, §§ 11.12—11.19; Res. No. 98-5-12-070, § II, 5-12-1998; Res. No. 3-1-14-703, § I, 1-14-2003; Res. No. 2006-03-14-58, §§ 3(11.12, 11.13), 3-14-2006; Res. No. 2006-04-11-81, §§ 11.12, 11.13, 11.20, 4-11-2006; Res. No. 2008-08-12-110, § 3(Exh. A), 8-12-2008; Ord. No. 2019-10-08-166, § 3(Exh. A), 10-8-2019; Res. No. 2021-11-09-408, § 3(Exh. A), 11-9-2021)

**Secs. 121-210—121-226. Reserved.**

## *DIVISION 6. MISCELLANEOUS DISTRICTS*

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## Sec. 121-227. Public lands district.

- (a) *Purpose.* The public lands district is intended to map public owned lands. This district is located in state parks, forest preserve lands, park lands, and other large publicly owned properties. This section applies to such district.
- (b) *Permitted uses.* The following uses are permitted in this district:
- (1) State and local parks.
  - (2) Accessory uses and structures, incidental to and on the same zoning lot as the principle use, as follows:
    - a. Public buildings.
    - b. Greenhouses and conservatories.
    - c. Playground facilities.
    - d. Swimming pools, tennis courts and golf courses.
    - e. Toolhouses, sheds, and other similar buildings for the storage of park supplies.
    - f. Temporary storage of building materials and equipment for on-site construction for a period not to exceed the duration of such construction.
    - g. Temporary storage of boats, campers, motor homes, other types of recreational vehicles, and firewood allowed, but prohibited from required side yards and the area located between the front building setback line and the corresponding street property line.
    - h. Miscellaneous accessory structures including but not limited to satellite receiving dishes and playhouses.
    - i. Keeping of horses, excluding other livestock, as regulated in the general provisions of this chapter.
- (c) *Special uses.* The following special uses may be allowed in this district:
- (1) Bed and breakfast.
  - (2) Cemeteries.
  - (3) Child care centers.
  - (4) Churches, temples, synagogues.
  - (5) Convents, monasteries, seminaries.
  - (6) Golf, and other outdoor recreation.
  - (7) Private landing strips.
  - (8) Public safety buildings.
  - (9) Public and private schools, parks, playgrounds.
  - (10) Permitted and special uses in the commercial district.
  - (11) Permitted and special uses in the residential district.
  - (12) Quasi-public uses, retreat houses, conference centers.
- (d) *Lot area.* Minimum lot size of one acre.
- (e) *Lot width.* Minimum lot width of 150 feet.

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- (f) *Lot coverage.* Lot coverage of buildings shall not exceed 30 percent of the lot size.
  - (g) *Floor area ratio.* Not to exceed 0.2.
  - (h) *Setback requirements.* Except as otherwise regulated herein for a specific permitted use or special use, setbacks shall be provided as follows (See general provisions for measuring setbacks):
    - (1) *Front:* not less than 50 feet in depth
    - (2) *Side:* not less than 20 feet in width except a side adjoining a street-not less than 50 feet in width.
    - (3) *Rear:* not less than 50 feet in depth.
    - (4) *Building height limitations:* no building or other structure erected within this district shall exceed 35 feet in height.
  - (i) *Off-street parking and loading.* Shall be in accordance with regulations set forth in this chapter.
  - (j) *Signs.* Shall be in accordance with the regulations set forth in the applicable sections of this chapter.
- (Zoning Ordinance 1996, §§ 12.01—12.11)

**Secs. 121-228—121-247. Reserved.**

## **ARTICLE IV. PLANNED UNIT DEVELOPMENT**

### **Sec. 121-248. Purpose.**

- (a) The purpose of the planned unit development regulations is to encourage and allow more creative and imaginative design for land development than is possible under district zoning regulations. The planned unit development also provides for more efficient use of the land and thus results in more economical land development. Preservation of natural site qualities, better urban amenities, more open space, and a higher quality project are the normal results of the planned unit development process.
- (b) The following objectives may be obtained through the use of the planned unit development procedure:
  - (1) To permit a maximum choice in the types of environments available to the public by allowing a development that would not be possible under the strict application of the other sections of this chapter.
  - (2) To promote a creative approach to the use of land and related physical facilities that results in better design and development, with the inclusion of aesthetic amenities.
  - (3) To combine and coordinate architectural styles, building forms, and building relationships with a possible mixing of different uses in an innovative design.
  - (4) To encourage a pattern of development to preserve natural vegetation, topographic and geological features, and environmentally appropriate features.
  - (5) To provide for the prevention and/or control of soil erosion, surface flooding, and the preservation of subsurface water.
  - (6) To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development.
  - (7) To provide for more usable and suitably located recreation facilities, schools, and other public and private facilities.

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- (8) To promote a land use which promotes the public health, safety, comfort, morals, and welfare.
  - (9) To create a method for the permanent preservation of architectural and/or historic landmarks.
  - (10) The planned unit development is intended to provide for projects incorporating a single type or a variety of related uses which are planned and developed as a unit. The planned unit development can provide, through negotiations with the developer, amenities not otherwise required by law, thus allowing the establishment of facilities and open space in greater amounts than the minimum required by law.
  - (11) Such development may consist of conventionally subdivided lots to be sold, unsubdivided single ownership, separate condominium ownership of structures, or other ownership methods and shall provide for development by means of a planned unit development plat which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan.
  - (12) The unique and substantially different character of planned unit developments requires their administrative processing as a "special use" in this chapter. planned unit developments are more complex and of a different character than other special uses, requiring the establishment herein of specific and additional procedures, standards, and exceptions to govern the recommendations of the zoning board of appeals and the action of the county board.

(Zoning Ordinance 1996, § 13.01)

### **Sec. 121-249. Interpretation.**

- (a) The basic provisions and requirements concerning planned developments are as follows: The subdivision, development and use of land as an integral unit, combining more than one primary land use which may provide for a single-family residential, multiple family residential, educational, business, commercial, industrial, recreational, park and common open areas, may be described as a planned development.
- (b) In its establishment and authorization as a special use, in addition to the foregoing provisions, the procedures, requirements, restrictions, standards, and conditions listed below shall be observed.
- (c) The planned development may be excepted from the provisions of the subdivision regulations and of the other provisions of this chapter to the extent specified herein, and in the final authorization of the planned unit development.
- (d) The planned unit development is authorized as a special use in each of the zoning districts of this chapter.

(Zoning Ordinance 1996, § 13.02)

### **Sec. 121-250. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Planned unit development* means a parcel or tract of land having an area as herein required, initially under unified ownership or control, and which is or is intended to be the site for two or more principle uses, or one principle building for two or more principle uses and within which allowable exceptions in the district regulations are specified.

*Planned unit development plat* means a drawing or map made to a measurable scale upon which is presented a description and definition of the way in which the design requirements of the planned unit development are to be met and intended for recording with the county recorder of deeds.

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(Zoning Ordinance 1996, § 13.03)

**Sec. 121-251. Procedures.**

- (a) A planned unit development shall be granted as a special use in accord with the procedures and standards of this section and may depart from the normal procedures, standards, and other requirements of the other sections of this zoning ordinance.
- (b) Applications shall be made on forms provided by the county and shall be accompanied by the required plats and documents. Detailed plans, drawings, and other information as specified by the ordinance shall be required at the time of the various meetings and hearings.
- (c) Preapplication and sketch plan.
  - (1) A preapplication conference shall be held with the planning office. At such conference, the applicant shall provide information as to the location of the proposed planned development, the uses, and approximate area of use category; a list of any and all exceptions to the subdivision and zoning ordinances of the county; and any other information necessary to clearly explain the planned development to the planning office.
  - (2) The planning office shall review and consider the proposed plan as to its compatibility with the comprehensive plan, including LESA, and the goals and policies for planning of the county, and advise the applicant on the information, documents, exhibits, drawings, and any limitations on the proposal that should be included in the application to the county for a special use permit for planned unit development.
  - (3) The applicant shall submit a sketch plan, with the preapplication fee declared in section 18-1, to the planning director, to be placed on the agenda of the meeting of the zoning board of appeals for a preliminary discussion of the proposed planned development. Such meetings are for informational purposes only. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the zoning board of appeals with the proposed development which shall include, but not necessarily be limited to the following:
    - a. *Sketch plan.* A drawing of the planned unit development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The plan shall indicate the concept of the development with refinements to indicate the overall land use pattern, general circulation system, open space or park system, and major features of the development. This section does not require a detailed site plan of buildings, roads, walks, etc. The plan should include:
      - 1. Contour lines for the entire area at five foot intervals.
      - 2. Boundary lines and legal description.
      - 3. Easements, general location and purpose.
      - 4. Streets on and adjacent to the tract circulation system.
      - 5. Land use patterns, proposed.
      - 6. Map data, name of development, name of site planner, north point, scale, date of preparation, and acreage of the site.
      - 7. Zoning, existing land uses and circulation plan of surrounding environments and any other information pertinent to the location of the development.
      - 8. Existing zoning of development area.

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9. Signage plans.
- b. *Site data*. A written explanation of the graphic elements of the plan, including:
    1. Description of the different types and quantity of land uses.
    2. Description of residential, commercial, office and recreational units that will be included in the planned development.
    3. Number of dwelling units.
    4. Estimated population.
    5. Description of the development standards and design criteria.
  - c. *Objectives*. A statement of planning objectives to be achieved by the planned unit development. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices of the developer. This section should also describe any and all variations from the normal standards of the county zoning ordinance and subdivision regulations and the reasons for such variations.
  - d. *Ownership*. A statement of present and proposed ownership of all land within the project.
  - e. *Names*. The names and addresses of the persons to whom the notice of the hearing to be held by the zoning board of appeals should be sent (developer, designer, and the owners of the land adjacent to or immediately adjoining).
  - f. *Environment*. A preliminary statement identifying existing natural and environmental resources and the method to protect the physical amenities of the site, including information on:
    1. Topography.
    2. Floodplains and surface hydrology.
    3. Vegetation and natural coverage.
    4. Soils and subsurface conditions.
    5. Geology.
    6. Scenic views and vistas.
  - g. *Utilities*. A preliminary statement providing information on existing and proposed sanitary sewer, storm sewer, water, and other utilities, including cable television to adequately service the development.
  - h. *Traffic*. A preliminary statement providing information on the existing road network and future improvements deemed necessary to service the development.
  - i. *Structures*. Preliminary architectural concepts for the development will be presented to indicate the proposed character of the buildings in the development.
  - j. *Financial impact*. A statement indicating the impact of the development on the local taxing bodies.
  - k. *Market analysis*. Evidence showing the need and feasibility of the proposed development.
  - l. *Phasing*. A preliminary development schedule or phasing plan indicating the extent and timing of each phase of the proposed development. Also, a preliminary timetable of the expected starting and completion dates of each phase.
- (d) Preliminary plat stage/application for special use permit.

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- (1) Following the sketch plan stage, the developer or his representative shall submit to the county clerk a formal special use permit application for a planned unit development. Such petition shall be on application forms provided by the county and shall be accompanied by not less than 20 copies of the PUD plan and associated preliminary plat information as required by this chapter. The application shall also be accompanied by the appropriate special use application fee.
  - (2) In addition to the sketch plan requirements the preliminary plat application shall contain the following information, where applicable:
    - a. *Objectives.* A statement of planning objectives to be achieved by the planned unit development. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices of the developer.
    - b. *Character.* 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 and referencing the general benefits that will accrue to the public as a result of the planned unit development.
    - c. *Ownership.* Statement of present and proposed ownership of all land with the project, including present tract designation according to official records in offices of the county recorder of deeds. A certificate shall be furnished that there are no delinquent taxes constituting a lien on the property, in whole or in part.
    - d. *Schedule.* Development schedule indicating:
      1. 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.
      2. Approximate dates for beginning and completion of each stage.
      3. If different land use types are to be included within the planned unit development, the schedule must include the mix of uses to be built in each stage.
    - e. *Covenants.* Proposed agreements, deed restrictions, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.
    - f. *Density.* Provide information on the density of residential uses, including the number of dwelling units per acre, the number of dwelling units by type, and the number of bedrooms in each building and dwelling unit type.
    - g. *Nonresidential use.* Provide information on the type and amount of ancillary and nonresidential uses, including the amount of common open space.
    - h. *Commercial uses.* Provide information on the type of commercial activities being proposed and the nature of the business operation including business hours, number of employees, parking facilities, and signage.
    - i. *Architectural plans.* Preliminary architectural plans for all primary buildings shall be submitted in sufficient details to permit an understanding of the style of the development, the design of the buildings, and the number, size, and type of dwelling units. Also provide floor area of building types and total ground coverage of buildings.
    - j. *Landscape plans.* Preliminary plans for plant materials, earth sculpturing, berming, and aesthetic features shall be submitted.
    - k. *Facilities plans.* Preliminary plans or information adequate to indicate that the proposed development can be serviced, shall be submitted for:

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1. Roads, including classification, width or right-of-way, width of pavement, and typical construction details.
  2. Sanitary sewers.
  3. Water supply system.
  4. Storm drainage.
  5. Plans for other underground systems such as cable television installations.
- l. *School impact study.* Provide information on the student load and financial impact on the local school districts, including expected scheduling of potential students.
  - m. *Tax impact study.* Provide information on the taxes to be generated by the proposed project and the cost to the various taxing bodies to provide the necessary services to the project.
  - n. *Traffic analysis.* Provide information on the adequacy of the local transportation and thoroughfare system to handle anticipated traffic volumes generated by the planned unit development. Also, an analysis should be made of the adequacy of the internal vehicular circulation pattern.
  - o. *Market study.* Provide an economic feasibility study of the proposed development, including information on land utilization and marketing potential. Evidence should be presented showing the need and feasibility of the proposed development.
  - p. *Soil erosion.* Identification of procedures that will be used during development to control soil erosion.
  - q. *Request for additional information.* The zoning board of appeals may, if deemed necessary, request additional information to be provided.
- (3) *Applications.* The preliminary plat application shall include the items in the subdivision regulations in addition to the requirements found in this section.
- (4) *Standards.* The zoning board of appeals may recommend approval of a PUD Plan if it has determined that all of the following standards have been complied with:
- a. *General.*
    1. *Comprehensive plan.* A planned unit development must conform with the planning objectives specified in the comprehensive plan.
    2. *Size and ownership.* The site of the planned unit development must be under single ownership and/or unified control and be not less than two acres in area.
    3. *Compatibility.* The uses permitted in a planned unit development must be of type and so located as to exercise no undue detrimental influence upon surrounding properties. In addition, the planned unit development shall not endanger the public health, welfare, or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is to be located.
    4. *Need.* The planned unit development must be of a character and contain such uses that are needed in the area of the proposed project.
    5. *Density.* The density of a planned unit development (either in dwelling units, for residential uses, or in floor area for all other uses) shall generally correspond to the density regulations imposed by the underlying zoning district. The density of the planned unit development is not necessarily required to precisely correspond with the normal density of



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the underlying zoning district but instead should reflect that district's character through complimentary building types and architectural design.

6. *Private facilities.* When private streets and common driveways are made a part of the planned development or private common open space or recreation facilities are provided, the applicant shall submit as part of the application, the method and arrangement where by these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the county board.
  7. *Space between residential buildings.* The minimum horizontal distance between buildings side to side shall be:
    - i. Ten feet between single-family detached dwellings.
    - ii. Ten feet between clustered or "zero-lot line" single-family detached dwellings.
    - iii. Fifteen feet between buildings, other than single-family detached dwellings, of 1, 2, and 2 ½ stories in elevation.
    - iv. Equal to the height of the taller building in the case of free standing buildings greater than 2 ½ stories in elevation.
  8. *Same, corner to corner.* The minimum horizontal distance between buildings corner to corner shall be 15 feet or be as determined appropriate by the zoning board of appeals in reviewing the Preliminary planned unit development plat to ensure that all occupants receive a sufficient amount of light and air.
  9. *Yards.* The required yards along the periphery of the planned unit development shall be at least equal in width or depth to that of the adjacent zoning district.
  10. *Setback.* Buildings of more than 24 feet in height shall provide a setback from any property line of not less than equal to the height of such buildings.
  11. *Design standards.* The provisions of the county subdivision regulations and development codes unless otherwise agreed to and approved by the county board.
  12. *Dedications.* The PUD shall comply with the public land dedication requirements of the county's subdivision regulations unless specific variances are granted by the county board.
  13. *Minimum requirements.* All minimum requirements pertaining to commercial, residential, institutional or other uses established in the planned development shall be subject to the requirements for each individual zoning classification as established elsewhere in this chapter, except as may be specifically varied in the ordinance granting and establishing a planned development use.
- b. *Fees.* Upon filing of the preliminary plat application the developer and owner of the property agree to pay all reasonable site plan review and engineering review fees incurred by the county in reviewing the preliminary and final PUD plans submitted to the county.
  - c. *Public hearing, date set.* Upon receipt of the complete application and fees the chairman of the zoning board of appeals shall set a public hearing date for review of the application before the zoning board of appeals. The hearing shall be set in accordance with this chapter.
  - d. *Findings.* The zoning board of appeals shall set forth to the county board the reasons for the recommendation, and said recommendation shall set forth with particularity in what respects the proposal would be in the public interest, including but not limited to findings of fact on the following:

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- e. *Evaluation of application.* Within 30 days after the close of the public hearing the zoning board of appeals shall report to the county board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The application shall be evaluated according to the following:
    - 1. In what respects the proposed plan is consistent with the stated purpose of the planned unit development regulations.
    - 2. The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations.
    - 3. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk, and use, and the reasons why such departures are deemed to be in the public interest.
    - 4. The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light and air, recreation and visual enjoyment.
    - 5. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
    - 6. The desirability of the proposed plan as it regards physical development, tax base and economic well-being of the community.
    - 7. The conformity with planning goals and objectives of the county.
  - f. *Approval, modification or disapproval of preliminary plat.* The committee of the county board having jurisdiction, after receipt of the zoning board of appeals' findings of fact and recommendation shall approve, modify or disapprove the preliminary PUD plat.
  - g. *Approval of final plat.* Approval of a preliminary PUD plat shall not constitute approval of the final plat. The final plat shall be approved only if it conforms with the preliminary plat. No building permit shall be issued for any structure until the final plat has been filed, approved and recorded.
- (e) Final plat stage.
- (1) A property owner or developer who has received preliminary plat approval from the planning, zoning and agriculture committee for a PUD plan has one year from the date of approval by the planning, zoning and agriculture committee in which to obtain final plat approval from the county board. If a PUD plan has not received final plat approval within one year from the date that it received preliminary plat approval from the committee of the county board having jurisdiction the preliminary plat and all special use ordinances related to such PUD development shall become null and void and the property shall be subject to the regulations of the zoning district in force prior to the approval of the preliminary PUD plan.
  - (2) If a PUD plan is being developed in phases, all phases must have final plat approval within three years from the date of preliminary plat approval by the committee of the county board having jurisdiction unless otherwise specified in the PUD special use ordinance. If final plat approval is not received within the designated period of time the property still not having final plat approval shall lose its PUD special use status and shall revert back to the zoning district that was in force prior to the approval of the preliminary PUD plat and shall be controlled by the zoning regulations of the zoning district in force. The county board may upon receiving a recommendation from the zoning board of appeals extend the deadline for receiving final plat approval.

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- (3) Application for final plat approval shall be made on application forms provided by the county and shall be accompanied by not less than 15 copies of the final PUD plan or plat and associated final plat information and documents as required by this chapter.
  - (4) The final plat application shall contain the following information:
    - a. *Final plat.* Final plat drawing prepared in conformance with the requirements of the county subdivision regulations.
    - b. *Common open space documents.* All common open space shall be either conveyed to a municipal or public corporation, conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the planned development, or retained by the developer with legally binding guarantees, in a form approved by the state's attorney, verifying that the common open space will be permanently preserved as open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.
    - c. *Common use facilities, improvements, amenities.* All public facilities and improvements made necessary as a result of the planned unit development shall be either constructed in advance of the approval of the final plat or performance bond or other form of security acceptable to the county to guarantee construction of the required improvements. The subdivider's bond payable to the county, shall be sufficient to cover the full cost of the improvements plus ten percent. Detailed construction plans shall be submitted for all public facilities to be built.
    - d. *Delinquent taxes.* Proof of clear title as evidence that all special assessments constituting a lien on the whole or any part of the property of the planned unit development have been paid. Also, to be submitted are copies of paid tax receipts for the previous two years from the county assessor's office.
    - e. *Covenants.* Final agreements, provisions, or covenants and including condominium declarations which will govern the use, maintenance and continued protection of the planned unit development. Such documents shall be recorded at the same time as the final planned unit development plat and plat of subdivision.
    - f. *Lease Agreements.* When the PUD involves commercial or industrial activities, copies of the lease agreements shall be submitted.
    - g. *List of approved uses.* List all uses as approved in the preliminary plat.
  - (5) County board committee. To approve the final plat the committee of the county board having jurisdiction must first determine that the final plat submittal is in substantial compliance with the approved preliminary plat and PUD special use requirements.
  - (6) Upon taking action on the final plat the committee of the county board having jurisdiction shall submit the final plat to the county board with its findings.
  - (7) After receiving county board approval, the final plat shall not become valid until recorded along with required plats and documents in the office of the county recorder of deeds. The recording of the final plat shall constitute notice to all who deal with the PUD of the restrictions placed upon the land and act as the zoning control device.
- (f) Administration; reversion clause. Final plats for each phase of development must be approved in accordance with this chapter. In any area having final plat approval, construction must begin and be completed, as is determined by the issuance of final certificate of occupancy, within 24 months of the date of the county board approval of the final plat for that area unless otherwise specified in the conditions of the PUD special use. In the event that same is not done, the subject property shall revert to the zoning classification affixed to that property prior to the issuance of the planned unit development special use, or the county board shall

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initiate such zoning changes as it deems an extension of the PUD upon receiving a petition from the property owner or developer however, not for more than two years at a time. Any PUD or parts of a PUD approved three years prior to the effective date of this chapter in which all the necessary public improvements including streets and utilities have not been completed or have been permitted to deteriorate beyond a reasonable state of repair may be terminated by a decision of the county board and subject to the requirements of this chapter and the present requirements of the county zoning ordinance and subdivision regulations.

(g) Amendment of a PUD special use. The planned unit development project shall be developed only according to the special use ordinance the approved preliminary plat and recorded plat and supporting documents. The special use ordinance and approved preliminary and final plats shall be binding on the applicants, their successors, grantees and assigns and shall limit their control, the use of premises and location of structures in the planned unit development project as set forth therein. Changes to the recorded planned unit development may be made as follows:

(1) *Major changes.*

- a. Changes which alter the concept or intent of the planned unit development including changes in density, changes in the height of buildings, changes in proposed open space, changes in total bedroom counts, changes in road standards, changes in street design, or changes in the final governing agreements, provisions, or covenants, or other changes, may be approved only by submission and reconsideration of a new preliminary and/or final planned unit development plat and supporting data and following the preliminary or final plat procedure.
- b. If the major change alters data or evidence submitted during the Conceptual Plan or Preliminary plat stage, then the resubmission must begin at the Preliminary plat stage. If only final plat evidence or data is altered as result of the major change, then the resubmission shall begin at the Final plat stage.
- c. All changes to the "original" final plat shall be recorded with the county Recorder of Deeds as amendments to the final plat or reflected in the recording of a new "Corrected" final plat.

(2) *Minor changes.* The committee of the county board having jurisdiction may review and approve additional improvements or changes in a PUD provided that such changes comply with the following:

- a. Comply with the general intent of the PUD special use.
- b. The changes do not constitute a major change as defined in the previous section.
- c. The proposed changes must comply with the requirements of the underlying zoning district unless otherwise specified in the PUD special use.

(Zoning Ordinance 1996, § 13.04)

**Secs. 121-252—121-280. Reserved.**

## ***ARTICLE V. SUPPLEMENTARY REGULATIONS***

### ***DIVISION 1. GENERALLY***

**Sec. 121-281. Accessory buildings, structures, and uses.**

- (a) Accessory buildings, structures, and uses shall be compatible with the principle use and shall not be established prior to the establishment of the principle use, except that the planning director may issue a temporary permit for the residential use by one family of an accessory building, or manufactured home, during the period of time the principle dwelling is under construction but for a period of not longer than 12 months after issuance of the initial building permit.
- (b) Except as otherwise regulated herein, a permanent accessory building or structure hereafter erected, altered, enlarged, or moved on a lot shall conform with the following:
  - (1) No detached accessory building shall be nearer than ten feet from the nearest wall of a principle building, except that a detached accessory building of the type of construction approved for safety by the planning director may be located nearer than ten feet from a principle building.
  - (2) A detached accessory building or structure in a rear yard shall be located no less than five feet from an interior lot line. When on a corner or through lot, a detached accessory building shall be no nearer to a lot line abutting a street than the applicable distance required.
  - (3) No detached accessory building or structure in a residence district shall have more than one story or exceed 22 feet in height. Such building height, as defined, shall be measured from the grade of the ground within a ten-foot radius of the accessory building's walls.
  - (4) Height of detached structures in commercial and industrial districts such as water towers, flag poles, radio and television antennas shall not exceed 100 feet above curb level, or the highest point in the center of the street or highway if there is no curb, and, when attached to a building, shall not exceed 40 feet above the highest point on the roof, but in no case aggregate more than 100 feet above curb level, unless approved by the planning director, or otherwise regulated in this chapter, based upon reasonable engineering requirements for the proposed improvement.
  - (5) Trailers or other portable buildings or structures, shall be permitted in any district when used as temporary buildings for offices or storage of material and equipment as incidental to and on the same lot or adjacent lots during construction operations of the principle use, for a period not to exceed 12 months.
  - (6) Mobile-type manufactured homes, travel trailers or camping trailers shall not be parked or stored on any lot other than in a lawfully established manufactured home park, tourist park, or trailer or trailer sales or manufacturing establishment, except that one travel trailer or camping trailer may be stored or parked in the rear yard of a lot containing a dwelling.
  - (7) Manufactured homes, semitrailers, or trailers shall not be used for storage purposes in any district except that semitrailers may be used for temporary storage in the commercial and industrial districts.
  - (8) Trucks greater than one ton in capacity may be parked or stored only on lots in districts where they are allowed herein. In no case shall they be in a RE or R-1 district.
- (c) The following table shows where accessory buildings, structures, and uses are permitted, with respect to the location of the principle structure, as follows:

Accessory Building, Structure or Use	Front or Side When Adjoining a Street	Interior Side	Rear
Awnings or canopies, attached, no more than 25percent of the width or depth yard.	X	X	X
Arbors or Trellises	X	X	X
Air conditioning equipment shelter		X	X

Architectural entrance structures	X	X	X
Balconies	X	X	X
Bay windows, projecting not more than three feet into a yard	X	X	X
Chimneys, attached, projecting no more than 24 inches into a yard	X	X	X
Eaves and gutters on principle building, projecting no more than six feet	X	X	X
Eaves and gutters on detached accessory buildings located in a rear yard, projecting from a building to no more than 24 inches from a lot line			X
Fallout shelters, attached or detached when conforming with other codes and ordinances			X
Fire escapes	X	X	X
Flagpoles	X	X	X
Detached garages or carports		X	X
Growing farm and garden crops in open		X	X
Keeping of horses on a parcel, tract, or lot not less than two acres in area, and not less than 200 feet in width provided buildings or structures for their shelter shall be located not less than 100 feet from a right-of-way line adjoining a street and 50 feet from an interior side or rear lot line. There shall be no more than one horse per acre.		X	X
Lawn furniture such as benches and bird baths	X	X	X
Open off-street loading spaces, when in conformance with provisions of this chapter		X	X
Open off-street parking spaces, when in conformance with provisions of this chapter	X	X	X
Ornamental light standards	X	X	X
Playground and laundry-drying equipment		X	X
Playhouses and gazebos		X	X
Manmade private ponds and lakes not less than 200 feet from any right-of-way and not less than 50 feet from interior sides and rear lot lines	X	X	X
Sheds and storage buildings for garden equipment and household items		X	X
Sills, belt courses, cornices and ornamental features of the principle building, projecting to no more than eight feet from the side lot line	X	X	X
Steps, open, which are necessary for access to the dwelling or an accessory building, access to the lot from the street, and in gardens or terraces, provided there are not more than eight steps for access to dwelling or accessory building	X	X	X
Swimming pools, private, when in conformance with other codes			X
Television and radio antennas and satellite dishes.		X	X
Terraces and patios not more than 18 inches above finished grade on front and rear yards	X	X	X
Tennis courts, private			X

Outdoor fireplaces		X	X
Trees, shrubs and flowers	X	X	X
Other accessory buildings, structures and uses herein permitted in district regulations as accessory to a specific permitted use			X

(Zoning Ordinance 1996, § 4.04)

**Sec. 121-282. Yards and other open spaces.**

- (a) Yards and other open spaces as required by this chapter shall be located on the same lot as the principle building, structure, or use.
- (b) No legally required yards or minimum lot area allocated to any existing building, structure, or use shall be used to satisfy yard or minimum lot area requirements for any other building, structure, or use if the yard, other open space, or minimum lot area of either building is thereby reduced below the requirements of this chapter.
- (c) On a corner lot and at any points of vehicular intersection, within that part of a yard located within 20 feet from the point of intersection, property lines or highway right-of-way lines, whichever is furthest from the roadway, no solid fence, structure, building, wall, sign, hedge, or other landscaping shall be erected, constructed, planted, or maintained, having a height exceeding 30 inches or trees planted and maintained having branches lower than eight feet abovegrade at the curb or pavement edge of the adjacent street or roadway.

((Zoning Ordinance 1996, § 4.05; Ord. No. 02-06-11-550, § III, 6-11-2002)

**Sec. 121-283. Lots.**

- (a) *Lot division.* Any lot division, other than those specifically governed by the Illinois Plat Act (765 ILCS 205/0.01 et seq.), must comply with the county subdivision rules and regulations. No lot containing a structure or use shall hereafter be divided in order to secure one or more additional lots for transfer of ownership and establishment of a principle use thereon, unless each lot shall have the minimum lot area and lot width as required in this chapter for the district in which the lot is located, including the lot containing the structure or use, resulting from such division. Every lot shall front or abut on a public street. Lots with an access only to existing private drives or streets may be permitted only when such lots are lots of record existing on the effective date of this chapter or when part of a planned unit development as determined by the planning director.
- (b) *Number of buildings on a lot.* In the agriculture, residence, and rural estate districts, every nonagricultural single-family dwelling hereafter erected or structurally altered shall be located on a lot, and there shall be not more than one such dwelling on a lot.

(Zoning Ordinance 1996, § 4.06)

**Sec. 121-284. Regulations governing airports and their surroundings.**

- (a) Airports and their surroundings are subject to the rules and regulations of the state department of aeronautics and other applicable state and federal agencies.

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- (b) Height of structures in areas surrounding the boundaries of airports having an established approach plan which has been approved by the state department of aeronautics and other applicable state and federal agencies shall be in accordance with requirements set forth in the approach plan.
  - (c) Height of structures in area surrounding the boundaries of airports not having an established approach plan shall be established by the board or municipality operating a public airport in accordance with the regulations of the state department of aeronautics and other applicable state and federal agencies.

(Zoning Ordinance 1996, § 4.07)

### **Sec. 121-285. Fences.**

- (a) Fences that are open, semisolid, or solid are allowed in all districts and yards with the following conditions, unless otherwise regulated herein:
  - (1) Only open fences, which do not exceed four feet in height, are allowed to the front of the principle structure. Open fences may be placed up to a property line provided that fences shall not encroach into rights-of-way.
  - (2) Semisolid and solid fences, which do not exceed six feet in height, are allowed to the side and rear of the principle structure with the finished side out.
  - (3) Semisolid and solid fences, which do not exceed six feet in height, are allowed in the side and rear yard with the finished side out. On a corner lot, a semisolid or solid fence may be erected, not exceeding six feet in height, in a side yard adjoining a street. Said fence shall not extend beyond the building setback line as defined herein.
  - (4) Fences on corners of vehicular intersections shall comply with section 121-282(c).
  - (5) Barbed wire and electric fences shall be located not less than ten feet from residential district boundary lines or residential platted subdivision boundaries. Barbed wire and electric fences shall not be located in any residential district or residential platted subdivisions.
  - (6) Only open fences, which do not exceed 12 feet in total height, including barbed and concertina type wire at the top, are allowed in industrial districts on all sides of the principle structure.
  - (7) Fencing for public service facilities, such as communication towers, utility and transportation equipment and control facilities, pipelines, regulation stations, power stations, sewage and water treatment facilities, locations of national security concerns, and locations or uses deemed appropriate by the planning director or his/her designee shall be permitted in any zoning district provided the following requirements are met:
    - a. Fences for these facilities shall not exceed 12 feet in height and are allowed to the maximum height in all yards.
    - b. Barbed and concertina type wire shall be allowed providing it is no lower than seven feet from ground level in the R1, R2, and RE districts.
    - c. Fences on corners of vehicular intersections shall comply with section 121-282(c).
    - d. The fence shall not extend beyond the immediate area of the equipment or structures being protected when practical, as determined by the planning director or his/her designee.

(Zoning Ordinance 1996, § 4.08; Res. No. 02-07-09-566, § IV, 7-9-2002; Res. No. 2006-04-11-81, § 4.08, 4-11-2006; Res. No. 2011-11-08-166, Exh. A, 11-8-2011)



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**Sec. 121-286. Access to roads.**

- (a) Each lot or parcel of land shall have its own access.
- (b) The intersection of roads shall be considered as points of ingress and egress.
- (c) Access to roads, including individual driveways and service entrances, must conform to the following minimum spacing requirements pertaining to frequency of intervals, as measured from centerline to centerline unless impossible due to existing land division made prior to the effective date of this chapter. NOTE: If impossible due to unusual topographic characteristics or unsafe stopping or sight distances, this may be varied if approved by the county engineer:
  - (1) *Ingress and egress.* There shall be allowed one driveway per every 330 feet of highway frontage. However, no driveway shall be nearer than 100 feet from another access point along major collector U.S., state, county, or township highways and section line roads. However, commercial and industrial parcels may have two access points per every 330 feet of highway frontage length, as approved by the county engineer, to accommodate fluent and safe ingress and egress from the site.
  - (2) *Minimum corner clearance.* Driveways shall be no closer than 250 feet from an intersecting highway, as measured from centerline to centerline, except field ingress/egress may be a minimum of 50 feet from the edge of the intersecting road surface to the beginning of the driveway flare or a minimum of ten feet from the right-of-way line of the intersecting road to the beginning of the driveway flare.
  - (3) *Property line clearance.* The beginning of the driveway flare shall be confined to the property, and the beginning of the pipe culvert, if required, shall be no closer than ten feet to a property line in order that the flare would be confined to the property.
  - (4) *All-weather roads.* All lots shall be afforded access to at least an all-weather road. An all-weather road is a public thoroughfare adequately drained with the traveled area surfaced either with crushed stone or bituminous material placed over a crushed stone base. The design thickness shall be sufficient to accommodate normal vehicular traffic during all periods of the year without excessive maintenance costs or without disruption due to weather. (This would exclude repeated truck or other heavy vehicular traffic use, especially during the period of adverse weather conditions and particularly when the frost is leaving the ground.)

(Zoning Ordinance 1996, § 4.09)

**Sec. 121-287. Boats or other floating structures used as dwelling units.**

Boats or other floating structures being used as dwelling units or commercial establishments may not anchor or tie off shore in county sovereign waters for longer than 48 hours, except at marinas, boat yards and ways and boat liveryes.

(Zoning Ordinance 1996, § 4.10)

**Sec. 121-288. Water supply and sewage.**

Every residence, business, trade, or industry hereafter established shall provide such facilities conforming to standards of design and location approved by the county health department and any new water supply and sewage disposal facilities hereafter provided for existing uses shall conform to such standards.

(Zoning Ordinance 1996, § 4.11)

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**Sec. 121-289. Antenna or tower.**

- (a) *Towers, radio antennas, satellite dish antennas or towers (private).* Television and radio antennas or towers including satellite dish antennas and supporting structures servicing only the occupants of the property where the structure is located, may be permitted in rear yards and roof tops provided they conform with the following criteria:
- (1) No more than one structure exceeding 15 feet in height shall be permitted on any lot.
  - (2) Any antenna or tower structure exceeding ten feet in height or dish antenna having a diameter exceeding three feet shall be prohibited from being attached to any roof structure.
  - (3) A dish antenna shall not exceed a height of 20 feet or have a diameter in excess of ten feet.
  - (4) No freestanding television or radio antenna or tower shall exceed a height of 50 feet from the top of the foundation of the principle structure on the lot where installed.
  - (5) Radio towers for licensed amateur radio stations, for which a building permit has been obtained, may project to a maximum height of 70 feet from the top of the foundation.
  - (6) All antenna structures shall have a setback in accordance with the setback provisions of this chapter.
  - (7) The distance of any anchorage or similar device shall be at least ten feet from any property line.
  - (8) An applicant for a building permit shall obtain any licenses required by any federal, state, or local agency.
  - (9) An application for a building permit must include a plot plan and construction drawings showing the proposed method of installation, structural engineering analysis, and site plan depicting structures on the property and all adjacent properties.

(Zoning Ordinance 1996, § 4.12)

**Sec. 121-290. Location of recycling facilities and drop-off centers.**

- (a) *Criteria and standards for recycling facilities and drop-off centers.* Those recycling facilities permitted either by right or by special use permit shall meet all of the applicable regulations of the district in which they are located, as well as the criteria and standards listed as follows:
- (1) *Reverse vending machines.* Reverse vending machines located within a commercial structure do not require additional parking spaces for recycling customers provided that they comply with the following standards:
    - a. Shall be established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building and fire codes of the county.
    - b. Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation.
    - c. Shall not occupy parking spaces required by the primary use.
    - d. Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height.
    - e. Shall be constructed and maintained with durable waterproof and rustproof material.

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- f. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
  - g. Shall have a sign area of a maximum of four square feet per machine, exclusive of operating instructions.
  - h. Shall be maintained in a clean, litter-free condition on a daily basis.
  - i. Operating hours shall be at least the operating hours of the host use.
  - j. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
- (2) *Small drop-off center.* Small collection facilities shall comply with the following conditions:
- a. Shall be established in conjunction with an existing commercial or industrial use or community service facility which is in compliance with the zoning, building and fire codes of the county;
  - b. Shall be no larger than 500 square feet and occupy no more than five parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers;
  - c. Shall be set back at least ten feet from any street line and shall not obstruct pedestrian or vehicular circulation;
  - d. Shall accept only glass, metals, plastic containers, papers and reusable items. Shall accept only consumer recyclable commodities;
  - e. Shall use no power-driven processing;
  - f. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
  - g. Shall store all recyclable material in containers or in a collection vehicle, and shall not leave materials outside of containers when attendant is not present;
  - h. Shall be maintained free of litter and any other undesirable materials, and shall be swept at the end of each collection day;
  - i. Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;
  - j. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
  - k. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
  - l. Signs shall be in accordance with the provisions outlined in the applicable section of this chapter;
  - m. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed;

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- n. Collection vehicles shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
  - o. Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary host use, unless a parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site. A reduction in available parking spaces in an established parking facility may then be allowed;
  - p. If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration;
  - q. Accumulation of surface water in areas where consumer recyclable commodities are accepted, accumulated, or stored shall be prevented.
- (3) *Large drop-off center.* A large collection facility shall meet the following standards:
- a. Facility does not abut a property zoned or planned for residential use;
  - b. Facility will be screened from the public right-of-way by operating in an enclosed building or:
    - 1. Within an area enclosed by an opaque fence at least six feet in height with landscaping;
    - 2. At least 150 feet from property zoned or planned for residential use;
  - c. Setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located;
  - d. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition. No storage, excluding mobile truck trailers and overseas containers, will be visible above the height of the fencing;
  - e. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
  - f. Space will be provided on site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit consumer recyclable commodities, except where the planning director determines that allowing overflow traffic above six vehicles is compatible with surrounding businesses and public safety;
  - g. One parking space will be provided for each commercial vehicle operated by the drop-off center. Parking requirements will be as provided for in the zone, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility;
  - h. If the facility is located within 500 feet of a building or property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.;
  - i. Any containers provided for after-hours donation of recyclable materials will be at least 50 feet from any property zoned or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials;
  - j. Donation areas will be kept free of litter and any other undesirable material, and the containers will be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers;
  - k. Facility will be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zone;

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and directional signals bearing no advertising message, may be installed, if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way;

- I. Accumulation of surface water in areas where consumer recyclable commodities are accepted, accumulated, stored, or processed shall be prevented.
- (4) *Recycling facilities.* A recycling facility, including both light recycling facilities and heavy recycling facilities will meet the following conditions:
- a. Facility does not abut a property zoned or planned for residential use;
  - b. Recycling facilities will operate in a wholly enclosed building except for incidental storage, or:
    1. Within an area enclosed on all sides by an opaque fence or wall not less than eight feet in height and landscaped on all street frontages;
    2. Located at least 150 feet from property zoned or planned for residential use.
  - c. Power-driven processing shall be permitted at both light and heavy recycling facilities, provided all state Environmental Protection Agency noise level requirements are met. Light and heavy recycling facilities are limited to bailing, briquetting, crushing, compacting, grinding, shredding, chipping, flattening, and mechanical or physical sorting of consumer recyclable commodities;
  - d. A light recycling facility shall be no larger than 45,000 square feet and shall have no more than an average of two outward truck shipments of material per day;
  - e. Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located;
  - f. Exterior storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition, or shall be baled or pelletized. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
  - g. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present;
  - h. Space shall be provided on-site for the anticipated peak load to circulate, park and deposit consumer recyclable commodities. If the facility is open to the public, space will be provided for a minimum of ten customers or the peak load, whichever is higher, except where the planning director determines that allowing overflow traffic is compatible with surrounding businesses and public safety;
  - i. One parking space will be provided for each commercial vehicle operated by the recycling facility. Parking requirements will otherwise be as mandated by the zone in which the facility is located;
  - j. Noise levels shall not exceed those mandated by the state Environmental Protection Agency regulations;
  - k. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility will be administered by on-site personnel during the hours the facility is open;
  - l. Any containers provided for after-hours donation of recyclable materials will be at least 100 feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials;

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- m. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;
  - n. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, the facility will be clearly marked with the name and phone number of the facility operator and the hours of operation;
  - o. Dust, fumes, smoke, vibration, and odor, resulting from the operation of the recycling facility shall be minimized to the greatest extent practicable; and
  - p. Contact between consumer recyclable commodities and disease vectors or other nuisance organisms shall be prevented.

(Zoning Ordinance 1996, § 4.13; Res. No. 2006-04-11-81, § 4.13, 4-11-2006)

### **Sec. 121-291. Siting of pollution control facilities.**

Siting a pollution control facility as defined in section 121-3 and in the state Environmental Protection Act shall be regulated by the "Kankakee County, Illinois, Siting Ordinance For Pollution Control Facilities," as amended and updated, and section 39.2 of the state Environmental Protection Act.

(Zoning Ordinance 1996, § 4.14; Res. No. 2006-04-11-81, § 4.14, 4-11-2006)

### **Sec. 121-292. Setback requirements.**

Setback lines for all buildings, structures, and uses established or commenced after the effective date of the ordinance from which this chapter is derived and all alterations, enlargements or the additions to the structures which existed prior to the effective date of the ordinance from which this chapter is derived shall herein after conform to these regulations:

- (1) Setback lines for yards abutting public streets shall be measured from the right-of-way lines representing the required width and alignment of such street as designated by federal, state, county, and township highway authorities. On public streets where no right-of-way has been dedicated, it will be assumed that the right-of-way is 60 feet.
- (2) Setback lines for yards abutting private streets shall be measured from the right-of-way line as indicated on the recorded plat. Where private streets are not platted, it will be assumed that the right-of-way is 30 feet.
- (3) Setback lines for interior side and rear yards shall be measured from property lines.

(Zoning Ordinance 1996, § 4.15)

### **Sec. 121-293 Home occupations.**

- (a) Where permitted, one home occupation is allowed as an accessory use to an established household living use with the following regulations:
  - (1) The operator of a home occupation must be a full-time resident of the dwelling unit.
  - (2) No more than one non-resident may be engaged in the conduct of any home occupations occurring on the subject site.

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- (3) The use of a dwelling unit for home occupation activities must be clearly incidental and subordinate to the dwelling's use for residential purposes by its occupants.
  - (4) The floor area devoted to any home occupation on the site may not exceed 30 percent of the floor area of the dwelling unit.
  - (5) Home occupations must be conducted within the dwelling unit and no accessory structure shall be used in whole or in part.
  - (6) Home occupations may not involve any outdoor storage, outdoor display or other outdoor activity.
  - (7) There shall be no commodities sold, or services rendered that require receipt and delivery of merchandise, goods, or equipment by other than a passenger vehicle or by mail delivery vehicles.
  - (8) There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot except for a permitted name plate sign. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or site upon which it is conducted that will make the dwelling appear less residential in nature or function.
  - (9) No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors, health hazards or electrical interference detectable to the normal senses from a location off of the premises in which the home occupation resides. In the case of electrical interference, no equipment or process may be used that creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
  - (10) On parcels one acre or less in size there shall be no signs, other than one permitted name plate sign. The sign shall be no larger than two square feet in size and must be attached to the principle structure. On parcels greater than one acre a free-standing sign no larger than 12 square feet in size and no more than six feet in height may be erected in the front yard of the property containing the home occupation. Free-standing signs must be setback ten feet from the right-of-way and adhere to the site triangle requirements of this section. Under no circumstances shall either of these types of signs be illuminated, flashing, an electronic display, or have moving parts.

(Res. No. 2006-04-11-81, § 4.16, 4-11-2006; Res. No. 2019-10-08-165, § 3(Exh. A), 10-8-2019)

### **Sec. 121-294. Off-street parking and off-street loading.**

- (a) *General provisions.* The off-street parking and off-street loading provisions of this chapter shall apply as follows:
  - (1) Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this section for all buildings and structures erected and all uses of land established in each district after the effective date of the ordinance from which this chapter is derived.
  - (2) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement in the amounts specified herein requiring parking or loading facilities, such additional parking and loading facilities as required herein shall be provided.
  - (3) 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 the ordinance from which this chapter is derived, additional parking or loading facilities are mandatory only to the extent by which the requirements for the new use would exceed those for the existing use if the latter was in compliance with the parking and loading provisions of this chapter.

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- (4) Accessory off-street parking and loading facilities in existence on the effective date of the ordinance from which this chapter is derived and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this chapter.
  - (5) Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.
  - (6) For any conforming or legally nonconforming building or use which is in existence on the effective date of the ordinance from which this chapter is derived, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not be provided, except that such parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this chapter for equivalent new uses or construction.
  - (7) In cases where parking facilities are permitted on a lot other than the lot on which the structure or use served is located, a covenant running with the land must be recorded in the office of the county recorder of deeds on the lot upon which the accessory off-street parking is located, which prohibits any other use on that lot, and a certified copy of the recorded covenant must be deposited with the planning director. The covenant shall not be released until such time as either one of the following conditions occur:
    - a. The structure on the lot containing the principle use is removed and the principle use terminated; or
    - b. Another lot of the required size within the required distance is properly developed and used for the required accessory off-street parking in place of and in lieu of the initial lot used for accessory off-street parking.
  - (8) Handicapped Parking shall be as required by state and federal regulations.
  - (9) A plan shall be submitted with every application for a building permit for any building or use that is required to provide off street parking. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off street parking facilities to the uses or structures such facilities are designed to serve. The proposed landscaping to comply with the requirements of these regulations shall also be depicted on the plan, where applicable.
- (b) *Off-street parking.* Off-street parking facilities for motor vehicles shall be provided in accordance with the following:
- (1) *Use.* Off-street parking facilities required herein as accessory to uses subject to this chapter shall be solely for the parking of passenger automobiles of patrons, occupants, or employees. If bus transportation is provided for patrons, occupants or employees of a specific establishment, additional off-street parking or loading spaces for each bus which will be parked or loaded on the premises shall be provided in compliance with the terms of this chapter.
  - (2) *Exemption.* When the application of the off-street parking regulations specified hereinafter results in a requirement of not more than three spaces on a single lot in the commercial district, such parking spaces need not be provided, unless two or more uses are located on such lot in which case only one of the uses shall be eligible for the above exemption. This exemption shall not apply to dwelling units.



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- (3) *Computation.* When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
  - (4) *Collective provisions.* Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided 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 spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the zoning board of appeals in accordance with procedures set forth herein.
  - (5) *Size.* Except for parallel parking spaces, a required off-street parking space shall be at least nine feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Enclosed parking spaces shall have a vertical clearance of at least seven feet. For parallel parking, the length of the parking space shall be increased to 22 feet. All other requirements as to size shall be as listed herein. Handicapped parking spaces will meet the size requirements as described in this chapter.
  - (6) *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 movement. No driveway across public property at the right-of-way line shall exceed a width of 25 feet.
  - (7) *Design and maintenance:*
    - a. *Open and enclosed parking spaces.* Accessory parking spaces may be open to the sky or enclosed in a building.
    - b. *Surfacing.* All open off-street parking areas containing more than five parking spaces shall be improved with a nine-inch compacted aggregate base and a minimum thickness of 2¾ inches of bituminous concrete unless suggested otherwise by the county engineer.
    - c. *Screening and landscaping.* All open automobile parking areas, containing more than three parking spaces, located less than 40 feet from the nearest property line of a lot in a residence district, shall be effectively screened on each side adjoining or fronting on such property line by densely planted compact hedge, not less than five feet nor more than eight feet in height.
    - d. *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from residential properties. The zoning board of appeals may, on petition of neighboring residential property owners or tenants, and after hearing, require that such lighting be reduced in intensity, height, changed in duration, or turned off after certain hours. In making this decision on any such petition, the zoning board of appeals shall take into consideration the reasonable requirements of the user of the parking area involved.
    - e. *Repair and service.* No regular motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities.
  - (8) *Location.* All parking spaces required to serve buildings or uses erected or established after the effective date of the ordinance from which this chapter is derived shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date of the ordinance from which this chapter is derived which are subsequently altered or enlarged so as to require the provision of parking spaces under this chapter or new uses established in any commercial or industrial district, may be served by parking facilities located on land other than the lot on which the building or use served is

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located, provided such facilities are within 400 feet walking distance of a main entrance to the use served.

- (9) *Employee parking.* Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
- (10) *Required spaces.* The minimum number of off-street parking spaces accessory to designated uses shall be provided as required by State and Federal handicap parking regulations and as follows:
- a. *Agricultural uses.*
    - 1. *Farm related sales and service establishments.* One parking space per every 600 square feet of floor area and service buildings.
    - 2. *Greenhouses.* One parking space per every 400 square feet of sales area.
    - 3. *Nurseries.* One parking space per every 300 square feet of floor area, plus one space per 2,000 square feet of outdoor display area open to the public.
  - b. *Residential and dwelling uses.*
    - 1. *Single-family dwellings.* Two parking spaces per dwelling units up to 1,800 square feet, plus one space for each additional 700 square feet.
    - 2. *Two-family dwelling (duplex).* Two parking spaces per dwelling unit for units more than 800 square feet and 1.5 spaces per dwelling unit for units not more than 800 square feet of floor area.
    - 3. *Multifamily dwellings.* Two parking spaces per dwelling unit for units more than 800 square feet of floor area and 1.5 spaces per dwelling unit for units less than 800 square feet of floor area.
    - 4. *Boardinghouses and rooming-houses.* Two parking spaces, plus one space for each lodging room.
    - 5. *Bed and Breakfast.* 2 parking spaces, plus 1 space per guest room.
  - c. *Institutional uses.*
    - 1. *Institutional uses.* Unless otherwise specified hereafter, one parking space for every 400 square feet of gross area.
    - 2. *Airports, landing strips, flights strips, or flying schools.* One parking space per aircraft tie down, plus one space per aircraft storage, plus one space per aircraft maintenance area.
    - 3. *Auditoriums.* One parking space for every three seats.
    - 4. *Churches.* One parking space for every three seats.
    - 5. *Colleges, junior colleges, and universities.* One parking space for every 3.5 fulltime students.
    - 6. *Community centers.* One parking space per every 250 square feet of floor area.
    - 7. *Convalescent homes, nursing homes, rest homes, institutions for the care of elderly and/or children and sanitariums.* one parking space per every 3 beds, plus one space for each employee.
    - 8. *Hospitals.* One parking space per every two beds, plus one space for each staff member, plus one space for each employee.
    - 9. *Libraries and museums.* One parking space for every 800 square feet of floor area.

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10. *Medical and dental clinics.* One parking space per every 250 square feet of floor area.
  11. *Meeting halls, conventions halls, and exhibitions halls.* The number of parking spaces equal to 30 percent of the maximum number of people that can be accommodated in accordance with such design standards.
  12. *Private clubs and lodges.* One parking space for each five seats and one space per every 100 square feet not having fixed seating.
  13. *Schools—Commercial, trade, music, dance, or business.* One parking space per employee, plus one space for every three seats.
  14. *Schools—Nursery, preschool, elementary, or junior high.* One parking space for every six students, plus one space per employee.
  15. *Schools—Public or private.* One parking space for each five students based on the maximum number of students that will require accommodation in accordance with either the design capacity of the building or the regulations of the school for private transportation.
- d. *Recreational uses.*
1. *General outdoor recreation.* Unless otherwise specified hereafter, five parking spaces, plus one space per every 20,000 square feet of land area.
  2. *General indoor recreation.* Unless otherwise specified hereafter, one parking space per every 250 square feet of floor area.
  3. *Boat clubs and marinas.* One parking space for each boat, plus one space for each four persons of total capacity.
  4. *Bowling alleys.* Three parking spaces per bowling lane.
  5. *Campgrounds.* One parking space for each employee on the largest shift, plus one visitor space for each ten campsites.
  6. *Equestrian sports and horse shows.* Five parking spaces, plus one space per acre of land area.
  7. *Golf courses.* Four parking spaces per hole, plus one space for each four persons of the total capacity of the clubhouse.
  8. *Gymnasiums.* One parking space for each three persons based on the maximum number of persons that can be accommodated at the same time in accordance with such design capacity.
  9. *Hunt clubs, conservation clubs, archery ranges and gun clubs.* Five parking spaces, plus one space per firing position.
  10. *Parks, playgrounds, and open space.* One parking space per every 5,000 square feet of land area.
  11. *Resorts and lodges.* One parking space for each guest room or dwelling, plus one space per each employee.
  12. *Swimming pools.* One parking space per every 100 square feet of pool area, plus one space per every 250 square feet of office and changing room area.
- e. *Commercial uses.*

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1. *All restricted commercial district uses.* Unless otherwise specified hereafter, one parking space per every 300 square feet of floor area.
  2. *All general commercial district uses.* Unless otherwise specified hereafter, one parking space per every 200 square feet of floor area.
  3. *Auction rooms.* One parking space per every 50 square feet of floor area.
  4. *Automotive sales.* One parking space per every 200 square feet of floor area, plus one space for each 1,500 square feet of outdoor display area, plus one space per employee.
  5. *Automobile service stations.* Four parking spaces per service bay.
  6. *Banks—Without drive-thru.* One parking space per every 250 square feet of floor area.
  7. *Banks—With drive-thru.* One parking space per every 350 square feet of floor area.
  8. *Car wash.* Three stacking spaces per approach lane, plus one drying space per approach lane.
  9. *Cartage, express, and parcel delivery establishments.* One parking space per employee, plus one space for each vehicle maintained.
  10. *Child care centers.* One parking space per employee, plus one space for each ten children, plus two passenger loading spaces.
  11. *Drive-in businesses and commercial establishments.* One parking space for each motor vehicle served, plus one space for every two employees.
  12. *Flea markets.* One parking space per every 50 square feet of sales area or one parking space per vendor area, whichever is greater.
  13. *Furniture and appliance stores.* One parking space per every 400 square feet of floor area.
  14. *Gas station mini-mart.* One parking space per fuel pump, plus one space per employee, plus one space per every 200 square feet of retail floor area.
  15. *Health, exercise, and physical fitness clubs.* One parking space per every 150 square feet of floor area.
  16. *Hotels, motels, extended stay hotels, tourist homes, or tourist courts.* One parking space for each lodging room.
  17. *Kennels.* One parking space per every 350 square feet of floor area.
  18. *Restaurants, nightclubs, and taverns.* One parking space per each three seats based on the legal seating capacity of the facility, plus one space for each employee.
  19. *Substance abuse centers.* One parking space per every 100 square feet of floor area.
  20. *Theaters.* One parking space for each four seats.
  21. *Theaters—Automotive drive-in.* Extra parking spaces equal in number to ten percent of the vehicle capacity.
  22. *Undertaking establishments and funeral parlors.* One parking space per every 50 square feet of floor area.
- f. *Industrial uses.*
1. *All light industrial district uses.* Unless otherwise specified hereafter, one parking space per every 400 square feet of floor area.

2. *All heavy industrial district uses.* Unless otherwise specified hereafter, one parking space per every 600 square feet of floor area.
3. *Air, rail, or motor truck freight terminals.* One parking space per every 1,000 square feet of floor area.
4. *Asphalt and concrete production plants.* Two parking spaces, plus one parking space per employee.
5. *Automobile wrecking yards and junk yards.* One parking space per every 20,000 square feet of lot area, plus one space for each company vehicle.
6. *Mail-order facility.* Two parking spaces, plus one space per employee.
7. *Mining and quarrying.* Two parking spaces, plus one space per employee.
8. *Warehouse and distribution centers.* One parking space per every 800 square feet of floor area.

(c) *Off-street loading.* Off-street loading spaces accessory to designated uses shall be provided as follows:

- (1) *Location.* All required loading spaces shall be located on the same lot as the use served. All motor vehicle loading spaces which abut a residence district or an intervening alley separating a residence district from a commercial or industrial district shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet nor more than ten feet in height. No permitted or required loading space shall be located within 40 feet of the nearest point of intersection of any two streets. No loading space shall be located in a required front or side yard adjoining a street, and any loading space located in a required rear yard shall be open to the sky.
- (2) *Area.* Unless otherwise specified, a required off-street loading space shall be at least 12 feet in width by at least 35 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet.
- (3) *Access.* Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (4) *Surfacing.* All open off-street loading spaces shall be improved with a nine-inch compacted aggregate base and a minimum thickness of 2¾ inches of bituminous concrete.
- (5) *Repair and service.* No motor vehicle regular repair work or service of any kind shall be permitted in conjunction with loading facilities.
- (6) *Utilization.* Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(d) *Off-street loading space requirements.*

- (1) The minimum number of off-street loading spaces accessory to non-residential uses in agriculture, residence, and commercial districts shall be: One loading space for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading space for each additional 100,000 square feet of gross floor area or major fraction thereof.
- (2) The minimum number of off-street loading spaces accessory to uses in industrial districts shall be in accordance with the following schedule:

Floor Area of Establishments	Required Number	Required Size (feet)	Minimum Clearance (feet)
5,000 to 10,000	1	10 x 35	12

10,000 to 25,000	2	10 x 35 each	12
25,000 to 40,000	2	12 x 50 each	14
40,000 to 100,000	3	12 x 50 each	14

- (3) For each additional 100,000 square feet of gross floor area, or major fraction thereof, over 100,000 square feet of gross floor area, one additional loading space, such additional loading space shall be at least 12 feet in width by 50 feet in length.

(Zoning Ordinance 1996, §§ 14.01—14.02, 14.03; Res. No. 2006-04-11-81, §§ 14.02, 14.03, 4-11-2006)

**Sec. 121-295. Siting of wind energy conversion systems (commercial wind farms).**

Siting a wind energy conversion system (WECS) as defined in subsection 121-3(b) of the County Code shall be regulated by this section and all applicable state and federal regulations.

- (a) *Special use permit.* A wind energy conversion system shall be allowed as a special use in the following zoning districts:

- A1-Agriculture district;
- I1-Light Industrial district;
- I2-General Industrial district.

All applications for a special use permit for wind energy conversion systems shall follow the procedures outlined in section 121-37 for obtaining a special use permit.

Due to the immense nature and length of the construction phase for wind energy conversion systems the one-year special use permit commencement period regulated in subsection 121-37(f)(5) is hereby suspended and a three-year commencement period shall apply.

- (b) *Required submittals.* Due to the unique nature and special requirements of wind energy conversion systems and their potential impacts to adjoining properties and government services, wind energy conversion systems 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 required by the zoning board of appeals or the Kankakee County Board. The applicant shall provide 50 copies of all required submittals to the planning department. However, the applicant shall only be required to submit two copies of all documents proving ownership or interest in the property.

1. All wind energy conversion system applications shall be accompanied by a preliminary map and plan showing the roads and rights-of-way that will be utilized by the wind energy conversion system. Prior to the issuance of the special use permit, the applicant shall submit an executed agreement between the WECS owner/operator and all road district authorities with infrastructure affected by the WECS to the county. This agreement shall include at a minimum:
  - a. A final map identifying the routes that will be used.
  - b. A schedule detailing when the improvements will be made and by whom.
  - c. A plan for maintaining the affected roads.
  - d. Other inclusions as specified by the zoning board of appeals, the county board or affected road authority.

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2. All wind energy conversion system applications shall include an operation and maintenance plan that includes, at a minimum, the following:
    - a. A control braking system that can be operated in fail-safe mode.
    - b. Certification that all electronic equipment conforms to all applicable state and national codes.
    - c. A complaint policy and remediation plan.
    - d. An indemnity clause indemnifying and holding harmless the county and its officials from and against any and all claims, demands, suits, causes of action, damages, injuries, costs, expenses, and liabilities, including attorney fees, arising from the approval and construction of the WECS.
    - e. Proof that the WECS shall be operated without offensive noise, vibration, dust, smoke, odor, glare, lighting, risk of fire, explosion or other accident and shall not be detrimental to the public health, safety and/or general welfare of the immediate neighborhood or community at large.
    - f. Other inclusions as specified by the zoning board of appeals or the county board.
  3. All wind energy conversion system applications shall include an emergency services plan that includes:
    - a. An emergency shutdown procedure.
    - b. Each WECS shall be assigned a street address by ETSB 911, and said address shall be prominently displayed along the road in front of the facility as required by applicable regulations.
    - c. A plan for appropriate warning signs and safety procedures including locking portholes and climb prevention techniques.
    - d. A formal education plan with all emergency service providers involved in the administration of emergency services to the site.
    - e. Other inclusions as specified by the zoning board of appeals or the county board.
  4. A site plan depicting the following information:
    - a. Project boundary lines and parcel lines clearly depicted.
    - b. The location of existing structures on the site(s).
    - c. The location of all non participating existing structures within 1,500 feet of the site(s).
    - d. The general location of all existing and proposed utilities and transmission lines on the site(s).
    - e. The names of owners, addresses and parcel numbers for all participating properties in the WECS and any properties adjacent to properties participating in the WECS.
    - f. The proposed location of all system towers.
    - g. The proposed location of all driveways and access points.
    - h. The location and plot plan of any operation and maintenance facilities and or accessory structures or uses.
    - i. Applicant shall submit proof of ownership or agreements for all proposed properties within the WECS boundary.

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- j. Other inclusions as specified by the zoning board of appeals or the county board.
5. An environmental impact report that addresses:
- a. Archeological sites.
  - b. Endangered species.
  - c. Impacts to aviarian species.
  - d. Identification and mitigation of wetlands and floodplains.
  - e. Proof of compliance with all federal, state and other applicable requirements.
  - f. Other inclusions as specified by the zoning board of appeals or the county board.
6. A plan for the decommissioning of the facility when it becomes obsolete shall accompany the application. It shall include, at a minimum, the following information:
- a. A plan detailing how the facilities will be removed, the road network that will be used, and how the site(s) and roads shall be restored to their original condition.
  - b. Other inclusions as specified by the zoning board of appeals or the county board.
7. As a condition to the issuance of a special use permit for a wind energy conversion system, the following shall be submitted prior to the application of building permits:
- a. Proof of liability insurance sufficient to cover the operation of the WECS.
  - b. A map of project boundary and parcel lines clearly depicted and certified by a licensed/registered surveyor.
  - c. A plan depicting how the facility will comply with all requirements of the Kankakee County Stormwater Ordinance:
    - i. Include a grading plan if required.
    - ii. Include a siltation and erosion control plan.
    - iii. Other inclusions as specified by the zoning board of appeals or the county board.
  - d. Proof of an escrow account or bond, with the county as a beneficiary, with sufficient funds (accounting for inflation) to pay for the decommissioning of the facility as outlined in the decommissioning plan. A corporate guarantee may be substituted, if approved by the county board, for all or a portion of the funds required for decommissioning the facility or for a period of time during the operation of the facility, or in combination with a bond and/or escrow account.
- (c) *Bulk regulations.*
- (1) *Setbacks.* All setbacks for WECS towers shall be measured from the vertical centerline of the foundation of the tower.
- a. Wind energy conversion system towers shall be set back a minimum distance equal to the greater of 1,000 feet or 1.5 times the WECS tower height from all participating dwellings.
  - b. Wind energy conversion system towers shall be set back a distance of at least 1.10 times the WECS tower height from any nonparticipating property line.



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- c. Wind energy conversion system towers shall have a zero setback from any property line shared by two or more participating properties providing all other applicable setbacks and requirements are met.
  - d. Wind energy conversion system towers shall be setback a minimum distance equal to the greater of 1,200 feet or two times the WECS tower height from any nonparticipating dwellings in existence or which has received a building permit as of the date of the approval of the WECS special use permit.
  - e. All nonparticipating dwellings constructed after the date that the WECS special use permit is approved shall be set back a distance of 600 feet from the nearest WECS tower.
  - f. Wind energy conversion system towers shall be set back a minimum distance of two miles from the centerline of the Iroquois and Kankakee Rivers.
  - g. All wind energy conversion system towers shall be set back a distance of at least 1.10 times the WECS tower height from public roads, third-party transmission lines, and communication towers.
- (2) *Lot size, area and coverage.*
- a. There is no minimum lot size for a wind energy conversion systems providing that all setbacks and other requirements of this ordinance and special use permit are met.
  - b. There is no maximum number of wind energy conversion systems that may be installed on a lot providing that all setbacks and other requirements of this ordinance and special use permit are met.
- (3) *Height, clearance, and anchoring.*
- a. The maximum permitted system height of a wind energy conversion system from average grade to the top of the blade shall be no more than 699 feet.
  - b. The minimum distance between the ground and any protruding blades utilized on a wind energy conversion system shall be 75 feet, as measured at the lowest point of the arc of the blades.
  - c. Guy wires and anchoring systems shall extend no closer than 200 feet from a nonparticipating adjacent property line. Guy wires shall have guy wire identification balls installed per industry standard.
- (4) *Outdoor storage.* Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the wind energy conversion system shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein.
- The planning director or his or her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses.
- (5) *Signage.* No wind energy conversion 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.
- (6) *Appearance and lighting.*

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- a. *Color.* Wind energy conversion systems, except as may be required by the FAA or other authority, shall be finished in either off-white, light gray, or other neutral color, or a color as approved by the planning director, including the blades. The finish shall be flat or matte. The required color and finish shall be maintained throughout the life of the system.
  - b. *Lighting.* Wind energy conversion systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or appropriate authority.
  - c. *Utilities.* All electrical wires and lines connecting each WECS shall be installed underground where feasible. Any connecting wires/lines requiring above-ground installation not indicated on the approved site plan shall be approved by the Planning Director or his/her designee.
- (d) *Fees and costs.*
- (1) *[Applicable fees.]* The fees listed in section 121-38 are not applicable to WECS applications and the following fees shall apply. No WECS special use application shall be accepted until the filing fee of \$50,000.00 is paid and 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 moneys expended in excess of \$50,000.00 in preparing for processing, reviewing and evaluating the application to its final resolution. 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 corporate officer or official legal representative of the applicant.
  - (2) *[Request for return of unused fees.]* The applicant may request that any unused portion of the filing fee be returned. Such request shall be made in writing to the planning director within 30 days of the final approval of the special use permit. The planning director shall forward the request to the planning, zoning, and agriculture committee for recommendation to the county board. The county board shall make the final decision on the request.
  - (3) *Remedial costs.* Applicants and/or owners of wind energy conversion systems shall pay all actual reasonable costs associated with the remedy of any complaints deemed necessary and factual by the planning director or the Kankakee County Board.

(Res. No. 2008-08-12-110, § 3(Exh. A), 8-12-2008; Ord. No. 2016-04-12-34, 4-12-2016; Res. No. 2019-12-10-199, § 3(Exh. A), 12-10-2019)

### **Sec. 121-296. Small wind energy systems (SWES).**

- (a) *Small wind energy systems.* Small wind energy systems shall be a permitted accessory use in any zoning district providing they conform with the following criteria:
  - (1) All SWES must comply with the regulations set forth in the appropriate section of this Code as outlined below.
  - (2) In no case shall an SWES be erected or established in a platted residential subdivision.
- (b) *[SWES in Industrial districts.]* SWES in the I-1 Light Industry district and the I-2 General Industrial district shall be regulated by section 121.208(a)(36).
- (c) *[SWES in A-1 Agricultural district.]* SWES in the A1-Agricultural district shall be regulated by section 121-99(b)(13).
- (d) *[SWES in A-2 Agricultural Estate district.]* SWES in the A2-Agriculture Estate district shall be regulated by section 121-100(b)(3).

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- (e) *[SWES in all other zoning districts.]* SWES in all other zoning districts shall be regulated by section 121-99(b)(13).

(Res. No. 2009-11-10-174, §§ 1, 2, 11-10-2009)

**Secs. 121-297—121-393. Reserved.**

*DIVISION 2. SIGNS*

**Sec. 121-394. Purpose.**

The purpose of this division is to provide a guide to the location, size, content and placement of signs throughout the county so that signs are both effective and compatible with the environment.

(Zoning Ordinance 1996, § 15.01)

**Sec. 121-395. General provisions.**

- (a) *Obstruction of any entrance.* A sign erected in any district shall not be constructed and/or maintained so as to obstruct any fire escape, window, door, or opening used as a means of entrance or egress for fire-fighting purposes, or so as to prevent free passage from one part of a roof to any other part thereof or to another roof. No sign shall be attached in any form, shape or manner to a fire escape or be so placed as to interfere with any opening required for legal ventilation.
- (b) *Nonconforming signs.* A sign lawfully established before the effective date of the ordinance from which this chapter is derived but not conforming with the regulations of this chapter may remain. Minor repairs and maintenance of such signs and the repainting and change of display of an existing painted bulletin sign and changing display of an existing poster panel sign is not affected by this chapter. Replacements or enlargements are not permitted.
- (c) *Directional and informational signs.* Directional or informational signs of a public or semipublic nature, not exceeding eight square feet in area are permitted in any district. Such signs may not be illuminated but may be of the beaded reflector or phosphorescent types. Such signs shall be of the types and contain only such displays as follows:
- (1) Permanent signs displaying the name and location of a city, town or village, airport, hospital, community center, private school, college, YMCA, YWCA, church, or other place of worship; or the name or place of meeting of an official or civic body such as a Chamber of Commerce, Rotary, Kiwanis, or other similar service or community clubs.
  - (2) Temporary signs displaying the name, location, and time of an event or public interest such as a state or county fair, public or general election, circus, rodeo, or other such event in connection with which the support of the general public is essential to the success of the event. Such sign shall be removed within ten days after the event is over.
- (d) *Obstruction of view.* No sign of any kind shall be located or placed so as to interfere with the full view of vehicular traffic in all directions.
- (e) *Exemptions from sign regulations.*
- (1) Memorial signs displayed on private property not exceeding six square feet in area.
  - (2) Governmental flags and insignia, when not used for commercial purposes.

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- (3) Legal notices.
  - (4) Governmental traffic, parking, and directional signs.
  - (f) *State highway directional signs.* State highway directional signs and markings and signs announcing the location of or directing traffic to given locations shall be made and installed in accordance with the specifications of the state highway department and require a state permit.
  - (g) *Maintenance of signs.* The planning director is hereby authorized to determine whether or not a sign is adequately maintained and shall order repaired or removed any sign which is not being adequately maintained.
  - (h) *Permits and fees.* Shall be as indicated in the applicable building permit fee schedule.
  - (i) *Unsafe and unlawful signs.* If the planning director finds that any sign is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this section, he shall give written notice to the person to whom the certificate has been issued. If he fails to remove or alter the sign to comply with standards herein set forth within ten days after such notice, such sign may be removed or altered by the planning director in a manner that will comply. Such action shall be at the expense of the property owner upon whose land the sign is located. The planning director may cause any sign which is an immediate peril to persons or property to be summarily removed.

(Zoning Ordinance 1996, § 15.02; Res. No. 2006-04-11-81, § 15.02, 4-11-2006)

### **Sec. 121-396. Signs permitted—Agricultural district.**

The following shall apply to agricultural districts:

- (1) Nameplates and identification signs (nonflashing and nonilluminated):
  - a. *Size:* Not more than six square feet in area.
  - b. *Height:* No sign shall project higher than 15 feet above average grade.
  - c. *Setback:* No nearer than ten feet from a right-of-way line adjoining a street. No nearer than five feet from an interior side or rear lot line.
  - d. *Number:* One nameplate for each principle farm dwelling. On a corner lot, two such nameplates for each dwelling unit, one facing each street and such additional signs as required for crop identification during the growing season.
  - e. *Contents:* The name of the occupant, name and address of the building on the lot, and specialized agricultural activity.
- (2) "For sale" and "to rent" signs (nonflashing and nonilluminated):
  - a. *Size:* No sign shall exceed 32 square feet in area.
  - b. *Height:* No sign shall project higher than 15 feet above average grade.
  - c. *Setback:* No nearer than ten feet from a right-of-way line adjoining a street. No nearer than five feet from an interior side or rear lot line.
  - d. *Number:* No more than one such sign per lot, except that on a corner lot, two signs, one facing each street, shall be permitted.
  - e. *Contents:* Name, address, and phone number of agent.
- (3) Signs accessory to roadside stands (nonflashing and nonilluminated):

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- a. *Size:* No sign shall exceed 12 square feet in area.
  - b. *Height:* No sign shall project higher than 15 feet above average grade.
  - c. *Setback:* No sign shall be located within ten feet of the right-of-way. No sign shall be closer than 50 feet from any other lot.
  - d. *Number:* Not more than two signs per lot.
  - e. *Content:* The sign shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.
- (4) Church bulletin signs (nonflashing and nonilluminated):
- a. *Size:* No sign shall exceed 16 square feet in area.
  - b. *Height:* No sign shall project higher than 15 feet above average grade.
  - c. *Setback:* No sign shall be nearer than ten feet from the right-of-way adjoining a street.
  - d. *Number:* There shall be not more than one sign per lot, except that on a corner lot, two signs, one facing each street, shall be permitted.
  - e. *Content:* Name, address, and service schedule.
- (5) Rural based service provider signs (nonflashing and nonilluminated)
- a. *Size:* No sign shall exceed 16 square feet.
  - b. *Height:* No sign shall exceed six feet in height, as measured from average grade.
  - c. *Setback:* No nearer than ten feet from a right-of-way line adjoining a street. No nearer than five feet from an interior side or rear lot line.
  - d. *Number:* No more than one sign per parcel.
  - e. *Contents:* Name, address, hours of operation, and phone number of business.
- (6) Advertising signs shall be permitted on tracts of land where the principle use is the pursuit of agriculture, provided such signs may be illuminated with nonflashing illumination but with no moving parts and shall also conform with other regulations set forth as follows and other county codes or ordinances and state statutes. The following guidelines shall regulate:
- a. No sign may exceed 825 square feet in area or exceed 55 feet in width. This includes border and trim, but it excludes ornamental base or apron, supports and other structural members. The maximum size limitation shall apply to each side of a sign or sign structure.
  - b. No sign shall exceed 30 feet in height, as measured from average grade.
  - c. Not less than 20 feet from the right-of-way line abutting a street.
  - d. Not less than 100 feet from the nearest wall or a residence or institutional building.
  - e. For a sign display surface that can be viewed from a residence district, not less than 100 feet from the nearest residence district boundary line.
  - f. For a sign display surface that can be viewed from a lot in a business or commercial district containing a residential or institutional use, not less than 100 feet from the nearest lot line of such a lot.
  - g. The minimum distance between signs shall be not less than 2,500 feet. A maximum of two signs may be erected in a facing, in which event the facing shall be deemed to be one sign, and the size

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of the facing may not exceed the dimensions listed above. Signs may be double faced, placed back to back or V-type.

- h. Information directing attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to entertainment.

(Zoning Ordinance 1996, §§ 15.03)

### **Sec. 121-397. Same—Residential districts.**

The following provisions shall apply to residential districts:

- (1) For nameplates and identification signs (nonflashing and nonilluminated), the following guidelines shall regulate:
  - a. *Size*: Not more than two square feet in area.
  - b. *Height*: Said sign shall be located on the principle structure.
  - c. *Setback*: Said sign shall be located on the principle structure.
  - d. *Number*: One nameplate for each principle farm dwelling. On a corner lot, two such nameplates for each dwelling unit, one facing each street.
  - e. *Contents*: The name of the occupant, name and address of the building on the lot, or permitted home occupation.
- (2) "For sale" and "to rent" signs (nonflashing and nonilluminated) will be regulated by the following guidelines:
  - a. *Size*: No sign shall exceed 12 square feet in area.
  - b. *Height*: No sign shall project higher than 15 feet above average grade.
  - c. *Setback*: No nearer than ten feet from a right-of-way line adjoining a street. No nearer than five feet from an interior side or rear lot line.
  - d. *Number*: No more than one such sign per lot, except that on a corner lot, two signs, one facing each street, shall be permitted.
  - e. *Contents*: Name, address, and phone number of seller or agent.
- (3) Church bulletin signs (nonflashing and nonilluminated) will be regulated by the following guidelines:
  - a. *Size*: No sign shall exceed 16 square feet in area.
  - b. *Height*: No sign shall project higher than 15 feet above average grade.
  - c. *Setback*: No sign shall be nearer than ten feet from the right-of-way adjoining a street.
  - d. *Number*: There shall be not more than one sign per lot, except that on a corner lot, two signs, one facing each street, shall be permitted.
  - e. *Content*: Name, address, and service schedule.

(Zoning Ordinance 1996, §§ 15.04)

### **Sec. 121-398. Same—Commercial districts.**

The following provisions shall apply to commercial districts:

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- (1) Sign display surfaces, not attached to a building or awning shall be supported by not more than two columns each having a diameter of not more than six inches or in the case of a single column, not less than eight inches. Signs on awnings shall be exempt from the limitations imposed by this chapter provided that any sign located on an awning shall be affixed flat to the surface thereof, shall be nonilluminated, and shall indicate only the name or address of the establishment in the building to which it is attached. No such sign shall extend vertically or horizontally beyond the limits of said awning.
  - (2) Signs may have constant or flashing illumination. No sign display shall have or consist of moving parts. A sign located in direct line of vision of any traffic control signal shall not have flashing or intermittent illumination of red, green, or amber color. Where a sign is illuminated by light reflected upon it, light rays shall not beam directly upon any part of any residential buildings, nor into a residence district or street.
  - (3) Business signs.
    - a. *Size.* The gross surface area in square feet of all signs on a lot shall not exceed one times the lineal feet of street frontage of such lot. On corner lots or through lots, each lot line abutting a street shall be considered a separate frontage. On a corner lot only the lot line having the narrowest width abutting a street shall be considered in calculating frontage. This includes border and trim, but it excludes ornamental base or apron, supports and other structural members. The maximum size limitation shall apply to each side of a sign or sign structure.
    - b. *Setback.* A business not attached to a building shall be located not less than 20 feet from a right-of-way line abutting a street, or five feet from a rear or interior side lot line.
    - c. *Height.* A sign attached to a building wall shall project not more than six feet above building height or 30 feet above the ground, whichever is lower. A sign projecting from a building wall more than eight inches shall have its lowest level not less than seven feet above the grade of the ground directly below it. A sign not attached to a building wall shall project not more than 30 feet above average grade of the ground at the sign structure. Any sign not attached to a building wall and which is located nearer than 50 feet from the intersection of two or more streets, shall have the bottom of the display surface not less than 12 feet above either the grade of the ground or the pavement below it.
    - d. *Number.* Only one sign which is either affixed to or painted on a building wall or a freestanding ground sign shall be permitted on any lot in this district having 80 feet or less of frontage on a street. On a lot having more than 80 feet of frontage, one additional sign shall be permitted for each 80 feet of additional frontage.
    - e. *Content.* Information directing attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.
  - (4) Advertising signs.
    - a. *Display facings.* Each advertising sign structure shall contain not more than two display facings. A maximum of two signs may be erected in a facing, in which event the facing shall be deemed to be one sign, and the size of the facing may not exceed the dimensions listed below. Signs may be double faced, placed back to back, or V-type.
    - b. *Size.* No sign may be erected which exceeds 825 square feet or have a width of more than 55 feet. This includes border and trim, but it excludes ornamental base or apron, supports and other structural members. The maximum size limitation shall apply to each side of a sign or sign structure.

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- c. *Height.* A sign not attached to a building wall shall project not more than 30 feet above average grade of the ground at the sign structure. Any sign not attached to a building wall and which is located nearer than 50 feet from the intersection of two or more streets, shall have the bottom of the display surface not less than 12 feet above either the grade of the ground or the pavement below it. An advertising sign attached to a building wall shall not project therefrom more than 18 inches. A sign projecting from a building wall more than eight inches shall have its lowest level not less than seven feet above the grade of the ground directly below it.
  - d. *Setback.* An advertising sign shall be located not less than 40 feet from a right-of-way line abutting a street, nor less than 40 feet from a rear or interior side lot line. An advertising sign that can be viewed from a residence district shall be not less than 100 feet from the nearest boundary line of such residence district.
  - e. *Number.* The minimum distance between signs shall be not less than 2,500 feet.
  - f. *Content.* Information directing attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- (5) Unified shopping center signs.
- a. *Size.* The square footage of any sign shall not exceed twice the lineal feet of frontage of such lot.
  - b. *Height.* No sign shall project higher than 30 feet above the grade of the ground below it.
  - c. *Setback.* Such sign shall be back a minimum of 15 feet from the right-of-way on a lot line adjoining a street.
  - d. *Number.* One sign on each street frontage in addition to those described above.
  - e. *Content.* Such sign shall advertise only the name and location of such center or individual use and the name and type of business of each occupant of the center.
  - f. *Nameplate and identification signs.* Nameplate and identification signs shall be as regulated in section 121-395.
  - g. *"For sale" and "to rent" signs.* For sale and to rent signs shall be as regulated in section 121-395.

(Zoning Ordinance 1996, § 15.05; Res. No. 99-5-11-075, § VII(2), 5-11-1999)

### **Sec. 121-399. Same—Industrial districts.**

The following provisions shall apply to industrial districts:

- (1) Business signs as regulated in section 121-395.
- (2) Advertising signs as regulated in section 121-395 when permitted as a special use.
- (3) Industrial Parks or planned unit developments:
  - a. *Size.* The square footage of any sign shall not exceed twice the lineal feet of frontage of such lot.
  - b. *Height.* No sign shall project higher than 30 feet above average grade.
  - c. *Setback.* Such a sign shall be set back a minimum of 20 feet from the front lot line of such industrial park or planned development.
  - d. *Number.* One additional sign on each street frontage, other than those regulated above.
  - e. *Content.* Such sign shall advertise only the name and location of such industrial park or planned unit development and the name and type of business of each occupant of the park.



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f. *Nameplate and identification signs.* Nameplate and identification signs shall be as regulated in Section 121-396.

g. *"For sale" and "to rent" signs.* For sale and to rent signs shall be as regulated in Section 121-396.

(Zoning Ordinance 1996, § 15.06)