

## Chapter 56 ZONING<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 56-1. General definitions.

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

*Accessory building*—a subordinate building or structure that is located on the same lot as a principal building and not used or designed for human occupancy.

*Accessory use*—a subordinate use which is incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use.

*Advertising structure*—any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such advertising structures.

*Agricultural building*—a structure utilized for the conduct of farming operations, including a farm dwelling.

*Aircraft*—any contrivance, now known or hereinafter invented, for use or designed for navigation of or flight in the air or outer space, including missiles.

*Airport*—any area which is used or intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

*Alley*—a right-of-way, other than a street, road, crosswalk, or easement, which provides secondary access for the special accommodation of the abutting property.

*Automobile laundry*—a building, or portion thereof, where automobiles are washed with the use of mechanical devices.

*Block*—an area that abuts a street and lies between two adjoining streets or barriers such as a railroad right-of-way, public parks, cemeteries, waterway or corporate boundary lines of municipalities. In the absence of the preceding, a distance of 300 feet in either direction from the subject site shall constitute a block.

*Board*—the board of appeals of the county, with membership appointed pursuant to an ordinance of the county, with the powers and duties granted thereto by the ordinance creating the board, and by ordinances amendatory thereto.

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<sup>1</sup>State law reference(s)—Authority of counties to regulate and restrict location and use of structures, 55 ILCS 5/5-12001; appeal and review of county zoning decisions, 55 ILCS 5/5-12012; amendment of county zoning regulations and districts, 55 ILCS 5/5-12014; variations by county boards of zoning appears, 55 ILCS 5/5-12009; Local Land Resource Management Planning Act, 50 ILCS 805/1 et seq.; Mobile Home Park Act, 210 ILCS 115/1 et seq.; county zoning commissions, 55 ILCS 5/5-12007; county boards of appeals, 55 ILCS 5/5-12010 et seq.; special uses, 55 ILCS 5/5-12009.5; wind farms, 55 ILCS 5/5-12020; state Surface Coal Mining Land Conservation and Reclamation Act, 220 ILCS 720/1.01 et seq.

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*Boardinghouse*—a building, not available to transients, in which meals are regularly provided for compensation for at least three but not more than 30 persons.

*Building*—a roofed structure for the shelter, support, enclosure or protection of persons, animals, or property.

*Building area*—the horizontal projected area of the building on a lot, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than two feet.

*Building line*—the line that establishes the minimum permitted distance on a lot between the front line of a building and the existing or future street right-of-way line, whichever is greater.

*Business*—the purchase, sale, or exchange of goods or services, or the maintenance for profit of offices or recreational or amusement enterprises.

*Camping facility*—an area of land used or designed to be used to accommodate two or more camping parties, including cabins, tents, travel trailers, motorized homes or other camping outfits.

*Cemetery*—land used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

*Charitable institution*—a building and/or land, provided by a charitable organization, designed to aid individuals in need of care, or shelter, but not including a nursing home or hospital.

*Clinic*—an establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two physicians, dentists or chiropractors and other medical practitioners are provided.

*Commission*—the regional planning commission of the county, with membership appointed pursuant to an ordinance of the county, with the powers and duties granted thereto by the ordinance creating the commission, and ordinances amendatory thereto.

*Comprehensive plan*—the complete plan, or any of its parts, for the present and future development of the unincorporated territory of the county, prepared and recommended by the commission and adopted in accordance with the state revised statutes.

*Corner lot*—a lot at the junction of and abutting two intersecting or intercepting streets.

*Detached building*—a building that has no structural connection with another building.

*District*—an area which is included in the territory covered by the comprehensive plan for the county, for which district uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and the open spaces about buildings are herein established.

*Drive-in restaurant*—a food service establishment where food is consumed on the premises outside of fully enclosed buildings or structures.

*Dwelling*—a building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodginghouse, boardinghouse, or tourist home. The following dwellings are permitted:

- (1) Single-family, a detached building designed for or occupied by one family exclusively.
- (2) Two-family, a detached building designed for or occupied by two families. A duplex dwelling has one family unit above the other and a double dwelling has one family unit beside the other.
- (3) A multifamily dwelling is a building designed for or occupied by three or more families.

*Dwelling, farm*—one family dwelling, located upon a farm and occupied or used by the owner, farm tenant or other persons employed thereon.

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*Dwelling unit*—a dwelling or part of a dwelling used by one family as a place of abode.

*Family*—one or more persons living as a single housekeeping unit, but not including a group occupying a hotel, motel, club, nurses' home, dormitory or fraternity or sorority house.

*Farm*—places on which agricultural operations are conducted at any time during the year under the control of an individual management. Places of less than ten acres are considered farms if the sales of agricultural products for the year amounted, or normally would amount, to at least \$250.00. Places of ten or more acres are considered as farms if the sales of agricultural products for the year amounted, or normally would amount, to at least \$50.00. (U.S. Bureau of Census definition).

*Farm, confinement feeding*—any operation involving the production of livestock or fowl or related operations, indoors or outdoors, wherein more than 100 head of livestock or 5,000 fowl are kept within buildings or structures or in paved or unpaved feed lots, wherein five square feet or less of feed lot area is provided per laying hen, or eight square feet or less per hog weighing 225 pounds or less, or 15 square feet or less per lamb or ewe, or 50 square feet or less per sow, or 50 square feet or less per feeder steer, or 100 square feet or less per dairy cow, provided that this definition shall not apply to operations involved with the processing of products of confinement feeding operations.

*Farm, general*—an area used for agricultural operations, including truck gardening, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry except as defined under the term "farm, confinement feeding"; or the processing of farm products produced on the farm by the resident owner or tenant, but it does not include commercial or custom slaughtering.

*Filling or service station*—any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile or truck fuels, oils or accessories, including lubrication or washing of automobiles and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting, or storage of disabled vehicles.

*Front line*—with respect to a building, the line of the face of the building nearest the front lot line.

*Front lot line*

- (1) For an interior or through lot, the line marking the boundary between the lot and the abutting street; and
- (2) For a corner lot, the line marking the boundary between the lot and the shorter of the two abutting street segments;

Except as deed restrictions specify otherwise.

*Garage, automobile repair*—a building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

*Garage, private*—a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

*Garage, public*—any garage other than a private garage.

*Garage, truck repair*—a building other than a private garage used for the care, repair, or equipment of trucks, over one ton capacity, or where such vehicles are parked or stored for remuneration, hire, or sale.

*Ground floor area*—the area of a building in square feet as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways, furnace and laundry areas.

*Height*—with respect to a building, the vertical distance from the lot ground level to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges, for a gable, hip, or gambrel roof.

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*Home occupation*—an occupation that is carried on entirely within a dwelling unit and only by members of the family that occupy the dwelling unit and in connection with which no goods are sold on the premises other than what is produced there. Not more than one room in the dwelling unit shall be used for the home occupation, as provided for in article VII of this chapter, pertaining to planned unit developments.

*Hotel, motel*—an establishment containing lodging accommodations designed for use by transients or travelers or temporary guests. Facilities provided may include kitchen, maid service, laundering or linen used on the premises, telephone and secretarial or desk service, meeting rooms, restaurants, cocktail lounges and other ancillary uses customarily incidental to such use.

*Industrial use, general*—manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment; raw materials, manufactured products or wastes, in which operations, other than transportation, may be performed in either open or closed areas.

*Industrial use, light*—manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed.

*Interior lot*—a lot other than a corner lot or a through lot.

*Junk yard*—a place, usually outdoors, where waste or discarded used property other than organic matter is accumulated and/or stored and is or may be salvaged for re-use or resale, including but not limited to, one or more unlicensed or inoperable motor vehicles, farm machinery or equipment of any kind.

*Kennel*—a place primarily for keeping four or more dogs, or other small animals, that are ordinarily kept as pets and are at least four months old.

*Local street*—a street designed primarily to provide access to abutting properties.

*Lodginghouse*—a building, not available to transients, in which lodgings are regularly provided for compensation for at least three but not more than 30 persons.

*Lot*—a parcel, tract or area of land with access from an abutting street for the full width of the lot, with the continuous lot width meeting at least the minimum lot width requirements as described in the zoning district in which the property is located, or the lot must be of continuous uniform width leading to an AG, Agricultural District building lot area, which is occupied by or intended for occupancy by, one principal building or principal use together with any accessory buildings and such yard area as required by this chapter. It may be a single surveyed parcel separately described in a deed or plat which is recorded in the office of the county recorder, or it may include parts of, or a combination of such surveyed parcels when adjacent to one another and used as one. In determining lot area and boundary lines, a contiguous area of land with minimum lot dimensions and minimum lot area as required in the zoning district in which the lot is located shall not be under water or within the limits of a street.

*Lot coverage*—the percentage of the lot area that is represented by the building area.

*Lot ground level*

- (1) For a building having walls abutting (that is, generally parallel to and not more than five feet from) one street only, the elevation of the sidewalk at the center of the wall abutting the street;
- (2) For a building having walls abutting more than one street, the average of the elevations of the sidewalk at the centers of all walls that face streets; and
- (3) For a building having no wall abutting a street, the average level of the ground adjacent to the exterior walls of the building.

*Lot width*—the distance between the side lot lines as measured on the right-of-way line. Curve and cul-de-sac lot width shall conform to the particular district wherein provisions are set forth for said lots.

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*Mineral extraction* means:

- (1) Mining or quarrying;
- (2) Removal of earth materials; and
- (3) Processing and distribution of the minerals.

*Mobile home*—a vehicle or other portable structure at least 36 feet in length that is designed to move on the highway and designed or used as a dwelling, as manufactured.

*Mobile home park*—an area of land on which two or more mobile homes are regularly accommodated with or without charge, including any building or other structure, fixture, or equipment that is used or intended to be used in providing that accommodation.

*Mobile home park manager*—the person who owns or has charge, care or control of the mobile home park.

*Mobile home space*—an area of land for the placement of one mobile home which is designated for the exclusive use of occupants.

*Mobile home stand*—the mobile home stand is that portion of a mobile home space which has been reserved for the placement of one mobile home with accessory structures or additions.

*Night club*—an establishment primarily engaged in the retail sale of alcoholic beverages for consumption on the premises, and offering live entertainment to its patrons. The sale of food may also account for a substantial portion of its receipts.

*Nonconforming use*—an existing use of land or building which fails to comply with the requirements set forth in this chapter applicable to the district in which such use is located at the time of the adoption of the ordinance from which this chapter is derived or any amendments thereto.

*Open use*—the use of a lot without a building, or a use for which a building with a floor area no larger than five percent of the lot area is only incidental.

*Person*—includes a corporation, firm, partnership, association, organization, or any other group that acts as a unit.

*Planned unit development*—an area planned for one or more uses as an integrated and harmonious unit displaying desirable and fitting site design characteristics, the use requirements of this chapter being generally applicable to the area as a whole rather than to the individual components.

*Plat*—a map or chart that shows a division of land and is intended to be filed for record.

*Principal building*—a building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof (with respect to residential uses, it means the main dwelling).

*Principal use*—the main use of land or buildings as distinguished from an accessory use. It may be either a permitted or special use.

*Private school*—a private institution to conduct regular academic instructions at kindergarten, elementary, and secondary levels, college or junior college.

*Private swimming pool*—a pool, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager, exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community; the members and guests of a club; or the patrons of a motel or hotel.

*Professional office*—an office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, optometrists, physicians, and surgeons.

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*Public street*—a street established for or dedicated to the public use.

*Rear lot line*—the lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly shaped lot it means the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the front lot line.

*School, public*—an institution provided by the public conducting regular academic instruction at kindergarten, elementary and secondary levels, college or junior college.

*Side lot line*—a lot boundary line other than a front or rear lot line.

*Sign*—any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising the property or the establishment or enterprise, including goods and services, offered upon the property on which the sign is exhibited.

*Street (road)*—a right-of-way, other than an alley, dedicated or otherwise legally established to the public use, which would or could provide the principal means of access to abutting property, except for in the case when a street, major highway (principal arterial) is abutting the property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name. Specific street (road) types are defined as follows:

- (1) *Street, collector*—a street which primarily collects traffic from local streets and feeds it to an arterial street network. Collector streets provide circulation within neighborhood areas. Collectors are divided into major and minor collectors depending upon its priority in the system and the amount of traffic. (A county highway can be classified as a street, collector).
- (2) *Street, local*—a street used primarily for access to abutting properties, usually residential. (A township road can be classified as a street, collector).
- (3) *Street, major highway (principal arterial)*—a street which serves high volume traffic corridors and connects major population centers and traffic generators, with access limited or controlled. An interstate highway can be classified as a street, major highway (principal arterial).
- (4) *Street, area service (minor arterial)*—a street which feeds and distributes moderately high volume traffic to principal arterials. Arterial streets may provide controlled access to abutting property. A state highway can be classified as a street, area service (minor arterial).

*Structural change*—a substantial change, or repair, excluding normal and usual repair, in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof.

*Structure*—anything constructed or erected that requires location on or in the ground or attachment to something having a location on or in the ground.

*Through lot*—a lot fronting on two parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

*Tourist home*—a building in which not more than five guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

*Trade or business school*—a secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hair dressing, or drafting or for teaching industrial or technical arts.

*Travel trailer*—a vehicle or other portable structure 36 feet or less in length that is designed to move on the highway and designed or used as a dwelling.

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*Truck service center*—an occupancy which provides especially for the servicing of trucks, with incidental operations similar to those permitted for automobile service station.

*Urban area*—the areas, as defined by figure 4 in chapter 52, pertaining to subdivisions. These areas include each incorporated community, as well as its immediate surrounding area, expected to be developed in a similar manner, to the community in future years. Within the urban areas, street and roadway right-of-ways will be dedicated and improved in accordance with the urban thoroughfare cross-sections.

*Use*—the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

*Variation*—a modification of the specific requirements of these regulations granted by the board in accordance with the terms of these regulations for the purpose of ensuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

*Vision clearance on corner lots*—a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and 12 feet above established grade, determined by a diagonal line connecting two points measured 15 feet equidistant from the street corner along each property line.

*Windmill*—a mechanical device powered by wind and used to pump water or produce electrical energy.

*Yard*—a space on the same lot with a principal building that is open and unobstructed by structures except as otherwise authorized by this chapter.

*Yard, front*—a yard extending across the full width of the lot; unoccupied other than by steps, walks, terraces, driveways, lamp posts and other similar structures, the depth of which is the least distance between the nearest existing or proposed street right-of-way, whichever is greater, and the front line of the building.

*Yard, rear*—a yard that extends across the full width of a lot and is bounded on the rear by the rear lot line, and the depth of which is the least distance between the rear lot line, and the rear of the principal building.

*Yard, side*—a yard, between the principal building and the adjacent side lot line, that extends from the front yard, or street right-of-way where there is no front yard, to the rear yard, and the width of which is the least distance between the side lot line and the adjacent side of the building.

*Zone map*—maps entitled, "the Livingston County - Zone Map," and any amendments thereto.

*Zoning administrator*—the employee of the county, designated and authorized by this chapter to enforce these regulations.

(Ord. of 12-4-1973, §§ 2.0, 2.1; Res. of 10-11-1983; Res. of 8-13-1991; Res. of 7-11-1995)

## **Sec. 56-2. Purpose.**

- (a) This chapter is for the purpose of securing adequate light, pure air, and safety from fire and other dangers; conserving the taxable value of land and buildings throughout the county; lessening or avoiding congestion in the public streets; and promoting the public health, safety, comfort, morals, and welfare.
- (b) This chapter shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land except that such buildings or structures for agricultural purposes may be required to conform to building or setback lines; nor shall any such powers include the right to specify or regulate the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in an act entitled "An Act concerning Public Utilities."

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(Ord. of 12-4-1973, § 1.1)

**Sec. 56-3. Fees.**

All fees for county zoning purposes shall be in the amount set forth in the county fee schedule.

**Secs. 56-4—56-24. Reserved.**

***ARTICLE II. GENERAL CONDITIONS, SPECIAL STANDARDS OF PRACTICE AND  
REGULATION***

**Sec. 56-25. Accessory uses.**

Accessory uses are permitted in all districts, and with the exception of buildings, trailer-type conveyances and travel trailers, may be installed in any required yard. Other accessory uses deemed to be similar in nature may be permitted subject to approval by the board:

- (1) Bird baths and bird houses.
- (2) Buildings, such as private garages and tool sheds.
- (3) Curbs.
- (4) Driveways.
- (5) Fences and hedges.
- (6) Lamp posts.
- (7) Mailboxes.
- (8) Name plates.
- (9) Utility installations for local service, such as poles, lines, hydrants, and telephone booths.
- (10) Retaining walls.
- (11) Trailer-type conveyances and travel trailers. Off-street parking shall be provided in a private garage, rear yard, or as approved by the board.
- (12) Trees, shrubs, plants, and flowers.
- (13) Walks.

(Ord. of 12-4-1973, § 3.1)

**Sec. 56-26. Setbacks for residential accessory buildings.**

Accessory buildings are permitted only in side and rear yards and shall be at least three feet from the lot line.

(Ord. of 12-4-1973, § 3.2)



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## Sec. 56-27. Vision clearance at intersections.

At the intersection corner of each corner lot, the triangular space determined by the two lot lines at that corner and by a diagonal line connecting the two points on those lot lines that are 15 feet respectively from the corner shall be kept free of any obstruction to vision between the heights of three and 12 feet above the established grade.

(Ord. of 12-4-1973, § 3.3)

## Sec. 56-28. Mobile home.

- (a) *Permanent occupancy.* Mobile homes outside of mobile home parks may be occupied as residences; provided, in the AG district and as a special use in RA and R2 districts mobile homes may be permanently occupied as residences provided:
- (1) All requirements applicable to conventionally constructed homes are observed;
  - (2) A permanent concrete foundation consisting of standard eight-inch by eight-inch by 16-inch celled concrete blocks shall support each beam and any additions thereto;
  - (3) All mobile homes shall be securely anchored, and shall have fire resistant wood or metal skirting; and
  - (4) All requirements specified in section 56-263(9), MH Mobile Home District, shall apply except the requirements pertaining to a permanent concrete stand.
- (b) *Temporary occupancy.* Outside of mobile home parks, the board after customary notices and public hearing, may grant a variation to permit temporary occupancy of a mobile home for a period of not more than one year, which may be renewed by the board for one-year periods provided:
- (1) Such mobile home is to be located on the same property with an existing residence; or
  - (2) Such mobile home is to be located on property on which a permanent residence is intended to be built within one year; and
  - (3) Such mobile home is served with the same water supply and sewage facilities serving the existing residence; or
  - (4) Such mobile home is served with the same water supply and sewage facilities that are intended to serve the permanent residence; and
  - (5) Such mobile home installation shall comply with the requirements as stated in subsections (a)(1)b, c, and d of this section;
  - (6) Applicable side yard and front yard regulations of the district in which it is located are observed; and
  - (7) Occupancy of such mobile homes is restricted to relatives or employees (employed on the premises of the property of the owner); or
  - (8) Occupancy of such mobile homes is restricted to property owner who intend to construct or have constructed a permanent residence.
- (c) *Nonresidential occupancy.* Mobile homes, trailers or vans may be utilized as contractors' offices, watchman's shelters, or tool or equipment storage only on the site and only during the period of construction of improvement projects.

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- (d) *Compliance with standards.* All requirements of this chapter and other ordinances of the county with respect to water supply and sanitary waste disposal will be met and a letter or correspondence from the county health officer so stating accompanies the application for an improvement location permit for this use.

(Ord. of 12-4-1973, § 3.4)

State law reference(s)—Mobile Home Park Act, 210 ILCS 115/1 et seq.

### **Sec. 56-29. Miscellaneous residential restrictions.**

In an R1 or R2 district:

- (1) An accessory building may not be erected before the principal building, except on a farm;
- (2) In the case of a through lot, the area at each end of the lot between the setback line and the middle of the street shall be treated as if it were part of the front yard;
- (3) On corner and reversed corner lot, the side yard setback shall be the same as the front yard setback on adjoining lots;
- (4) Where 25 percent or more of the lots in a block are occupied by buildings, the average setbacks of such buildings determines the dimensions of the front yard in the block, however, if there is no other building within 330 feet of the proposed building in either direction, then the standard setback for the district shall apply;
- (5) Front yard or building setback lines established in recorded subdivisions establish the dimension of front yards in such subdivisions, except when such building setback lines may be less restrictive as provided in the applicable district; and
- (6) The depth to width ratio of the usable area of a lot shall not be greater than three to one.

(Ord. of 12-4-1973, § 3.5)

State law reference(s)—Authority of counties to regulate and restrict location and use of structures, 55 ILCS 5/5-12001.

### **Sec. 56-30. Water pollution.**

No authorization of a use under this chapter includes the authority to discharge liquid or solid waste into public waters except as permitted under the Environmental Protection Act, 415 ILCS 5/1 et seq., or agency. Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by the Environmental Protection Act, 415 ILCS 5/1 et seq., or agency.

(Ord. of 12-4-1973, § 3.6)

### **Sec. 56-31. More than one dwelling on a lot.**

The board may permit one additional single-family farm dwelling on a farm as a special use in the AG district.

(Ord. of 12-4-1973, § 3.7)

### **Secs. 56-32—56-50. Reserved.**

**ARTICLE III. DISTRICTS**

**DIVISION 1. GENERALLY**

**Sec. 56-51. Establishment of districts and zone map.**

(a) The jurisdictional area is hereby classified and divided into districts designated as follows:

<i>District designation</i>	<i>Primarily for:</i>
AG	Agriculture
FP	Floodplain
RA	Rural residence
R1	Single-family residence
R2	Low density multiple family residence
R3	Interchange residence
MH	Mobile home park
C1	Local business
C2	Central business
C3	General business
C4	Interchange business
I1	Light industry
I2	General industry
I3	Interchange industry

(Ord. of 12-4-1973, § 4.0(A))

**Sec. 56-52. Zone maps.**

The zone maps on file in the office of the county clerk are hereby declared to be a part of these regulations, and show the boundaries of and the area covered by the districts. Notations, references, indications and other matters shown on the zone maps are as much a part hereof as if they were fully described in this chapter.

(Ord. of 12-4-1973, § 4.0(B))

**Sec. 56-53. Boundaries**

- (a) The boundaries of the districts established by this article are as shown on the zone map, which is a part of this chapter. Such boundaries may be changed only by amending this chapter.
- (b) When the exact boundaries of a district are uncertain, they shall be determined by use of the scale of the zone map.
- (c) When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the area so vacated.

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- (d) In the case of further uncertainty, the board shall interpret the intent of zone map as to the location of the boundary in question.

(Ord. of 12-4-1973, § 4.0(C))

**Secs. 56-54—56-79. Reserved.**

*DIVISION 2. AGRICULTURAL DISTRICT*

**Sec. 56-80. Established.**

The AG Agriculture District is established to include lands for agricultural uses.

(Ord. of 12-4-1973, § 5.0)

**Sec. 56-81. Uses permitted.**

- (a) The following uses shall be permitted in the AG Agriculture District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-83 and article IX of this chapter, pertaining to property development standards.
- (1) Commercial greenhouse.
  - (2) Dwelling, farm.
  - (3) Dwelling, single-family.
  - (4) Farm, general.
  - (5) Farm equipment, sales and service.
  - (6) Home occupation.
  - (7) Manufactured home/mobile home (1) (ZT-1-01).
  - (8) Municipal or government building.
  - (9) Police station or fire station.
  - (10) Private swimming pool.
  - (11) Public park or recreational facilities.
  - (12) Railroad right-of-way and necessary uses.
  - (13) Roadside produce sales stand.
  - (14) School, public or private.
  - (15) Signs.
  - (16) Warehouse and storage of grain, seed and dry fertilizer storage facilities, including grain storage and drying facilities.
- (b) The manufactured home/mobile home shall be no more than ten years of age except when the board of appeals reviews a variance request in which the board of appeals may allow for the placement of a mobile home/manufactured home more than ten years of age, and the manufactured home/mobile home shall be

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placed on a permanent foundation. A permanent foundation means a closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick placed on a footing extending into the ground below the frost line (a minimum of 36 inches) which shall include, but not necessarily be limited to, basements, cellars, or crawl spaces, but does exclude the use of piers.

(Ord. of 12-4-1973, § 5.1; Res. of 2-11-1986; Res. of 10-10-1995)

## **Sec. 56-82. Special uses.**

The following uses may be permitted by special use permit in the AG Agriculture District as provided for in article X of this chapter, pertaining to special uses.

- (1) Advertising structure (ZT-1-86).
- (2) Agricultural product manufacturing (ZT-1-93).
- (3) Anhydrous ammonia or similar liquefied fertilizer, and bulk fertilizer storage and distribution (commercial).
- (4) Asphalt or asphaltic concrete batching plant.
- (5) Assembly halls for use by nonprofit organizations.
- (6) Auction sales yard.
- (7) Bait sales (live).
- (8) Bed and breakfast.
- (9) Bottled gas, storage and distribution.
- (10) Bulk storage or petroleum products.
- (11) Camping facility.
- (12) Compost facility (ZT-3-93).
- (13) Contractor's storage yard.
- (14) Country club or golf course.
- (15) Craft and service occupations (ZT-2-93).
- (16) Earth covered dwelling.
- (17) Farm worker tenant housing.
- (18) Kennel.
- (19) Lodge or private club.
- (20) Machine shop.
- (21) Manufacturing, storage or use of explosives.
- (22) Mobile home.
- (23) Outdoor commercial recreational enterprise.
- (24) Penal or correctional institution.
- (25) Private recreational development.
- (26) Public or commercial sanitary landfill, or garbage disposal plant.

- (27) Race track (outdoor).
- (28) Riding stable.
- (29) Seasonal hunting or fishing lodge.
- (30) Shooting range (outdoor).
- (31) Slaughterhouse.
- (32) Theater (outdoor).
- (33) Welding shop.
- (34) Wholesale produce terminal.
- (35) Windmills (needs to comply with article VIII of this chapter, pertaining to regulating the siting of wind energy conversion systems in the county).

(Ord. of 12-4-1973, § 5.2; Res. of 10-11-1983; Res. of 2-11-1986; Res. of 5-11-1993; Res. of 6-8-1993; Res. of 7-13-1993; Res. of 10-10-1995; Res. of 1-12-2006)

**Sec. 56-83. Property development standards.**

The following property development standards shall apply to all land and structures in the AG Agriculture District.

- (1) *Minimum lot area.* A lot on which a dwelling is erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed for it in this subsection.
  - a. Single-family with municipal sewage disposal system: 40,000 square feet;
  - b. Single-family with municipal, community or individual water supply and individual sewage disposal system: 1½ acres.
- (2) *Lot dimensions.*
  - a. All lots hereafter created shall have a minimum width of 150 feet and a minimum depth of 200 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the building setback line. Refer to zoning cases ZT-2-89 and ZT-3-89.
  - b. Exceptions. The provisions of section 56-654 shall apply.
- (3) *Ground floor area in square feet per dwelling unit.* No dwelling may be established, erected or changed so that its ground floor area, in square feet, is less than that prescribed by the following table.

<i>One-story dwelling</i>	<i>More than one-story dwelling</i>
(1) Single-family 720	(1) Single-family 672

- (4) *Building height.*

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- a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 35 feet.
  - b. Exceptions. The provisions of section 56-654 shall apply.
- (5) *Yards.*
- a. *General yard requirements.* The following are minimum yard sizes, except as otherwise provided by this chapter.
    - 1. *Front.*
      - (i) Lots abutting a major highway or area service highway shall have a front yard of 50 feet.
      - (ii) Lots abutting a collector or local street shall have a front yard of 40 feet.
    - 2. *Side.* The minimum width of each side yard for a dwelling shall not be less than 25 feet.
    - 3. *Rear.* The minimum depth of a rear yard for a dwelling shall not be less than 50 feet.
  - b. *Exceptions.* The provisions of section 56-654 shall apply.
- (6) *Lot coverage.* The buildings on a lot may not exceed in coverage 20 percent of total lot area.
- (7) *Off-street parking.* The provisions of section 56-654 shall apply.
- (8) *Outdoor advertising.* Signs may be permitted in this district under the following conditions:
- a. One nonflashing sign for each street frontage containing not more than 40 square feet and pertaining only to products for sale upon the premises or services rendered thereon or therefrom, shall be permitted in this district.
  - b. Name signs shall be permitted subject to the following conditions:
    - 1. Name signs shall display only the:
      - (i) Name of the premises upon which it is displayed;
      - (ii) Name of the owner, lessee of said premises;
      - (iii) Address of said premises;
      - (iv) Nature of occupation engaged in on said premises;
      - (v) "For Rent" and "For Sale" signs shall be permitted;
      - (vi) Signs for institutional uses including churches, hospitals, rest homes, private clubs and similar uses shall be permitted subject to the following regulations:
    - 2. One freestanding sign for each main use per frontage:
      - (i) The sign shall contain only the name and address of the building, its occupants and the services rendered.
      - (ii) The sign shall not exceed 32 square feet in area, exclusive of architectural features. The sign structure shall not exceed eight feet in height.
      - (iii) The sign face may be internally illuminated but shall not be floodlighted.
      - (iv) Signs shall be set back 15 feet from public rights-of-way; however, this setback may be reduced to ten feet subject to approval of a special use permit. In no case shall signs be located within required rear or interior side yards.

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3. One sign attached to the face of the main building:
    - (i) The sign shall contain only the name of the building and its occupants.
    - (ii) Letter or numeral heights shall not exceed one foot.
    - (iii) The sign shall not exceed ten square feet in area.
    - (iv) The sign face may be internally illuminated or floodlighted.

(9) *Loading.* The provisions of section 56-654 shall apply.

(Ord. of 12-4-1973, § 5.3; Res. of 2-11-1986)

**Secs. 56-84—56-109. Reserved.**

*DIVISION 3. FLOODPLAIN DISTRICTS*

**Sec. 56-110. Established.**

The FP Floodplain District is established to include areas that are within the floodplain of rivers and creeks and thus subject to inundation.

(Ord. of 12-4-1973, § 6.0)

**Sec. 56-111. Uses permitted.**

The following uses shall be permitted in the FP Floodplain District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-113 and article IX of this chapter, pertaining to property development standards.

- (1) Farm, general.
- (2) Public park or recreational facility.
- (3) Railroad right-of-way and necessary uses.

(Ord. of 12-4-1973, § 6.1)

**Sec. 56-112. Special uses.**

The following uses may be permitted by special use permit in the FP Floodplain District as provided for in article X of this chapter, pertaining to special uses.

- (1) Camping facility.
- (2) Country club or golf course.
- (3) Outdoor commercial recreational enterprise.
- (4) Private recreational development.
- (5) Shooting range, outdoor.

(Ord. of 12-4-1973, § 6.2)



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**Sec. 56-113. Property development standards.**

The following property development standards shall apply to all land and structures in the FP Floodplain District.

- (1) *Lot area.* No requirements.
- (2) *Lot dimensions.* No requirements.
- (3) *Ground floor area.* No requirements.
- (4) *Building height.*
  - a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to make its height greater than 35 feet.
  - b. Exceptions. The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
- (5) *Yards.*
  - a. *General yard requirements.* The following are minimum yard sizes except as otherwise provided in this chapter.
    1. *Front.*
      - (i) Lots abutting a major highway or area service highway shall have a front yard of 50 feet.
      - (ii) Lots abutting a collector or local street shall have a front yard of 40 feet.
    2. *Side.* No requirements.
    3. *Rear.* No requirements.
  - b. *Exceptions.* The provisions of article IX of this chapter shall apply.
- (6) *Lot coverage.* The buildings on a lot may not exceed in coverage 20 percent of the total lot area.
- (7) *Off-street parking.* The provisions of article IX of this chapter shall apply.
- (8) *Outdoor advertising.* None permitted.
- (9) *Loading.* The provisions of article IX of this chapter shall apply.

(Ord. of 12-4-1973, § 6.3)

**Secs. 56-114—56-139. Reserved.**

*DIVISION 4. RURAL RESIDENCE DISTRICTS*

**Sec. 56-140. Established.**

The RA Rural Residence District is established to include single-family residential estate homes in a semirural environment.

(Ord. of 12-4-1973, § 7.0)

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### **Sec. 56-141. Uses permitted.**

The following uses shall be permitted in the RA Rural Residence District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-143 and article IX of this chapter, pertaining to property development standards.

- (1) Agricultural uses that do not involve the raising or boarding of livestock or the processing of animal products.
- (2) Dwelling farm.
- (3) Dwelling, single-family, not more than one dwelling per lot.
- (4) Home for the aged.
- (5) Home occupation.
- (6) Municipal or government building.
- (7) Nursing home, orphanage.
- (8) Plant nursery.
- (9) Police station or fire station.
- (10) Private swimming pool.
- (11) Public library.
- (12) Public park or recreational facilities.
- (13) School, public or private.
- (14) Signs.

(Ord. of 12-4-1973, § 7.1; Res. of 10-8-1996)

### **Sec. 56-142. Special uses.**

The following uses may be permitted by special use permit in the RA Rural Residence District as provided for in article X of this chapter, pertaining to special uses.

- (1) Assembly halls for use by nonprofit organizations.
- (2) Bed and breakfast.
- (3) Charitable organizations.
- (4) Country club or golf course.
- (5) Craft and service occupations.
- (6) Farm, seasonal worker housing, tenant.
- (7) Greenhouse, not exceeding 1,000 square feet.
- (8) Kindergarten, day nursery, day care center or day care home, other than as a part of a school providing other grades.
- (9) Lodge or private club.
- (10) Mobile home (see section 56-28).

- (11) Planned unit development (subject to the requirements of article VII of this chapter, pertaining to planned unit developments).
- (12) Private recreational development.
- (13) Railroad right-of-way and necessary uses.
- (14) Windmills (needs to comply with article VIII of this chapter pertaining to, regulating the siting of wind energy conversion systems in the county).

(Ord. of 12-4-1973, § 7.2; Res. of 10-11-1983; 1-10-1989; Res. of 1-10-1989; Res. of 10-10-1995; Res. of 1-12-2006)

**Sec. 56-143. Property development standards.**

The following property development standards shall apply to all land and structures in the RA district.

- (1) *Minimum lot area.* A lot on which a dwelling is erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed for it in this section:
  - a. Single-family with municipal water supply and municipal sewage disposal system: 15,000 square feet;
  - b. Single-family with municipal or community water supply and individual sewage disposal system: 22,000 square feet;
  - c. Single-family with individual water supply and individual sewage disposal system: one acre;
- (2) *Lot dimensions.*
  - a. All lots hereafter created shall have a minimum width of 120 feet and a minimum depth of 120 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the building setback line.
  - b. Exceptions. The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
- (3) *Ground floor area in square feet per dwelling unit.* No dwelling may be established, erected or changed so that its ground floor area, in square feet, is less than that prescribed by the following table:

<i>One story dwelling</i>	<i>More than one-story dwelling</i>
(1) Single-family 720	(1) Single-family 672

- (4) *Building height.*
  - a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 35 feet.
  - b. Exceptions. The provisions of article IX of this chapter shall apply.
- (5) *Yards.*
  - a. *General yard requirements.* The following are minimum yard sizes, except as otherwise provided by this chapter.
    - 1. *Front.*
      - (i) Lots abutting a major highway or area service highway shall have a front yard of 50 feet.

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- (ii) Lots abutting a collector or local street shall have a front yard of 40 feet.
  - 2. *Side*. The minimum width of each side yard for a dwelling shall not be less than ten feet.
  - 3. *Rear*. The minimum depth of a rear yard for a dwelling shall not be less than 40 feet.
  - b. *Exceptions*. The provisions of article IX of this chapter shall apply.
- (6) *Lot coverage*. The buildings on a lot may not exceed in coverage 25 percent of total lot area.
- (7) *Off-street parking*. The provisions of article IX of this chapter shall apply.
- (8) *Outdoor advertising*. Signs and other commercial advertising shall be permitted in this district only as provided in this section.
- a. Name plates shall be permitted subject to the following conditions:
    - 1. Name plates shall not exceed two square feet in area.
    - 2. Name plates shall display only the:
      - (i) Name of the premises upon which it is displayed;
      - (ii) Name of the owner or lessee of said premises;
      - (iii) Address of said premises; and
      - (iv) Nature of the home occupation engaged in on said premises.
  - b. "For Rent" and "For Sale" signs shall be permitted. Not more than two such signs, not exceeding a total of six square feet in area, shall be permitted on any lot or parcel.
  - c. Subdivision signs: on site:
    - 1. Temporary real estate signs advertising real property which has been subdivided for purposes of sale or lease shall be permitted, subject to the following conditions:
      - (i) The construction of any sign shall be in strict compliance with the provisions of this chapter and all other laws of the county.
      - (ii) The sign shall remain only as long as some portion of the property advertised for sale remains unsold, or for a period of two years, whichever period is shorter. Subject to approval of the board, said time may be extended for one year. Not more than two such extensions may be granted.
      - (iii) The signs shall be located on the premises which they advertise.
      - (iv) No sign shall exceed 480 square feet in area.
      - (v) Not more than two such signs shall be permitted in any subdivision under five acres in size. In subdivisions involving more than five acres, one additional sign shall be permitted for each additional five acres.
    - 2. Identification signs containing the tract name are permitted, provided there shall be not more than one for each three lots. Said signs shall not exceed ten square feet.
    - 3. Signs are permitted on the same lot with a model home provided they do not exceed four in number and shall not exceed four square feet in area. Said signs shall be removed after the developer concludes the initial sale of the lots or homes to their initial owners.
  - d. Subdivision signs: off-site temporary real estate directional signs. Temporary real estate directional signs, subject to special use, directing prospective purchasers to a subdivision having

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lots or houses for sale may be erected and maintained provided said signs do not create hazardous traffic conditions. Such signs shall be subject to the following standards:

1. The sign shall not exceed 160 square feet in area.
  2. The sign shall be set back not less than eight feet from the front property line.
  3. The sign shall be not less than six nor more than 18 feet above the crown of the nearest adjacent road or the higher of the two crowns of two adjacent roads.
- e. Temporary off site open house signs. Temporary open house signs shall be permitted for a period of 48 hours provided that the sign shall be limited to a double faced sign not more than two feet by three feet in size.
- f. Signs for institutional uses including churches, hospitals, rest homes, private clubs and similar uses shall be permitted subject to the following regulations:
1. One freestanding sign for each main use per frontage:
    - (i) The sign shall contain only the name and address of the building, its occupants and the services rendered.
    - (ii) The sign shall not exceed 32 square feet in area, exclusive of architectural features. The sign structure shall not exceed eight feet in height.
    - (iii) The sign face may be internally illuminated but shall not be flood lighted.
    - (iv) Signs shall be set back 15 feet from public rights-of-way; however, this setback may be reduced to ten feet subject to approval of a special use permit. In no case shall signs be located within required rear or interior side yards.
  2. One sign attached to the face of the main building:
    - (i) The same shall contain only the name of the building and its occupants.
    - (ii) Letter or numeral heights shall not exceed one foot.
    - (iii) The sign shall not exceed ten square feet in area.
    - (iv) The sign face may be internally illuminated.

(Ord. of 12-4-1973, § 7.3)

**Secs. 56-144—56-169. Reserved.**

### *DIVISION 5. SINGLE RESIDENCE DISTRICT*

**Sec. 56-170. Established.**

The R1 Single-Family District is established to provide for single-family residences only.

(Ord. of 12-4-1973, § 8.0)

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### **Sec. 56-171. Uses permitted.**

The following uses shall be permitted in the R1 Single-Family Residence District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-173 and article IX of this chapter, pertaining to property development standards.

- (1) Accessory buildings, including private garages.
- (2) Agricultural uses that do not involve the raising or boarding of livestock or the processing of animal products.
- (3) Dwelling, farm.
- (4) Dwelling, single-family, not more than one dwelling per lot.
- (5) Home occupation.
- (6) Municipal or government building.
- (7) Private swimming pool.
- (8) Public park or recreational facilities.
- (9) School, public or private.
- (10) Signs

(Ord. of 12-4-1973, § 8.1; Res. of 10-8-1996)

### **Sec. 56-172. Special uses.**

The following uses may be permitted by special use permit in the R1 Single-Family Residence District as provided for in article X of this chapter, pertaining to special uses.

- (1) Bed and breakfast.
- (2) Country club or golf course.
- (3) Kindergarten, day nursery, day care center or day care home (other than as a part of a school providing other grades).
- (4) Planned unit development (subject to the requirements of article VII of this chapter, pertaining to planned unit developments).
- (5) Railroad right-of-way and necessary uses.

(Ord. of 12-4-1973, § 8.2; Res. of 1-10-1989; Res. of 1-10-1989; Res. of 10-10-1995)

### **Sec. 56-173. Property development standards.**

The following property development standards shall apply to all land and structures in the R1 Single-Family Residence District.

- (1) *Minimum lot area.* A lot on which a dwelling is erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed for it in this section:
  - a. Single-family with municipal water supply and municipal sewage disposal system: 7,200 square feet;

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- b. Single-family with municipal water supply and individual sewage disposal system: 15,000 square feet;
  - c. Single-family with individual water supply and individual sewage disposal system: 22,000 square feet;
  - d. Exceptions. The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
- (2) *Lot dimensions.*
- a. All lots hereafter created shall have a minimum width of 60 feet and a minimum depth of 120 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the right-of-way line.
  - b. Exceptions. The provisions of section 56-655(b) shall apply.
- (3) *Ground floor area in square feet per dwelling unit.* No dwelling may be established, erected or changed so that its ground floor area, in square feet, is less than 960 square feet for a single-family, one-story dwelling or 720 square feet for a two-story, single-family dwelling.
- (4) *Building height.*
- a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 35 feet.
  - b. Exceptions: The provisions of article IX of this chapter shall apply.
- (5) *Yards.*
- a. *General yard requirements.* The following are minimum yard sizes, except as otherwise provided by this chapter.
    - 1. *Front.*
      - (i) Lots abutting a major highway or area service highway shall have a front yard of 50 feet.
      - (ii) Lots abutting a collector or local street shall have a front yard of 40 feet.
    - 2. *Side.* The minimum width of each side yard for a dwelling shall be not less than ten feet.
    - 3. *Rear.* The minimum depth of rear yard for a dwelling shall not be less than 20 feet.
  - b. *Exceptions.* The provisions of article IX of this section shall apply.
- (6) *Lot coverage.* The buildings on a lot may not exceed in coverage 30 percent of the total area.
- (7) *Off-street parking.* The provisions of article IX of this chapter shall apply.
- (8) *Outdoor advertising.* The provisions of section 56-143, pertaining to the RA district, shall apply.
- (Ord. of 12-4-1973, § 8.3)

**Secs. 56-174—56-199. Reserved.**

***DIVISION 6. LOW DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT***

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### **Sec. 56-200. Established.**

The R2 Low Density Multiple-Family Residence District is established to include areas for single, two and medium density multiple-family residences.

(Ord. of 12-4-1973, § 9.0)

### **Sec. 56-201. Uses permitted.**

The following uses shall be permitted in the R2 Low Density Multiple-Family Residence District plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-203 and article IX of this chapter, pertaining to property development standards.

- (1) All uses permitted in the R-1 district.
- (2) Boardinghouse or lodginghouse.
- (3) Dwelling, multiple-family.
- (4) Dwelling, two-family.
- (5) Home occupation.
- (6) Manufactured home/mobile home; provided, however, the manufactured home/mobile home shall be no more than ten years of age except when the board of appeals reviews a variance request in which the board of appeals may allow for the placement of a mobile home/manufactured home more than ten years of age, and the manufactured home/mobile home shall be placed on a permanent foundation. A permanent foundation means a closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick placed on a footing extending into the ground below the frost line (a minimum of 36 inches) which shall include, but not necessarily be limited to, basements, cellars, or crawl spaces, but does exclude the use of piers.
- (7) Private swimming pool.
- (8) Public library or museum.
- (9) University or college building.

(Ord. of 12-4-1973, § 9.1)

### **Sec. 56-202. Special uses.**

The following uses may be permitted by special use permits in the R2 Low Density Multiple-Family Residence District as provided for in article X of this chapter, pertaining to special uses.

- (1) All special uses permitted in R1 district.
- (2) Bed and breakfast.
- (3) Charitable institutions.
- (4) Fraternity, sorority or student cooperative.
- (5) Fire station.
- (6) Home for the aged.
- (7) Nursing home, orphanage.



**Sec. 56-203. Property development standards.**

The following property development standards shall apply to all land and structures in the R2 Low Density Multiple-Family Residence District.

- (1) *Minimum lot area.* A lot on which a dwelling is erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed for it in this section:
  - a. Single-family with municipal water supply and municipal sewage disposal system: 6,000 square feet;
  - b. Single-family with municipal water supply and individual sewage disposal system as approved by the county public health department: 12,000 square feet;
  - c. Single-family with individual water supply and individual sewage disposal system as approved by the county public health department: 15,000 square feet;
  - d. Two-family with municipal water supply and municipal sewage disposal system: 4,000 square feet;
  - e. Two-family with municipal water supply and individual sewage disposal system as approved by the county public health department: 8,000 square feet;
  - f. Two-family with individual water supply and individual sewage disposal system as approved by the county public health department: 11,000 square feet;
  - g. Multifamily with municipal water supply and municipal sewage disposal system or a comparable sewage disposal system as approved by the county public health department: 3,000 square feet per dwelling unit for the first two dwellings and 1,500 square feet for each additional unit;
  - h. Multifamily with individual water supply and individual sewage disposal system as approved by the county public health department: 15,000 square feet per dwelling unit for the first two dwellings and 7,500 square feet for each additional unit;
  - i. Exceptions: The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
- (2) *Lot dimensions.*
  - a. All lots hereafter created shall have a minimum width of 50 feet and a minimum depth of 120 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the right-of-way line.
  - b. Exceptions. The provisions of article IX of this chapter shall apply.
- (3) *Ground floor area in square feet per dwelling unit.* No dwelling may be established, erected or changed so that its ground floor area, in square feet, is less than that prescribed by the following table:

One story dwelling	More than one-story dwelling
(1) Single-family 720	(1) Single-family 672
(2) Two-family 672	(2) Two-family 672
(3) Multi-family 672*	(3) Multi-family 672*
*Same as two-family for first two dwelling units plus 400 sq. feet per additional unit.	

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(4) *Building height.*

- a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 40 feet.
- b. Exceptions—The provisions of article IX of this chapter shall apply.

(5) *Yards.*

- a. *General yard requirements.* The following are minimum yard sizes, except as otherwise provided by this chapter.
    1. *Front.*
      - (i) Lots abutting a major highway or area service highway shall have a front yard of 40 feet.
      - (ii) Lots abutting a collector or local street shall have a front yard of 20 feet.
    2. *Side.* The minimum width of each side yard for a dwelling shall not be less than ten feet.
    3. *Rear.* The minimum depth of a rear yard for a dwelling shall not be less than 20 feet.
  - b. *Exceptions.* The provisions of article IX of this chapter shall apply.
- (6) *Lot coverage.* The buildings on a lot may not exceed in coverage 40 percent of total lot area.
- (7) *Off-street parking.* The provisions of article IX of this chapter shall apply.
- (8) *Outdoor advertising.* The provisions of section 56-143, pertaining to the RA district, shall apply.
- (9) *Loading.* No requirements.
- (10) *Other requirements for residential use.* The minimum distance between main buildings on the same lot shall be 15 feet.

(Ord. of 12-4-1973, § 9.3)

**Secs. 56-204—56-229. Reserved.**

*DIVISION 7. INTERCHANGE RESIDENCE DISTRICT*

**Sec. 56-230. Created.**

The R3 Interchange Residence District is created to protect the residential environment at interchanges and to prevent conflict between highway traffic and residential access.

(Ord. of 12-4-1973, § 10.0)

**Sec. 56-231. Uses permitted.**

The following uses shall be permitted in the R3 Interchange Residence District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-233 and the interchange development standards in section 56-478.

- (1) Accessory buildings, including garages.

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(Supp. No. 7)

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- (2) Dwelling, farm.
  - (3) Dwelling, single-family.
  - (4) Farm, general.
  - (5) Home occupation.
  - (6) Private swimming pool.
  - (7) Public park or recreational facilities.
  - (8) School, public or private.
  - (9) Signs.

(Ord. of 12-4-1973, § 10.1)

### **Sec. 56-232. Special uses.**

The following uses only may be permitted by special use permit in the R3 Interchange Residence District, as provided for in article X of this chapter, pertaining to special uses.

- (1) Recreational use of a reclaimed borrow pit, subject to the requirements of section 56-529, pertaining to mineral extraction.
- (2) Clinics.
- (3) Church or temple.
- (4) Country club or golf course.
- (5) Fire station.
- (6) Kindergarten, day nursery, day care center or day care home, other than as a part of a school providing other grades.
- (7) Planned unit development, subject to the requirements of article VII of this chapter, pertaining to planned unit developments.
- (8) Transmission lines for gas, oil, electricity or other utilities and necessary substation and distribution centers.

(Ord. of 12-4-1973, § 10.2)

### **Sec. 56-233. Property development standards.**

The following property development standards shall apply to all land and structures in the R3 Interchange Residence District.

- (1) *Minimum lot area.* A lot on which a dwelling is erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed for it in this section.
  - a. Single-family dwellings in approved subdivisions with municipal water supply and municipal sewage disposal system: 7,200 square feet;
  - b. Single-family dwellings in approved subdivisions with municipal or community water supply and individual sewage disposal system: 15,000 square feet;

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- c. Single-family dwellings in approved subdivisions with individual water supply and individual sewage disposal system: one acre.
- (2) *Lot dimensions.* Single-family dwelling lots in approved subdivisions shall have a minimum width of 60 feet and a minimum depth of 120 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the right-of-way line.
  - (3) *Ground floor area in square feet per dwelling unit.* No dwelling may be established, erected or changed so that its ground floor area, in square feet, is less than 960 square feet for a single-family, one-story dwelling or 720 square feet for a two-story, single-family dwelling.
  - (4) *Building height.*
    - a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 35 feet.
    - b. Exceptions. The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
  - (5) *Yards.*
    - a. *General yard requirements.* The following are minimum yard sizes, except as otherwise provided by this chapter.
      - 1. *Front.* All lots shall face on and abut interior collector streets, local streets, frontage roads or other access roads and shall have a front yard of 40 feet.
      - 2. *Side.* The minimum width of each side yard for a dwelling shall not be less than ten feet.
      - 3. *Rear.* The minimum depth of each rear yard for a dwelling shall not be less than 20 feet.
    - b. *Setback distance from intersecting highway.* All residential buildings and structures shall be setback at least 80 feet from the right-of-way line of intersecting highways and 100 feet from the interstate freeway right-of-way. A variance for a lesser setback distance from the intersecting highway may be granted by the board if the application of this requirement is determined to cause undue hardship.
    - c. *Exceptions.* The provisions of article IX of this chapter shall apply.
  - (6) *Lot coverage.* The buildings on a lot may not exceed in coverage 30 percent of total lot area.
  - (7) *Off-street parking.* The provisions of article IX of this chapter shall apply.
  - (8) *Outdoor advertising.* The provisions of section 56-143, pertaining to the RA district, shall apply.
  - (9) *Loading.* No requirements.
  - (10) *Screen and sound buffer.* A dense compact vegetative planting capable of obtaining a height of eight feet and eight feet in width shall be provided along the rear lot line of lots backing on the intersecting highway or interstate freeway. This planting strip shall be maintained in an orderly manner.
  - (11) *Underground utilities.* The provisions of the C4 Interchange Business District in section 56-383 shall apply.

(Ord. of 12-4-1973, § 10.3)

**Secs. 56-234—56-259. Reserved.**

## *DIVISION 8. MOBILE HOME DISTRICT*

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### **Sec. 56-260. Established.**

The MH Mobile Home District is established for exclusive occupancy by mobile homes.

(Ord. of 12-4-1973, § 11.0)

### **Sec. 56-261. Uses permitted.**

The following uses shall be permitted in the MH Mobile Home District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-263 and article IX of this chapter, pertaining to development standards.

- (1) Farm, general.
- (2) Mobile home park.
- (3) Mobile home or trailer sales.
- (4) Signs.
- (5) Additional accessory uses to those cited in section 56-25, as follows:
  - a. Awning.
  - b. Cabana.
  - c. Storage cabinet.
  - d. Carport.
  - e. Private swimming pool (one pool per mobile home park).
  - f. Windbreak.
  - g. Porch, with a floor area exceeding 25 square feet, having an opaque top or roof, shall be considered an accessory use to the mobile home, and shall be constructed of fire resistant materials.

(Ord. of 12-4-1973, § 11.1)

### **Sec. 56-262. Special uses.**

The following uses may be permitted by special use permit in the MH Mobile Home District as provided for in article X of this chapter: Railroad right-of-way and other necessary uses.

(Ord. of 12-4-1973, § 11.2)

### **Sec. 56-263. Property development standards.**

The following property development standards shall apply to all land and structures in the MH Mobile Home District. However, the standards of the state mobile home park act (chapter 111½, paragraphs 711-736, Illinois Revised Statutes, 1971) shall supersede these standards if the standards included in the act are more stringent.

- (1) *Minimum lot area.*
  - a. The minimum area required for each mobile home park shall be ten acres. The minimum number of spaces completed and ready for occupancy before first occupancy is permitted is ten.

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(Supp. No. 7)

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- b. All mobile home spaces shall contain a minimum of 4,000 square feet, except that all mobile home spaces designed to accommodate doublewide mobile homes shall contain a minimum of 5,000 square feet.
- (2) *Lot dimensions.* The minimum width for each mobile home space is 40 feet, except that any mobile home unit greater than 12 feet in width shall have a minimum width of 50 feet. Curve and cul-de-sac lot width shall be measured as chord distance at the required front space line.
- (3) *Ground floor area.* No mobile home may be established, erected or changed so that its ground floor area, in square feet, is less than that prescribed by the following:

<i>One story dwelling</i>	
(1) Single-family	430 square feet

- (4) *Building height.*
  - a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 35 feet.
  - b. Exceptions. The provisions of article IX of this chapter shall apply.
- (5) *Yards.*
  - a. *General yard requirements of the mobile home park.* The following are minimum yard sizes, except as otherwise provided by this chapter as provided for in subsection (9) of this section and Figure 1:
    - 1. *Front.*
      - (i) Lots abutting a major highway or area service highway shall have a front yard of 50 feet.
      - (ii) Lots abutting a collector or local street shall have a front yard of 40 feet.
    - 2. *Side.* The minimum width of each side yard for a mobile home park shall not be less than ten feet.
    - 3. *Rear.* The minimum depth of a rear yard for a mobile home park shall not be less than 20 feet.
  - b. *Exceptions.* The provisions of article IX of this chapter shall apply.
- (6) *Lot coverage.* No mobile home and accessory structures shall exceed 40 percent coverage of the total space.
- (7) *Off-street parking.*
  - a. Off-street parking areas or on-street parking lanes shall be provided for the use of mobile home park residents and guests.
  - b. There shall be two off-street or on-street parking spaces provided for each mobile home stand.
  - c. Pavement: Same as for streets.
  - d. The provisions of article IX of this chapter shall apply.
- (8) *Outdoor advertising.* The provisions of section 56-143, RA district, shall apply.
- (9) *Other requirements for mobile home parks.* The following requirements shall apply to all mobile home parks in addition to the previous requirements:

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- a. No mobile home or accessory structure shall be located closer than five feet from any rear or side space line, and no closer than ten feet to any front space line. Corner spaces shall be considered as having two frontages. No hitch or other appurtenance less than four feet high or any other protrusion of 18 inches or less from the side of the mobile home shall be included in this measurement.
  - b. Yards and distances between structures.
    1. The minimum distance between mobile home stands on opposite sides of the street shall be 60 feet.
    2. The minimum distance between a mobile home stand and a street pavement, a common parking area, a common walk or other common area shall be eight feet.
    3. The minimum distance between a mobile home stand and the park boundary when:
      - (i) Adjoining residential land use or a residential or local street, shall be 15 feet;
      - (ii) Adjoining land use is other than residential or an arterial street, shall be 30 feet.
    4. Other minimum yard dimensions as shown in Figure 1.
  - c. Streets.
    1. Streets shall be provided on the site where necessary to furnish principal trafficways for convenient access to the mobile home stands and other important facilities on the property. Streets shall be privately owned and maintained.
    2. The primary entrance road connecting the mobile home park with a public street or road shall be no less than 24 feet wide and shall be constructed and maintained by the owner of the mobile home park.
    3. A secondary entrance road connecting the mobile for mobile home parks that contain 25 or more acres in total area. This entrance shall connect the mobile home park street system with a public street or road. Such secondary road shall be no less than 24 feet wide and, if the primary and secondary entrances both connect to the same public street or road, there shall be a separation of no less than 250 feet between both entrances. The owner shall have the secondary entrance open for emergency use at all times but may choose to close this entrance to private vehicular traffic. The secondary entrance road shall be constructed and maintained by the owner of the mobile home park.
    4. The interior street system within the mobile home park shall have a minimum pavement width of 24 feet with off-street parking. Dead-end streets shall be limited to 300 feet and shall provide a "T" type turn-around that is 24 feet wide and extends 25 feet in depth on both sides of and perpendicular to the 24-foot-wide access drive.
    5. The minimum pavement width of 24 feet for the interior street system shall be increased to 36 feet if on-street parking is permitted. This additional width shall be clearly marked so that two lanes of moving traffic can be accommodated at all times.
    6. Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface water and groundwater drainage, and proper functioning of sanitary and storm sewer systems.
    7. Street intersections shall generally be at right angles. Acute angles of street intersections shall be not less than 85 degrees. Offsets at intersections and intersections of more than two streets at one point shall be avoided.

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8. Street improvements shall extend continuously from the existing improved street system to provide suitable access to the mobile home stands and other important facilities on the property, to provide adequate connections to existing or future streets at the boundaries of the property and to provide convenient circulation for vehicles.
  9. Pavements and surfacings other than cement concrete shall be protected at the edges by curbs, gutters or other suitable edging where necessary to prevent raveling of the wearing surface and shifting of the pavement base.
  10. Street base shall be well-drained, uniformly graded, and compacted.
  11. Flexible pavement.
    - (i) Base: as required by minimum standards set forth in chapter 52, pertaining to subdivisions.
    - (ii) Wearing surface: bituminous concrete, minimum 1½ inches thick compacted to maximum practical density, or a double seal coat in accordance with standard specifications for road and bridge maintenance, state department of transportation.
  12. Rigid pavement. Portland cement concrete, minimum six inches thick on a prepared subgrade constructed in accordance with the minimum standards set forth in chapter 52, pertaining to subdivisions.
- d. Driveways.
1. Driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.
  2. Driveway serving a single facility or single mobile home space, minimum nine feet; where used as walk, minimum 11 feet.
  3. Pavement; same as for streets.
- e. Walks.
1. Individual walks: to each mobile home stand from a paved street or from a paved driveway or parking space connecting to a paved street.
  2. Common walks: in locations where pedestrian traffic is concentrated; for example, at the park entrance, and to the park office and other important facilities. Common walks should preferably be through interior areas removed from the vicinity of streets.
  3. Width shall generally be at least two feet for walks on individual spaces and at least 3½ feet for common walks.
  4. Pavement: Same as for streets.
- f. Laundry facilities.
1. Laundry facilities shall be provided either individually in each mobile home and its space, in a centralized common facility, in decentralized common facilities, or in a combination of these to suit local preferences and the availability of washers and dryers supplied in current mobile home models.
  2. Where centralized provisions of washers, dryers, or common drying yards are provided they shall be located convenient to the mobile home spaces.



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- g. Recreation facilities.
    - 1. Recreational areas and facilities, such as playgrounds, swimming pools, and community buildings shall be provided to meet the anticipated needs of the clientele the park is designed to serve. Provision of separate adult and tot lot recreation areas is encouraged.
    - 2. Not less than one-half acre per 25 units shall be devoted to design and developed recreational facilities, generally provided in a central location or, in the larger parks, decentralized. The minimum dimension of a recreation area shall be 100 feet. Recreation area includes space for community buildings, adult recreation and child play areas and swimming pools.
    - 3. No outdoor recreational area shall contain less than 2,500 square feet.
    - 4. Recreational areas shall be located so as to be as free from traffic hazards as possible.
  - h. Screen planting and fences.
    - 1. A tight screen planting six feet in width and height, effective during all seasons of the year, should be placed adjacent to the boundary of the mobile home park, and such screen planting shall be maintained in an orderly manner, in original or better condition.
    - 2. A chainlink fence five feet high shall be placed at boundary line of mobile home park.
    - 3. Fences or freestanding walls shall be installed where necessary for screening purposes, such as around laundry yards, refuse collection points, and play grounds.
    - 4. A solid fence no less than four feet in height shall screen all refuse collection points.
    - 5. All fences and walls shall be located at least 18 feet from interior street centerlines and at least three feet from the pavement edge of streets, driveways, parking spaces and walks.
    - 6. Fences and walls shall be appropriately designed for the function intended and shall be substantially constructed and maintained to withstand conditions of soil, weather and use.
  - i. Community facilities. Essential community facilities and services such as schools, recreation areas, police and fire protection shall be reasonably accessible to the park, or provisions shall be made assuring these facilities and services. Every mobile home park shall be provided with a management office and postal pickup and delivery facility as approved by the U.S. Post Office.
  - j. Sanitary facilities.
    - 1. The mobile home park shall be provided with a complete sanitary sewer system, which shall connect with an existing approved sanitary sewer outlet or shall be provided with a separate treatment plant, to be provided by the developer in accordance with the minimum requirements of the applicable state agencies.
    - 2. The plans for the installation of a sanitary sewer system shall be provided by the developer of a mobile home park and approved by the applicable state agencies. Upon the completion of the sanitary sewer installation, the plans for such system as built shall be filed with the planning commission.
  - k. Water system. Each mobile home park shall be connected to a water distribution system and water treatment facility. The mobile home park owner shall provide a water distribution system in accordance with the standards and minimum requirements of the applicable state agencies and the county health department.
  - l. Mobile home stands and tie-downs. A permanent concrete stand shall support the home, and any additions thereto, and be constructed of a material adequate to support ten tons on the

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weight bearing surface. The mobile home stand shall be provided with over-the-top and frame tie-downs with such anchors as cast-in-place concrete dead men, eyelets imbedded in the concrete stand, screw augers, arrowhead anchors, or other devices capable of sustaining a minimum tensile strength of 4,800 pounds. Each mobile home shall be secured by steel cables or straps of sufficient strength to withstand the minimum tensile strength of 4,800 pounds. See Figures 2 through 6. The size of the mobile home stand shall be no less than the dimensions of the mobile home anticipated with appurtenant structures or appendages, including any additions to the mobile home.

- m. Street signs and mobile home lot numbers.
  - 1. Street signs shall be provided by the mobile home park owner, such signs shall comply with county standards, and shall clearly identify every street in the mobile home park.
  - 2. Each mobile home space shall be assigned a consecutive number as a means of identification. Each number shall be constructed of weather resistant material and positioned on the space in such a manner that each space can be identified from the park street.
- n. Underground utilities.
  - 1. All utility lines such as electric, telephone, television cables and other communication cables shall be installed underground and comply with the national electric code and chapter 3 of NFPA Standard 501A. The methods of construction shall be those commonly used by the utility industry with aboveground access points for distribution and maintenance. All lines shall be installed in compliance with the regulations of the state commerce commission pursuant to the state public utilities act, 220 ILCS 5/101 et seq.
  - 2. Park drives shall be provided with an average illumination of at least 2,500 lumens every 150 feet or equivalent. Illumination shall be placed at such mounting heights as necessary to provide adequate illumination for safe pedestrian and vehicular movement at night.
- o. Ground cover requirements. All ground surface area in a mobile home park shall be paved, covered with smooth all weather dust-free surface, or sown to grass so as to curtail soil erosion and eliminate dust.
- p. Site drainage requirement. The ground surface area within every mobile home park shall be graded and equipped to drain all surface water in a safe efficient manner. Drainage improvements shall be connected with any natural watercourses and shall drain all low areas within the park. A storm water system shall be constructed either above ground or under ground and connected to an adequate outfall as approved by the appropriate municipal authority or county superintendent of highways.
- q. Miscellaneous requirements.
  - 1. Mobile home occupancy. No mobile home shall be occupied by more than one family as defined in this chapter, except that mobile homes originally designed to accommodate two families may be allowed.
  - 2. Responsibilities of park occupants.
    - (i) The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
    - (ii) Approved fire resistant wood or metal skirtings, porches, awnings, and other additions shall be installed only if permitted and approved by the park

management and the applicable municipal official. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the park management and the applicable official. If permitted, the following conditions shall be satisfied:

- A. The storage area shall be provided with a base of impervious material.
- B. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
- C. The storage area shall be enclosed by skirting.

(iii) The park occupant shall be obligated to meet the requirements of section 176(A) of chapter 111½ of the Illinois Revised Statutes, 1967, for the purpose of complying with the registration of title of all mobile homes located therein.

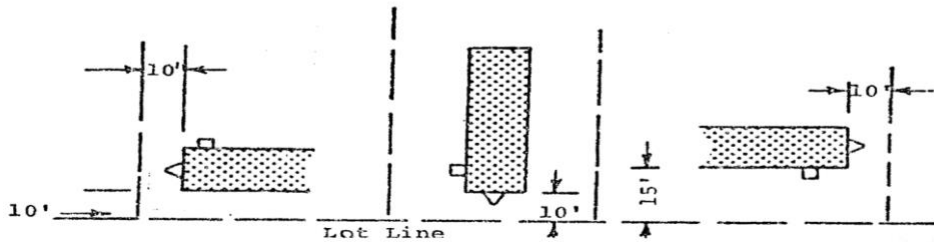
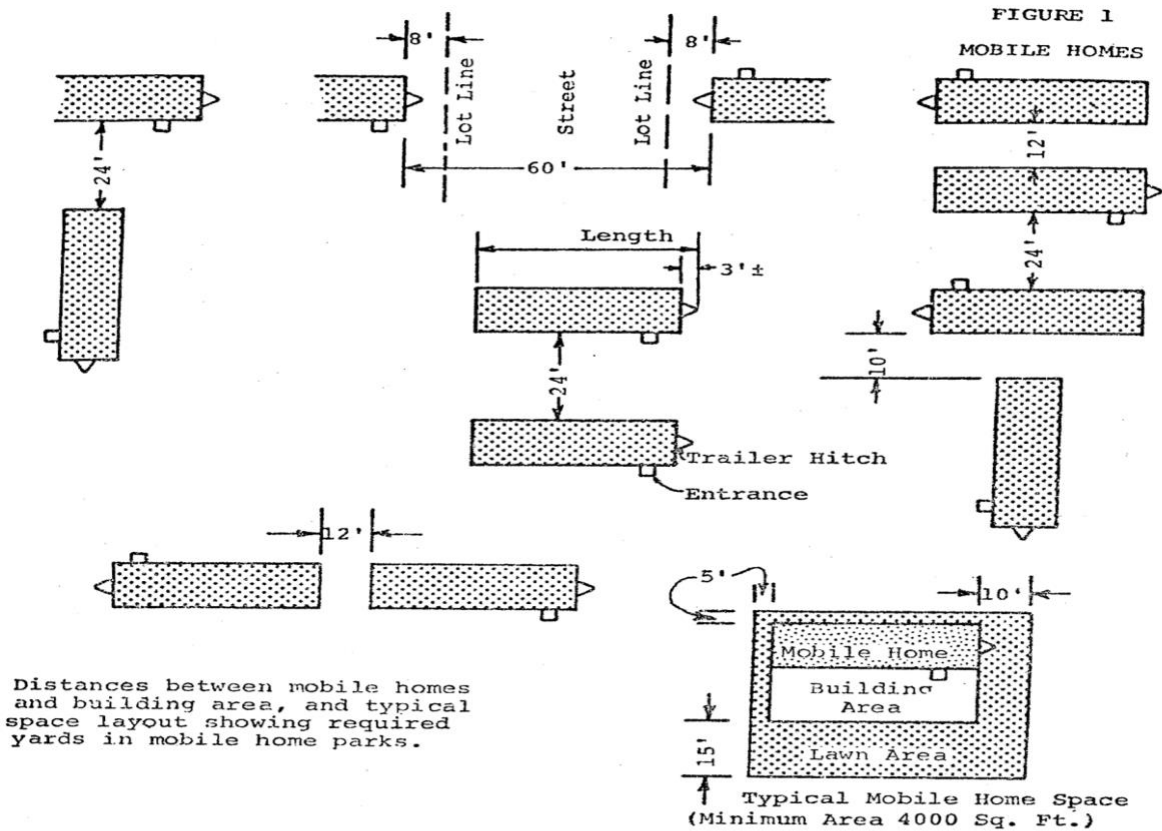
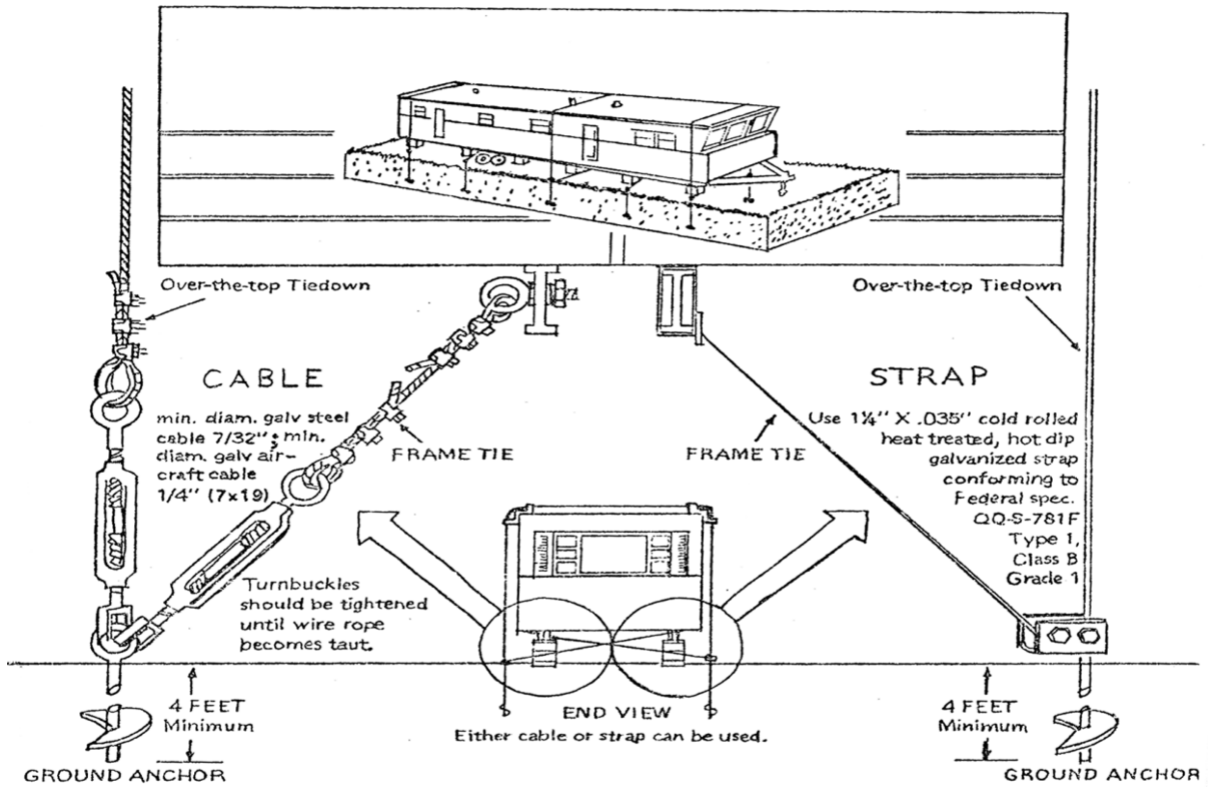


Figure 2

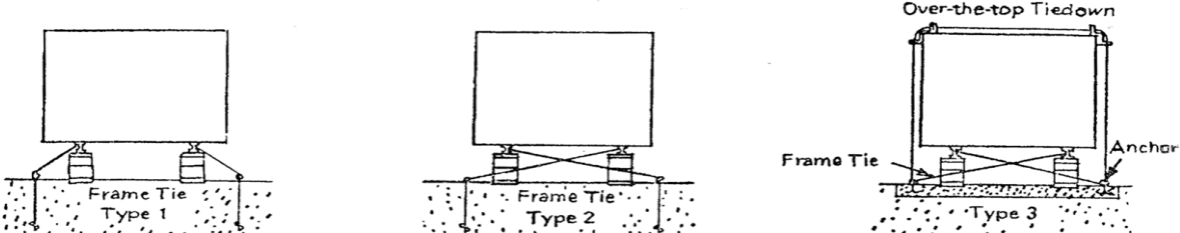
# Tiedown Couplings



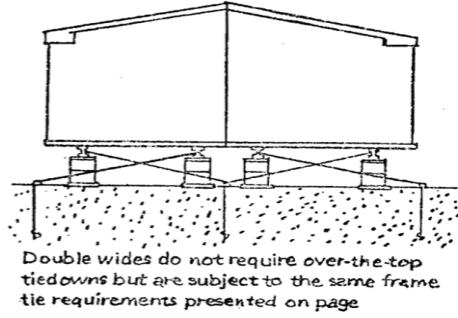
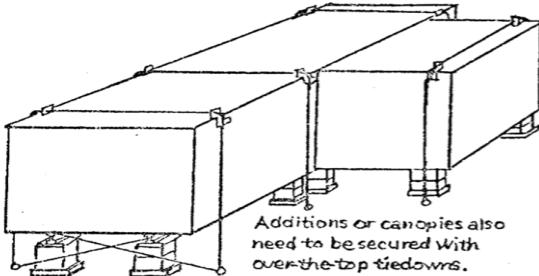
Source: Protecting Mobile Homes From High Winds (TR-75), 1972,  
Prepared by Defense Civil Preparedness Agency, Department  
of Defense, Washington, D.C.

Figure 3

# Types of Tiedowns



These sketches illustrate various methods for connecting frame ties to the mobile home frame. Type 2 system can resist greater horizontal forces than Type 1. Type 3 system involves placement of mobile home on concrete slab. Anchors embedded in concrete slab are connected to ties.



## TIEDOWN ANCHORAGE REQUIREMENTS\*

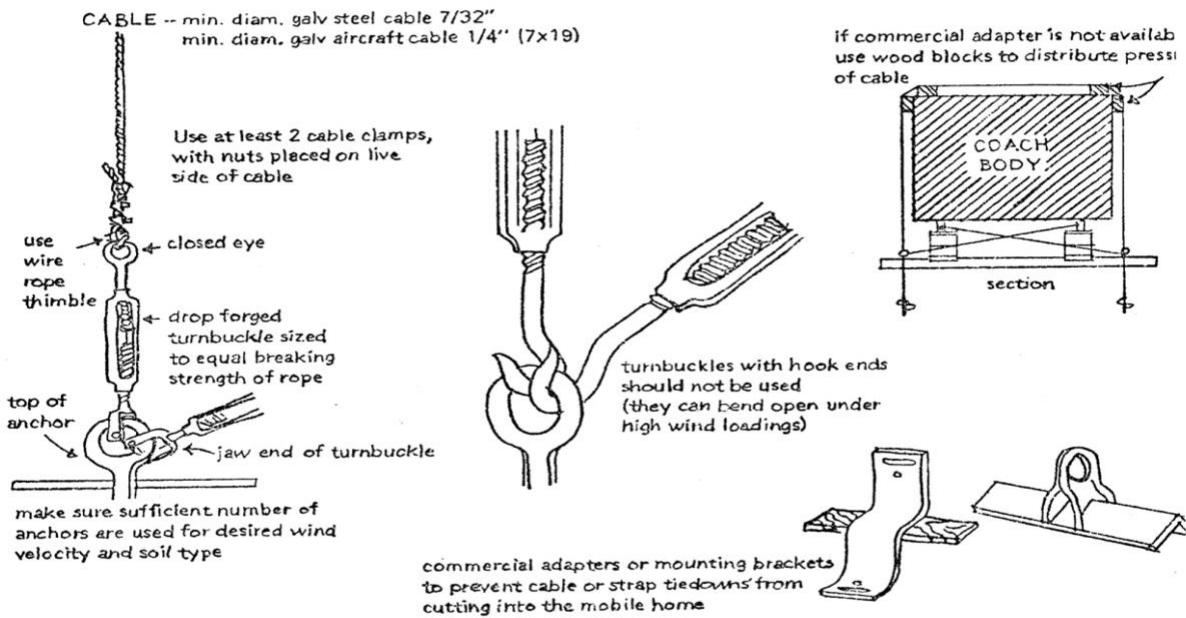
10- and 12- ft.-wide mobile homes				12- and 14-ft.-wide mobile homes	
30 to 50 ft. long		50 to 60 ft. long		60 to 70 ft. long	
No. of frame ties	No. of over-the-top ties	No. of frame ties	No. of over-the-top ties	No. of frame ties	No. of over-the-top ties
4	3	5	3	5	3

\*Tiedown components used, including anchor systems, must be able to withstand at least 4,800 lb. without failure. The holding power of ground anchors can be determined by conducting pullout tests or by consulting with your anchor dealer. He should be able to provide you with data on anchor holding power for various kinds of soils.

Source: Protecting Mobile Homes From High Winds (TR-75), 1972, Prepared by Defense Civil Preparedness Agency, Department of Defense, Washington, D.C.

# Anchors

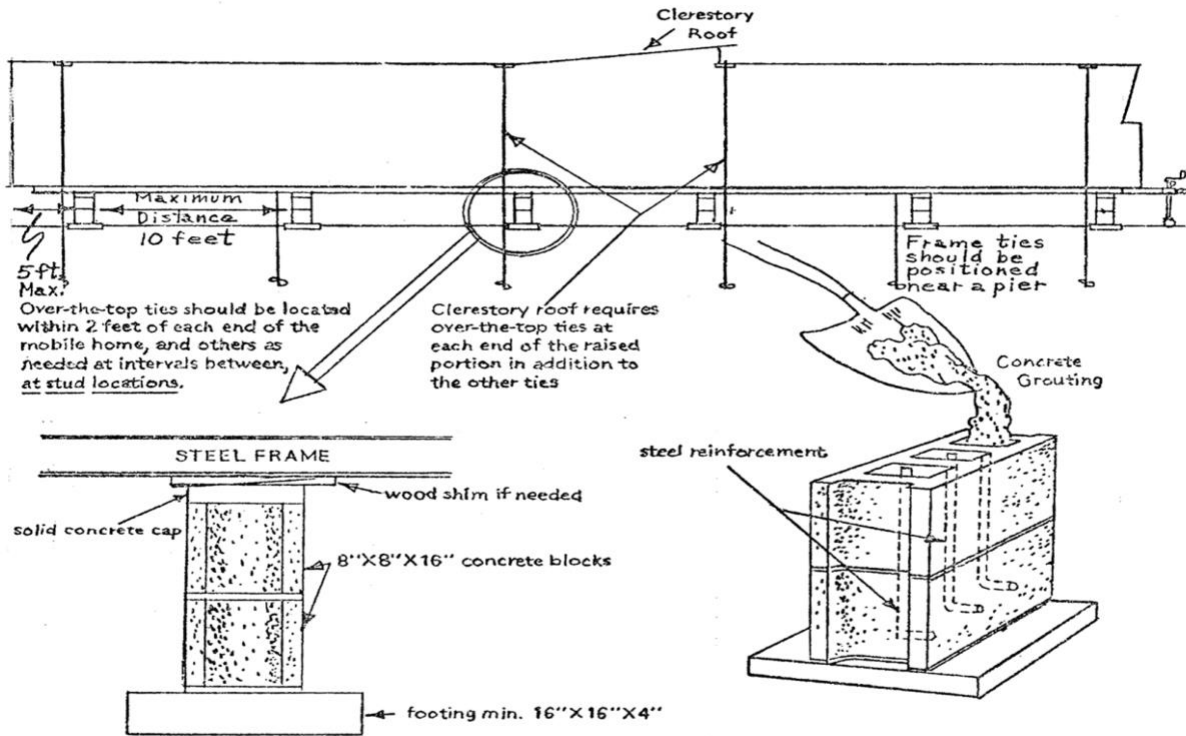
Figure 4



Source: Protecting Mobile Homes From High Winds (TR-75), 1972,  
Prepared by Defense Civil Preparedness Agency, Department  
of Defense, Washington, D.C.

# Piers and Footings

Figure 5



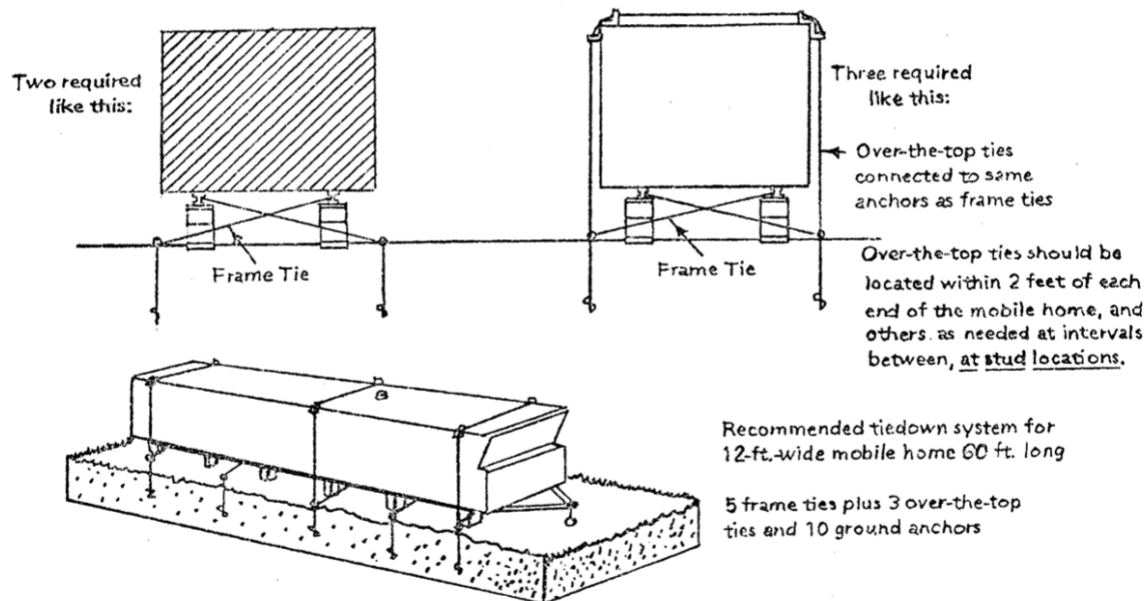
Source: Protecting Mobile Homes From High Winds (TR-75), 1972,  
 Prepared by Defense Civil Preparedness Agency, Department  
 of Defense, Washington, D.C.

# Example

Figure 6

**Problem:** Homeowner of a 12-ft.-wide mobile home 60 ft. long wishes to design a tiedown system.

**Solution:** From the table on Figure 3, in the column for 10- and 12-ft.-wide mobile homes 50-60 ft. long, you find that 5 frame ties and 3 over-the-top ties are required. Three of the frame ties can be connected to the same anchors as the over-the-top ties. Therefore, a total of 10 ground anchors (5 on each side) are required with each anchor having a capacity greater than 4,800 lb.



Source: Protecting Mobile Homes From High Winds (TR-75), 1972,  
Prepared by Defense Civil Preparedness Agency, Department  
of Defense, Washington, D.C.

(Ord. of 12-4-1973, § 11.3)

**Secs. 56-264—56-289. Reserved.**

## DIVISION 9. LOCAL BUSINESS DISTRICT

**Sec. 56-290. Established.**

The C1 Local Business District is established to include areas that are associated with residential areas and appropriate to meeting their every day shopping and service needs.

(Ord. of 12-4-1973, § 12.0)



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## **Sec. 56-291. Uses permitted.**

The following uses shall be permitted in the C1 Local Business District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-593 and article IX of this chapter, pertaining to property development standards.

- (1) Apparel store.
- (2) Bakery, retail.
- (3) Bank.
- (4) Barbershop.
- (5) Beauty shop.
- (6) Business or professional office.
- (7) Clinic.
- (8) Dairy, retail only (no processing).
- (9) Delicatessen.
- (10) Dressmaking shop.
- (11) Drugstore.
- (12) Dry cleaning establishment.
- (13) Electric appliance service and sales.
- (14) Farm, general.
- (15) Flower shop.
- (16) Garden shop.
- (17) Gift shop.
- (18) Grocery.
- (19) Hardware store.
- (20) Jewelry store.
- (21) Laundry agency.
- (22) Meat market.
- (23) Millinery shop.
- (24) Municipal or government building.
- (25) Pet shop.
- (26) Police station or fire station.
- (27) Postal station.
- (28) Private swimming pool.
- (29) Public library or museum.
- (30) Public or employee parking area.

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- (31) Public park or recreational area.
  - (32) Radio-TV service and sales.
  - (33) Record shop.
  - (34) Reducing salon.
  - (35) Restaurant.
  - (36) Restaurant, drive-in.
  - (37) Self-service laundry and dry cleaning.
  - (38) Shoe repair shop.
  - (39) Signs.
  - (40) Stationer.
  - (41) Supermarket.
  - (42) Tailor and pressing shop.
  - (43) Telegraph office.
  - (44) Variety store.

(Ord. of 12-4-1973, § 12.1)

### **Sec. 56-292. Special uses.**

The following uses may be permitted by special use permit in the C1 Local Business District as provided in article X of this chapter, pertaining to special uses.

- (1) Advertising structure.
- (2) Assembly halls for use by nonprofit organizations.
- (3) Drive-up window.
- (4) Filling or service station.
- (5) Kindergarten or day nursery, other than as part of a school providing other grades.
- (6) Outdoor commercial recreational enterprise.
- (7) Planned unit development (subject to the requirements of article VII of this chapter, pertaining to planned unit developments).
- (8) Private recreational development.
- (9) Railroad right-of-way and necessary uses.
- (10) Tattoo parlors or studios.

(Ord. of 12-4-1973, § 12.2; Res. of 3-10-1987; Res. of 8-19-1997; Res. No. 2013-08-45, 8-15-2013)

### **Sec. 56-293. Property development standards.**

The following property development standards shall apply to all lands and structures in the C1 Local Business District.

- 
- (1) *Lot area.* No requirements.
  - (2) *Lot dimensions.* No requirements.
  - (3) *Ground floor area.* No requirements.
  - (4) *Building height.*
    - a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 35 feet.
    - b. Exceptions. The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
  - (5) *Yards.*
    - a. *General yard requirements.* The following are minimum yard sizes except as otherwise provided by this chapter.
      1. *Front.*
        - (i) Lots abutting a major highway or area service highway shall have a front yard of 15 feet.
        - (ii) Lots abutting a collector or local street shall have a front yard of 15 feet.
      2. *Side.* Except where a business district adjoins a residential district, there is no minimum side yard for a business use. Where a business district is separated from an adjoining residential district by a street, the minimum side yard is five feet. Where the two districts adjoin within the same block, the minimum side yard is ten feet.
      3. *Rear.* Except where a business district adjoins a residential district, there is no minimum rear yard for a business use. Where a business district is separated from an adjoining residential district by a street, the minimum rear yard is five feet. Where the two districts adjoin within the same block, the minimum rear yard is ten feet.
    - b. *Exceptions.* The provisions of article IX of this chapter shall apply.
  - (6) *Lot coverage.* The buildings on a lot may not exceed in coverage 35 percent of the total lot area.
  - (7) *Off-street parking.* The provisions of article IX of this chapter, shall apply.
  - (8) *Outdoor advertising.*
    - a. The following signs shall be permitted:
      1. Signs indicating the name and nature of the occupancy or the name and address of the building or the name and address of the owner. These signs shall be attached to the building in which the occupancy is located.
      2. "For Rent" or "For Sale" signs posted on the subject lot or building by the owner or his authorized agent. Said signs shall not exceed six square feet in area and there shall be not more than two such signs for any one lot, building or occupancy.
      3. Directional signs related to the location of buildings or activities on the property on which the signs are located. Each directional sign shall not exceed six square feet in area.
      4. One freestanding sign subject to the following regulations:
        - (i) The sign shall contain thereon only the name of the buildings, occupants or groups thereof.

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- (ii) The sign shall not exceed 100 square feet in area.
  - (iii) The sign shall not exceed 35 feet in height, except by special use permit.
- b. The following regulations shall apply to signs for each occupancy:
1. A sign may not exceed one square foot in area for each front foot of the structure or portion of the structure wherein the pertaining use is conducted, or one-half square foot of sign for each front foot of the lot upon which the structure is located. The total sign area per commercial use may not exceed 100 square feet, for each building frontage. The minimum sign area for occupancy need not be less than 40 square feet.
  2. Building frontage to be used in calculating the permitted sign area shall include frontage whereon a public entrance to the occupancy is located. Separate calculations may be made for front, side and rear entrances and separate signs may be erected on each of these building frontages.
  3. Signs shall not extend over a public sidewalk or right-of-way. All faces of signs mounted on or attached to a building shall be parallel to the face of the building except that "fin" type signs shall be permitted in connection with automobile service stations.
  4. No blinking, flashing, rotating or animated signs shall be permitted on the exterior of any building in this district.
  5. In cases where the building has a rear parking lot, signs may be located on the side or rear of the building and shall be developed to the same standards as are required in the front of said store; provided, however, that said signs shall not be lighted in such manner as to be disturbing to the abutting residential district.
  6. Lights used to illuminate signs shall be so installed as to concentrate the illumination on the sign and so as to minimize glare upon a public street or adjacent property.
  7. No red, green or amber lights or illuminated signs may be placed in such position that they reasonably can be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.
- (9) *Loading.* The provisions of article IX of this chapter shall apply.
- (10) *Other requirements for commercial uses.* Outdoor lighting shall be arranged so as to minimize glare upon adjoining residential districts.

(Ord. of 12-4-1973, § 12.3)

**Secs. 56-294—56-319. Reserved.**

*DIVISION 10. CENTRAL BUSINESS DISTRICT*

**Sec. 56-320. Established.**

The C2 Central Business District is established to include areas that are intended to serve as the central trading area for urban places.

(Ord. of 12-4-1973, § 13.0)

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### **Sec. 56-321. Uses permitted.**

The following uses shall be permitted in the C2 Central Business District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-323 and article IX of this chapter.

- (1) All uses permitted in the "C1" district.
- (2) Assembly halls for nonprofit organizations.
- (3) Automobile sales.
- (4) Billiard room.
- (5) Boardinghouse or lodginghouse.
- (6) Charitable institutions.
- (7) Department store.
- (8) Dressmaking shop.
- (9) Hotel or motel.
- (10) Municipal or government building.
- (11) News dealer.
- (12) Night club.
- (13) Nursing home.
- (14) Office supplies.
- (15) Photographic studio.
- (16) Print shop and newspaper.
- (17) Public garage.
- (18) Railroad rights-of-way and necessary uses.
- (19) Railway or motor bus station.
- (20) Retail showroom.
- (21) Studio business (art, interior decorating, music, etc.).
- (22) Tavern.
- (23) Theater, indoor.

(Ord. of 12-4-1973, § 13.1)

### **Sec. 56-322. Special uses.**

The following uses may be permitted by special use permit in the C2 Central Business District as provided for in article X of this chapter, pertaining to special uses.

- (1) Advertising structure.
- (2) Automobile repair (all indoors).

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- (3) Commercial greenhouse.
  - (4) Drive-up window.
  - (5) Farm equipment sales and service.
  - (6) Filling or service station.
  - (7) Locker, cold storage for individual use.
  - (8) Tattoo parlors or studios.

(Ord. of 12-4-1973, § 13.2; Res. of 3-10-1987; Res. of 8-19-1997; Res. No. 2013-08-45, 8-15-2013)

### **Sec. 56-323. Property development standards.**

The following property development standards shall apply to all land and structures in the C2 Central Business District.

- (1) *Lot area.* No requirements.
- (2) *Lot dimensions.* No requirements.
- (3) *Ground floor area.* No requirements.
- (4) *Building height.*
  - a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 75 feet.
  - b. Exceptions. The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
- (5) *Yards.*
  - a. *General yard requirements.* The following are minimum yard sizes except as otherwise required by this chapter.
    1. *Front.* No requirements.
    2. *Side.* Except where a business district adjoins a residential district, there is no minimum side yard for a business use. Where a business district is separated from an adjoining residential district by a street, the minimum side yard is five feet. Where the two districts adjoin within the same block, the minimum side yard is ten feet.
    3. *Rear.* Except where a business district adjoins a residential district, there is no minimum rear yard for a business use. Where a business district is separated from an adjoining residential district by a street, the minimum rear yard is five feet. Where the two districts adjoin within the same block, the minimum rear yard is ten feet.
  - b. *Exceptions.* The provisions of article IX of this chapter shall apply.
- (6) *Lot coverage.* No requirements.
- (7) *Off-street parking.* The provisions of article IX of this chapter shall apply.
- (8) *Outdoor advertising.* Signs may be permitted in this district under the conditions set forth in this subsection:
  - a. *General requirements.* No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by

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reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

- b. *Location.* For signs within 50 feet of a property line which is the boundary between a C district and a residential district, all the provisions of the C1 district, section 56-293 shall apply.
  - c. *Size.* No limitation.
  - d. *Lighting.*
    - 1. No red, green or amber lights or illuminated signs may be placed in such position that they reasonably can be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.
    - 2. Lights used to illuminate signs shall be so installed as to concentrate the illumination on the sign and so as to minimize glare upon a public street or adjacent property.
- (9) *Loading.* The provisions of article IX of this chapter shall apply.
- (10) *Other requirements for commercial use.* The provisions of section 56-293 shall apply.

(Ord. of 12-4-1973, § 13.3)

**Secs. 56-324—56-349. Reserved.**

*DIVISION 11. GENERAL BUSINESS DISTRICT*

**Sec. 56-350. Established.**

The C3 General Business District is established to include areas that are appropriate to all kinds of businesses and services.

(Ord. of 12-4-1973, § 14.0)

**Sec. 56-351. Uses permitted.**

The following uses shall be permitted in the C3 General Business District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-353 and article IX of this chapter, pertaining to property development standards.

- (1) All uses permitted in the C2 district.
- (2) Automobile, repair all indoors, including storage of vehicles.
- (3) Bait sales (live).
- (4) Boat sales, service, storage and rental.
- (5) Bowling alley.
- (6) Greenhouse (not exceeding 1,000 square feet).
- (7) Farm equipment, sales and service.

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- (8) Farm general.
  - (9) Filling or service station.
  - (10) Laboratories for testing and research, excluding the raising of animals for research and excluding the testing of fissionable material.
  - (11) Mobile home or trailer sales.
  - (12) Roadside produce sales stand.
  - (13) Tourist home.
  - (14) Truck service center.
  - (15) Veterinary hospital for small animals.
  - (16) Wholesale business.

(Ord. of 12-4-1973, § 14.1)

### **Sec. 56-352. Special uses.**

The following uses may be permitted by special use permit in the C3 General Business District as provided for in article X of this chapter, pertaining to special uses.

- (1) Advertising structure.
- (2) Auction sales yard, excluding livestock.
- (3) Automobile laundry.
- (4) Camping facility.
- (5) Contractors' storage yard.
- (6) Drive-up window.
- (7) Material storage, open.
- (8) Planned unit development, subject to the requirements of article VII of this chapter, pertaining to planned unit developments.
- (9) Truck freight terminal.
- (10) Tattoo parlors or studios.

(Ord. of 12-4-1973, § 14.2; Res. of 3-10-1987; Res. of 8-19-1997; Res. No. 2013-08-45, 8-15-2013)

### **Sec. 56-353. Property development standards.**

The following property development standards shall apply to all land and structures in the C3 General Business District.

- (1) *Lot area.* No requirements.
- (2) *Lot dimensions.* No requirements.
- (3) *Ground floor area.* No requirements.
- (4) *Building height.*



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- a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 35 feet.
  - b. Exceptions. The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
- (5) *Yards.*
- a. *General yard requirements.* The following are minimum yard sizes except as otherwise provided by this chapter.
    - 1. *Front.* No requirements.
    - 2. *Side.* Except where a business district adjoins a residential district, there is no minimum side yard for a business use. Where a business district is separated from an adjoining residential district by a street, the minimum side yard is five feet. Where the two districts adjoin within the same block, the minimum side yard is ten feet.
    - 3. *Rear.* Except where a business district adjoins a residential district, there is no minimum rear yard for a business use. Where a business district is separated from an adjoining residential district by a street, the minimum rear yard is five feet. Where the two districts adjoin within the same block, the minimum rear yard is ten feet.
  - b. *Exceptions.* The provisions of article IX of this chapter shall apply.
- (6) *Lot coverage.* No requirements.
- (7) *Off-street parking.* The provisions of article IX of this chapter shall apply.
- (8) *Outdoor advertising.* The provisions of the C2 district shall apply.
- (9) *Loading.* The provisions of article IX of this chapter shall apply.
- (10) *Other requirements for commercial uses.* The provisions of section 56-293 shall apply.

(Ord. of 12-4-1973, § 14.3)

**Secs. 56-354—56-379. Reserved.**

*DIVISION 12. INTERCHANGE BUSINESS DISTRICT*

**Sec. 56-380. Established.**

The C4 Interchange Business District is established to include areas that are close to freeway interchanges. Uses permitted are those appropriate to the limited accommodation and service needs of the traveling public.

(Ord. of 12-4-1973, § 15.0)

**Sec. 56-381. Uses permitted.**

The following uses shall be permitted in the C4 Interchange Business District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-383 and article IX of this chapter, property development standards.

- (1) Farm, general.

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- (2) Filling or service station.
  - (3) Hotel or motel.
  - (4) Private swimming pool.
  - (5) Public or employee parking area.
  - (6) Railroad right-of-way and necessary uses.
  - (7) Restaurant.
  - (8) Signs.

(Ord. of 12-4-1973, § 15.1)

### **Sec. 56-382. Special uses.**

The following uses only may be permitted by special use permit in the C4 Interchange Business District as provided for in article X of this chapter, pertaining to special uses.

- (1) Advertising structure.
- (2) Camping facility.
- (3) Drive-up window.
- (4) Recreational use of a reclaimed borrow pit, subject to the requirements of article IV of this chapter, pertaining to mineral extraction.
- (5) Outdoor commercial recreational facilities.
- (6) Planned unit development, subject to the requirements of article VI of this chapter, pertaining to home occupations.
- (7) Rental of trucks and trailers only in combination with filling or service stations.
- (8) Transmission lines for gas, oil, electricity or other utilities and necessary substation and distribution centers.
- (9) Truck service center.

(Ord. of 12-4-1973, § 15.2; Res. of 3-10-1987; Res. of 8-19-1997)

### **Sec. 56-383. Property development standards.**

The following property development standards shall apply to all land and structures in the C4 Interchange Business District.

- (1) *Lot area.* The minimum lot size shall be 12,000 square feet.
- (2) *Lot dimensions.* Each lot shall have a minimum width of 100 feet.
- (3) *Ground floor area.* No requirement.
- (4) *Building height.*
  - a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 75 feet, provided that buildings or structures over 75 feet in height may be erected subject to special use permit as provided for in this chapter.

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- b. Exceptions. The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
- (5) *Yards.*
- a. *General yard requirements.* The following are minimum yard sizes.
    - 1. *Front.* All buildings and structures shall be set back at least 50 feet from the front lot line, except when facing an intersecting highway or interstate freeway in which case the setback shall be 80 feet from the nearest intersecting highway right-of-way and 100 feet from the nearest interstate freeway right-of-way.
    - 2. *Transitional.* No building or structure in the C4 district shall be located within 125 feet of a residential use or residential district. Such intervening open area shall be landscaped with trees, flowers, shrubs, sown to grass, and a dense compact screen planting capable of obtaining a height of six feet and three feet in width shall be required and maintained in an orderly manner along any lot line adjoining any residential use or residential district.
    - 3. *Service.* A service area where trash or refuse is stored shall be construed to be a service yard. If the area is visually observable to a street, residential use or residential district, it shall be enclosed by a solid fence or chainlink fence with a compact screen planting of not less than six feet in height and three feet in width. This screen planting shall be maintained in an orderly manner.
  - b. *Exceptions.* The provisions of article IX of this chapter shall apply.
- (6) *Lot coverage.* The buildings on a lot may not exceed over 50 percent coverage of the total lot area.
- (7) *Off-street parking.* The provisions of article IX of this chapter shall apply.
- (8) *Outdoor advertising.* The provisions of section 56-293, C1 district, shall apply.
- (9) *Loading.* The provisions of article IX of this chapter shall apply.
- (10) *Other requirements for commercial uses.*
- a. *Enclosed buildings.* All business and servicing except off-street parking, off-street loading and rental of trucks and trailers in combination with filling or service stations shall be conducted within completely enclosed buildings.
  - b. *Underground utilities.* All utilities such as electric, telephone, television cable and other communication cables shall be installed underground and comply with the national electric code and chapter 3 of NFPA, Standard 501A. The methods of construction shall be those commonly used by the utility industry with aboveground access points for distribution and maintenance. All lines shall be installed in compliance with the regulations of the state commerce commission pursuant to the state public utilities act, 220 ILCS 5/101 et seq. All transformer boxes shall be located so as not to be unsightly or hazardous to the public.
  - c. *Glare.* The provisions of the C1 district, section 56-293, shall apply.

(Ord. of 12-4-1973, § 15.3)

**Secs. 56-384—56-409. Reserved.**

### *DIVISION 13. LIGHT INDUSTRIAL DISTRICT*

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### **Sec. 56-410. Established.**

The I1 Light Industrial District is established to include most of the existing industrial developments and provide for their expansion. Generally, the permitted uses will include only those where all of the operations, including the storage of materials, are confined within a building.

(Ord. of 12-4-1973, § 16.0)

### **Sec. 56-411. Uses permitted.**

The following uses shall be permitted in the I1 Light Industrial District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-413 and article IX of this chapter, pertaining to property development standards.

- (1) Advertising structures.
- (2) Automobile repair (all indoors).
- (3) Bank.
- (4) Boat sales, service, storage and rental.
- (5) Farm, general.
- (6) Farm seasonal worker housing, tenant.
- (7) Filling or service station.
- (8) Greenhouse, commercial.
- (9) Industrial park.
- (10) Industry, light.
- (11) Kennel.
- (12) Laboratories for testing and research excluding the raising of animals for research and excluding the testing of fissionable materials.
- (13) Mobile home or trailer sales area.
- (14) Municipal or government building.
- (15) Police or fire station.
- (16) Public garage.
- (17) Public or employee parking area.
- (18) Railroad right-of-way and necessary uses.
- (19) Restaurant.
- (20) Signs.
- (21) Truck service center.
- (22) Warehouse and storage of grain, seed, and dry fertilizer storage facilities, including grain storage and drying facilities.
- (23) Whole business.

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(Ord. of 12-4-1973, § 16.1)

**Sec. 56-412. Special uses.**

The following uses may be permitted by special use permit in the I1 Light Industrial District as provided for in article X of this chapter.

- (1) Anhydrous ammonia or similar liquefied fertilizers, storage and distribution (commercial).
- (2) Auction sales yard, excluding livestock.
- (3) Automobile laundry.
- (4) Bottled gas, storage and distribution.
- (5) Bulk storage of petroleum products.
- (6) Contractor's storage yard.
- (7) Drive-up window.
- (8) Dwelling, farm.
- (9) Junk yard.
- (10) Manufacturing, storage and use of explosives.
- (11) Penal or correctional institution.
- (12) Petroleum tank farm.
- (13) Planned unit development, subject to the requirements of article VII of this chapter, pertaining to planned unit developments.
- (14) Public or commercial sanitary landfill, refuse dump, or garbage disposal plant.
- (15) Slaughterhouse.
- (16) Truck freight terminal.
- (17) Wholesale produce terminal.

(Ord. of 12-4-1973, § 16.2; Res. of 8-19-1997)

**Sec. 56-413. Property development standards.**

The following property development standards shall apply to all land and structures in the I1 Light Industrial District.

- (1) *Lot area.* No requirements.
- (2) *Lot dimensions.* No requirements.
- (3) *Ground floor area.* No requirements.
- (4) *Building height.*
  - a. No main building or structure, other than an agricultural structure, may be changed or erected in this district so as to have a height greater than 75 feet.
  - b. Exceptions. The provisions of article IX of this chapter, pertaining to property development standards, shall apply.

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- (5) *Yards.*
- a. *General yard requirements.* The following are minimum yard sizes except as otherwise provided by this chapter.
    1. *Front.* No requirements.
    2. *Side.* Except where an industrial district adjoins a residential district, there is no minimum side yard for an industrial use. Where an industrial district is separated from an adjoining residential district by a street, the minimum side yard is five feet. Where the two districts adjoin within the same block, the minimum side yard is 30 feet.
    3. *Rear.* Except where an industrial district adjoins a residential district, there is no minimum rear yard for an industrial use. Where an industrial district is separated from an adjoining residential district by a street, the minimum rear yard is five feet. Where the two districts adjoin within the same block, the minimum rear yard is 30 feet.
  - b. *Exceptions.* The provisions of article IX of this chapter shall apply.
- (6) *Lot coverage.* The buildings on a lot may not exceed in coverage 75 percent of the total lot area.
- (7) *Off-street parking.* The provisions of article IX of this chapter shall apply.
- (8) *Outdoor advertising.* Signs and advertising structures may be permitted in this district under the conditions set forth in this subsection.
- a. *General requirements.* No sign or advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the visions of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
  - b. *Location.* No sign or advertising structures shall be located within 50 feet of the boundary line between an I1 district and a residential district when such sign or advertising structure faces said residential district.
  - c. *Size.* No limitation.
  - d. *Lighting.*
    1. No red, green or amber lights or illuminated signs may be placed in such position that they could reasonably be expected to interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.
    2. Lights used to illuminate signs or advertising structures shall be so installed as to concentrate the illumination on the sign or advertising structure and so as to minimize glare upon a public street or adjacent property.
- (9) *Loading.* The provisions of article IX of this chapter shall apply.
- (10) *Other requirements for industrial uses.* The following restrictions and performance standards shall apply to all industrial uses, in addition to the previous requirements:
- a. *Smoke.*
    1. No light industrial use may emit more than ten smoke units per hour per stack or smoke in excess of Ringelmann No. 2. However, once during any 24-hour period, for soot blowing, process purging, and fire cleaning, each stack may emit an additional ten smoke units, and during that time it may emit smoke up to and including Ringelmann No. 3.

2. In this section, the term "Ringelmann number" means the number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered as no smoke or Ringelmann No. 0; and "smoke unit" means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading shall then be multiplied by the time in minutes during which it is observed. The products so computed shall then be added to give the total number of smoke units observed during the entire observation period.
- b. *Odor.* No I1 industrial use may release an odor that is detectable at the lot line.
  - c. *Toxic materials.* For a light industrial use, the emission of toxic and noxious materials may not produce any concentration at a residence or business district boundary line exceeding the following percentage of the threshold limit values for toxic materials in industry as set forth in threshold limit values for the current year, as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists:

Light industrial use	3 percent
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- d. *Glare and heat.*
  1. No light industrial use may cause heat at the lot line so intense as to be a public nuisance or hazard. No such use may cause illumination at or beyond any residence district boundary in excess of 0.1 foot candle in any plain.
  2. As used in this section, the term "foot candle" means a unit of illumination equal to the illumination at all points that are one foot from a uniform point source of one candle power.
- e. *Vibration.*
  1. No light industrial use may cause, at the lot line, continuous earth borne vibrations higher than the limits set forth in column I of the following table. Nor may it cause, at any residence district boundary, continuous earth borne vibrations higher than the limits set forth in column II.

<i>Frequency (cycles per second)</i>	<i>I Displacement (inches)</i>	<i>II Displacement (inches)</i>	
<i>More than</i>			<i>But not more than</i>
0	10	.0008	.0004
10	20	.0005	.0002
20	30	.0002	.0001
30	40	.0002	.0001
40	50	.0001	.0001
50		.0001	.0001 Discrete pulses that do not exceed 100 impulses per minute may not produce higher than twice the displacement specified in the table.

2. Definitions. As used in this subsection:

*Displacement*—the maximum amount of motion in any direction as determined by any three-component (simultaneous) measuring system approved by the board.

*Three-component measuring system*—instrumentation that can measure earth borne vibrations in a horizontal as well as a vertical plane.

f. *Noise.*

1. At no boundary of a residence or business district may the sound pressure level of any light industrial use (except for background noises produced by sources not under control of this chapter, such as the operation of motor vehicles or other transportation facilities) exceed the following decibel limits:

<i>Octave band frequency (cycles per second)</i>		<i>I</i> Maximum permitted sound level (decibels) along residence <i>district boundaries</i>	<i>II</i> Maximum permitted sound level (decibels) along <i>business district</i> <i>boundaries</i>
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800	—	32	39
The prescribed limits of column I apply between 8:00 a.m. and 6:00 p.m. At other times, the allowable levels in each octave band are each reduced by six decibels.			

2. Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat C network of the sound level meter and the fast meter movement of the octave band analyzer. Impulsive noises are subject to the performance standards prescribed by this section if they cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as irregular and intermittent noises, shall be controlled so as not to be a nuisance to adjacent uses.

3. Definition. As used in this subsection:

*Octave band*—all the frequencies from one frequency to a second. In sound octave bands, the second frequency is usually twice the first one.

*Octave band filter*—an electrical device that separates the sounds in each octave band and presents them to the sound level meter.

g. *Fire hazards.*



1. Solid substances ranging from free or active burning to intense burning may be stored, used, or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
2. The storage, utilization, or manufacture of flammable liquids or materials which produce flammable vapors or gases shall be permitted in accordance with the rules and regulations of the state fire marshal. A certificate of compliance, issued by the state fire marshal's office, stating that the plans and specifications of the state fire marshal shall accompany the application for an improvement location permit.

3. Definition. As used in this subsection:

*Free burning*—a rate of combustion described by a substance that burns actively and easily supports combustion.

*Intense burning*—a rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.

h. *Detonation materials.* No activity involving the storage, use, or manufacture of materials that decompose by detonation may be carried on except in accordance with the rules issued by the state fire marshal. These materials include primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and their components, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

i. *Particulate matter.*

1. The rate of emission of particulate matter from all sources within the boundaries of any lot may not exceed a net figure of one pound per hour per acre for a light industrial use of which no more than ten percent by weight may be particles larger than 44 microns (325 mesh). The net rate of emission shall be computed by:
  - (i) Determining the maximum emission in pounds per hour from each source of emission within the boundaries of the lot and dividing this figure by the number of acres of lot area, thus obtaining the gross hourly emission rate per acre for each source;
  - (ii) Deducting from that gross rate the appropriate correction factors for height of emission and stack velocity as respectively specified in subsections (10)i.2 and 3 of this section, thus obtaining the net hourly emission rate per acre for each source; and
  - (iii) Adding the individual rates of emission so computed to obtain the total net hourly emission rate per hour from all sources within the boundaries of the lot.

2. The allowance for height of emission is as follows (interpolate for intermediate values):

Height of emission above grade (feet)	Correction for light industrial use (pounds per hour per acre)
50	0.01
100	0.06

150	0.10
200	0.16
300	0.30
400	0.50
500 and above	0.50

3. The allowance for velocity of emission is as follows (interpolate for intermediate values):

<i>Exit Velocity Up (feet per second)</i>	<i>Correction for Light Industrial Use (pounds per hour per acre)</i>
0	0
20	0.03
40	0.09
60	0.16
80	0.24
100 and above	0.50

4. Dust and other kinds of air pollution that are borne by the wind from such sources within lot boundaries as storage areas, yards, and roads shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other means.
  5. As used in this section, the term "particulate matter" means divided liquid or solid material that is discharged and carried along in the air.
- j. *Exceptions.* Subsections (10)a. through i. of this section do not apply to:
1. Site preparation or construction, maintenance, repair, alteration, or improvement of buildings, structures, equipment, or other improvements on or within the lot line;
  2. The operation of motor vehicles or other facilities for the transportation of personnel, materials, or products;
  3. Conditions beyond the control of the user such as fire, explosion, accident, failure, or breakdown;
  4. Safety or emergency warning signals or alarms necessary for the protection of life, limb, or property; or
  5. Processes for which there is no known means of control. Research shall be promptly conducted to discover methods of control leading to the installation of protective equipment.

(Ord. of 12-4-1973, § 16.3)

**Secs. 56-414—56-441. Reserved.**

*DIVISION 14. GENERAL INDUSTRIAL DISTRICT*

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### **Sec. 56-442. Established.**

The I2 General Industrial District is established to provide for general industrial operations utilizing both enclosed and unenclosed space for storage, fabricating and manufacturing.

(Ord. of 12-4-1973, § 17.0)

### **Sec. 56-443. Uses permitted.**

The following uses shall be permitted in the I2 General Industrial District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-445 and article IX of this chapter, pertaining to property development standards.

- (1) All uses permitted in the I1 district.
- (2) Concrete, ready-mix plant.
- (3) Contractors' storage yard.
- (4) Industry, general.
- (5) Material storage, open.
- (6) Truck freight terminal.
- (7) Wholesale produce terminal.

(Ord. of 12-4-1973, § 17.1)

### **Sec. 56-444. Special uses.**

The following uses may be permitted by special use permit in the I2 General Industrial District as provided for in article X of this chapter, pertaining to special uses.

- (1) Anhydrous ammonia or similar liquefied fertilizers, storage and distribution (commercial).
- (2) Asphalt and asphaltic concrete batch plant.
- (3) Bottled gas storage and distribution.
- (4) Bulk storage of petroleum products.
- (5) Junk yard.
- (6) Manufacturing, storage or use of explosives.
- (7) Penal or correctional institution.
- (8) Petroleum tank farm, commercial.
- (9) Public or commercial sanitary landfill, refuse dump or garbage disposal plant.
- (10) Slaughterhouse.
- (11) Planned unit development, subject to requirements of article VII of this chapter, pertaining to planned unit developments.

(Ord. of 12-4-1973, § 17.2)

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## Sec. 56-445. Property development standards.

The following property development standards shall apply to all land and structures in the I2 General Industrial District.

- (1) *Lot area.* No requirement.
- (2) *Lot dimensions.* No requirement.
- (3) *Ground floor area.* No requirement.
- (4) *Building height.* No requirement.
- (5) *Yards.*
  - a. *General yard requirements.* The following are minimum yard sizes except as otherwise provided by this chapter.
    1. *Front.* No requirements.
    2. *Side.* Except where an industrial district adjoins a residential district, there is no minimum side yard for an industrial use. Where an industrial district is separated from an adjoining residential district by a street, the minimum side yard is five feet. Where the two districts adjoin within the same block, the minimum side yard is 30 feet.
    3. *Rear.* Except where an industrial district adjoins a residential district, there is no minimum rear yard for an industrial use. Where an industrial district is separated from an adjoining residential district by a street, the minimum rear yard is five feet. Where the two districts adjoin within the same block, the minimum rear yard is 30 feet.
  - e. *Exceptions.* The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
- (6) *Lot coverage.* No requirements.
- (7) *Off-street parking.* The provisions of article IX of this chapter shall apply.
- (8) *Outdoor advertising.* The provisions of the I1 district shall apply.
- (9) *Loading.* The provisions of article IX of this chapter shall apply.
- (10) *Other requirements for industrial uses.* The following restrictions shall apply to all industrial uses, in addition to the previous requirements.
  - a. *Smoke.*
    1. No general industrial use may emit more than 30 smoke units per hour per stack or smoke in excess of Ringelmann No. 2. However, once during any six-hour period, for soot blowing, process purging, and fire cleaning, each stack shall be permitted an additional ten smoke units, and during that time it may emit smoke up to and including Ringelmann No. 3.
    2. *Definition.* As used in this subsection:

*Ringelmann number*—the number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered as no smoke or Ringelmann No. 0.

*Smoke unit*—the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading shall then be multiplied by the time in minutes during which it is observed. The products so computed shall then be added to give the total number of smoke units observed during the entire observation period.

- b. *Odor.* No general industrial use may release an odor that is detectable at the lot line.
- c. *Toxic materials.* For a general industrial use, the emission of toxic and noxious materials may not produce any concentration at a residence or business district boundary line exceeding the following percentage of the threshold limit values for toxic materials in industry as set forth in threshold limit values for the current year, as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists:

General industrial use	10 percent
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- d. *Glare and heat.*
  - 1. No general industrial use may cause heat at the lot line so intense as to be a public nuisance or hazard. No such use may cause illumination at or beyond any residence district boundary in excess of 0.1 foot candle in any plain.
  - 2. Definition. As used in this subsection:

*Foot candle*—a unit of illumination equal to the illuminating at all points that are 1 foot from a uniform point source of one candle power.

- e. *Vibration.*
  - 1. No general industrial use may cause at any R, or C district boundary continuous earth borne vibrations higher than the limits set forth in column I of the following table. Nor may it cause at any residence district boundary continuous earth borne vibrations higher than the limits set forth in column II.

<i>Frequency (cycles per second)</i>		<i>I</i>	<i>II</i>
<i>More than</i>	<i>But not more than</i>	<i>Displacement (inches)</i>	<i>Displacement (inches)</i>
0	10	.0020	.0004
10	20	.0010	.0002
20	30	.0006	.0001
30	40	.0004	.0001
40	50	.0003	.0001
50		.0002	.0001
Discrete pulses that do not exceed 100 impulses per minute may not produce higher than twice the displacement specified in the table.			

- 2. Definition. As used in this subsection:
- Displacement*—the maximum amount of motion in any direction determined by any three component (simultaneous) measuring system approved by the board.

*Three-component measuring system*—instrumentation that can measure earth borne vibrations in a horizontal as well as a vertical plane.

f. *Noise.*

1. At no boundary of a residence or business district may the sound pressure level of any general industrial use, except for background noises produced by sources not under control of this chapter, such as the operation of motor vehicles or other transportation facilities, exceed the following decibel limits:

<i>Octave band frequency (cycles per second)</i>		<i>I Maximum permitted sound level (decibels) along residence district boundaries</i>	<i>II Maximum permitted sound level (decibels) along business district boundaries</i>
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800	---	32	39

The prescribed limits of column I apply between 8:00 a.m. and 6:00 p.m. At other times, the allowable levels in each octave band are each reduced by six decibels.

2. Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat C network of the sound level meter and the fast meter movement of the octave band analyzer. Impulsive noises are subject to the performance standards prescribed by this section if they cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as irregular and intermittent noises, shall be controlled so as not to be a nuisance to adjacent uses.

3. Definition. As used in this subsection:

*Octave band*—all the frequencies from one frequency to a second. In sound octave bands, the second frequency is usually twice the first one.

*Octave band filter*—an electrical device that separates the sounds in each octave band and presents them to the sound level meter.

g. *Fire hazards.*

1. Solid substances ranging from free or active burning to intense burning may be stored, used, or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
2. The storage, utilization, or manufacture of flammable liquids or materials which produce flammable vapors or gases shall be permitted in accordance with the rules and regulations of the state fire marshal. A certificate of compliance, issued by the state fire marshal's office, stating that the plans and specifications for a general industrial use comply with the rules and regulations of the state fire marshal shall accompany the application for an improvement location permit.
3. As used in this section:

*Free burning*—a rate of combustion described by a substance that burns actively and easily supports combustion; and

*Intense burning*—a rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.

- h. *Detonation materials.* No activity involving the storage, use, or manufacture of materials that decompose by detonation may be carried on except in accordance with the rules issued by the state fire marshal. These materials include primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and their components, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

i. *Particulate matter.*

1. The rate of emission of particulate matter from all sources within the boundaries of any lot may not exceed a net figure of three pounds per hour per acre for a general industrial use of which no more than ten percent by weight may be particles larger than 44 microns (325 mesh). The net rate of emission shall be computed by:

- (i) Determining the maximum emission in pounds per hour from each source of emission within the boundaries of the lot and dividing this figure by the number of acres of lot area, thus obtaining the gross hourly emission rate per acre for each source;
- (ii) Deducting from that gross rate the appropriate correction factors for height of emission and stack velocity as respectively specified in subsections (10)i.2. and 3. of this section, thus obtaining the net hourly emission rate per acre for each source; and
- (iii) Adding the individual rates of emission so computed to obtain the total net hourly emission rate per hour from all sources within the boundaries of the lot.

2. The allowance for height of emission is as follows (interpolate for intermediate values):

<i>Height of emission above grade (feet)</i>	<i>Correction for general industrial use (pounds per hour per acre)</i>
50	0.02
100	0.12
150	0.20
200	0.32
300	0.60
400	1.00
500 and above	1.50

3. The allowance for velocity of emission is as follows (interpolate for intermediate values):

<i>Exit velocity up (feet per second)</i>	<i>Correction for general industrial use (pounds per hour per acre)</i>
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0	0
20	0.06
40	0.18
60	0.32
80	0.48
100 and above	1.00

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

5. As used in this section:

*Particulate matter*—divided liquid or solid material that is discharged and carried along in the air.

j. *Exceptions.* Subsections (10)a. through i. of this section do not apply to:

1. Site preparation or construction, maintenance, repair, alteration, or improvement of buildings, structures, equipment, or other improvements on or within the lot line;
2. The operation of motor vehicles or other facilities for the transportation of personnel, materials, or products;
3. Conditions beyond the control of the user such as fire, explosion, accident, failure, or breakdown;
4. Safety or emergency warning signals or alarms necessary for the protection of life, limb, or property; or
5. Processes for which there is no known means of control. Research shall be promptly conducted to discover methods of control leading to the installation of protective equipment.

k. *General industrial uses near residence districts.* The performance standards prescribed by subsections (10)a. through i. of this section for light industrial uses apply also to general industrial uses that are located within 500 feet of a residence district boundary.

(Ord. of 12-4-1973, § 17.3)

**Secs. 56-446—56-473. Reserved.**

*DIVISION 15. INTERCHANGE INDUSTRIAL DISTRICT*

**Sec. 56-474. Designed.**

The I3 Interchange Industrial District is designed to accommodate light industrial uses that are relatively clean activities such as the manufacture and storage of products within totally enclosed buildings and which require freeway access and prestige frontage.

(Ord. of 12-4-1973, § 18.0)



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### **Sec. 56-475. Uses permitted.**

The following uses shall be permitted in the I3 Interchange Industrial District, plus such other uses as the board may deem to be similar in nature. All uses shall be subject to the property development standards in section 56-477 and article IX of this chapter, pertaining to property development standards, and the industrial performance standards in the I1 industrial district, section 56-413.

- (1) Farm, general.
- (2) Industrial park.
- (3) Printing and publishing establishments.
- (4) Parcel delivery services.
- (5) Warehouse, storage.
- (6) Railroad right-of-way and necessary uses.
- (7) Wholesale business.

(Ord. of 12-4-1973, § 18.1)

### **Sec. 56-476. Special uses.**

The following uses only may be permitted by special use permit in the I3 Interchange Industrial District and are subject to all applicable requirements and procedures appearing in article X of this chapter, pertaining to special uses:

- (1) Recreational use of a reclaimed borrow pit, subject to the requirements of article IV of this chapter, pertaining to mineral extraction.
- (2) Planned unit developments, subject to the requirements of article VII of this chapter, planned unit developments.
- (3) Transmission lines for gas, oil, electricity or other utilities and necessary substation and distribution centers.
- (4) Truck freight terminal.

(Ord. of 12-4-1973, § 18.2)

### **Sec. 56-477. Property development standards.**

The following property development standards shall apply to all land and structures in the I3 Interchange Industrial District.

- (1) *Lot area.* The minimum lot size shall be 43,560 square feet (one acre).
- (2) *Lot dimensions.* Each lot shall have a minimum width of 150 feet.
- (3) *Ground floor area.* No requirement.
- (4) *Building height.*
  - a. No main building or structure, other than an agriculture structure, may be changed or erected in this district so as to have a height greater than 75 feet.

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- b. Exceptions. The provisions of article IX of this chapter, pertaining to property development standards, shall apply.
- (5) *Yards.*
- a. *General yard requirements.* The following are minimum yard sizes.
    - 1. *Front.* All buildings and structures shall be setback at least 50 feet from the front lot line, except when facing an intersecting highway or interstate freeway in which case the setback shall be 80 feet from the nearest intersecting highway right-of-way and 100 feet from the nearest interstate freeway right-of-way.
    - 2. *Transitional.* No building or structure in the I3 district shall be located within 125 feet of a residential use or residential district. Such intervening open area shall be landscaped with trees, flowers, shrubs, sown to grass, and a dense compact screen planting capable of obtaining the height of six feet, and three feet in width shall be required and maintained in an orderly manner along any lot line adjoining any residential use or residential district.
    - 3. *Service.* A service area where trash or refuse is stored shall be construed to be a service yard. If this area is visually observable to a street, residential use or residential district, it shall be enclosed by a solid fence or chainlink fence and a dense compact screen planting of not less than six feet in height and three feet in width. This screen planting shall be maintained in an orderly manner.
  - b. *Exceptions.* The provisions of article IX of this chapter shall apply.
- (6) *Lot coverage.* The buildings on a lot may not exceed over 75 percent coverage of the total lot area.
- (7) *Off-street parking.* The provisions of article IX of this chapter shall apply.
- (8) *Outdoor advertising.* The provisions of the I1 district shall apply.
- (9) *Loading.* The provisions of the I1 district shall apply.
- (10) *Other requirements for industrial uses.*
- a. *Underground utilities.* The provisions of the C4 interchange business district section 56-383 shall apply.
  - b. *Glare.* The provisions of the C1 district, section 56-293 shall apply.
- (11) *Enclosed buildings.* All activities shall be conducted within completely enclosed buildings except off-street parking areas.
- (12) *Loading and unloading location.* Trucks shall be loaded and unloaded within enclosed buildings and truck loading berths shall not be located in the building frontage facing the intersecting highway.

(Ord. of 12-4-1973, § 18.3)

### **Sec. 56-478. Interchange development standards.**

The purpose of this section is to provide realistic controls for assuring safe and convenient access to the development of properties that adjoin interchanges and discourage the indiscriminate location of access points along the intersecting highway.

- (1) *Area of control.* The following interchange development standards shall apply to all business, residential and industrial development within a radius of one-half mile of the interchange structure except where the area of control extends inside the corporate limits of a municipality that is not

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subject to the regulations of this chapter. Provisions of the C4, R3 and I3 districts shall apply to all business, residential and industrial development within the specified area of control.

- (2) *Setback distance from intersecting highway.* Buildings and structures shall be set back at least 80 feet from the right-of-way line of intersecting highways and 100 feet from the interstate freeway right-of-way. In case of usual changes in alignment of the highway right-of-way line or unusual topographic conditions which would cause undue hardship in the application of this requirement, a variance for a lesser setback distance from the intersecting highway may be granted by the board.
- (3) *Limitation of access.*
  - a. The state department of transportation has developed access regulations for each particular interchange based on ramp design and ramp speed. These regulations shall apply only when they are more restrictive than the following regulations.
  - b. Access from abutting property to an intersecting highway shall be permitted only at points of access existing prior to the adoption of the ordinance from which this chapter is derived, or future access points shall be located as follows:
    1. There shall be no access points located within 700 feet of the most remote end of taper of any existing or proposed entrance or exit ramp of an interchange or at intervals of less than 700 feet thereafter. A lesser distance may be permitted by the board upon prior written approval by the state department of transportation or the agency having jurisdiction over the intersecting highway.
    2. To avoid dangerous off-set intersections, public streets along opposite sides of intersecting highways shall be located either directly opposite each other or directly opposite a median strip crossover, or separated by at least 300 feet of lateral distance. A lesser distance may be permitted by the board upon prior written approval by the state department of transportation or the agency having jurisdiction over the intersecting highway.
    3. Access and site planning principals to be applied are illustrated on Figure 7.

Examples of access and site planning principles for interchange areas.

Figure 7



- 1 Area too small to be developed is landscaped to buffer the adjacent residential area from the noise and sight of interchange traffic.
- 2 Dashed line indicates closure of an old access point which would have impeded traffic and created unsafe conditions on the arterial.
- 3 Residential lots face on a frontage road or local street; landscaped buffer zones protect the residences from adverse effects of traffic.
- 4 Location of first arterial access point in relation to ramp terminals is based on distance required for safe and efficient merging and diverging of ramp traffic.
- 5 A minimum of 150 feet between intersections is needed to allow adequate storage of vehicles on access road.
- 6 Service stations, the most frequent road-user service destination, are located immediately adjacent to the access road.
- 7 Access and circulation pattern to all services within area is easily recognizable from cross route when approaching access point.
- 8 Buffer protects residential properties and screens other activities.
- 9 Restaurant is located convenient to motel patrons.
- 10 Major parking area intercepts patrons and eliminates unnecessary circulation through service area.
- 11 Residential and road-user service traffic is separated (i.e., the two activities front on different streets).
- 12 Motel units are set back from freeway and cross route to minimize traffic noise.
- 13 This area might be developed as a picnic and rest area for road-users.
- 14 Adequate building setbacks are provided along arterial.
- 15 Adequate off-street service and loading areas are provided to commercial and industrial activities.
- 16 Area might be developed for appropriate uses needing regional access and a location near the freeway.
- 17 Separate turning lanes and appropriate traffic control devices insure efficient intersection operation.

(Ord. of 12-4-1973, § 19.0)

**Secs. 56-479—56-509. Reserved.**

## **ARTICLE IV. MINERAL EXTRACTION SITES**

**Sec. 56-510. Mineral extraction.**

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

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*Plant area*—the territory planned for extraction of sand, gravel, or other earth materials and the operational installation, if any, for the excavating, processing and distribution of the minerals.

- (b) The following information shall be submitted with the application for a special use for mineral extraction operations including borrow pits, topsoil removal and storage areas.
- (1) A map of existing conditions showing the lands proposed to be included in the plant area and the lands within 1,000 feet in all directions. This map shall show the boundaries of the plan area and existing conditions on the mapped lands including:
    - a. Existing contours, with a contour interval appropriate to the site which accurately reflects the topographic condition, two-foot contour intervals for area less than ten percent grade; five-foot contour intervals for area with greater than ten percent grade).
    - b. Water bodies and drainage courses: Depth of water table below existing terrain.
    - c. Estimate of depth and extent of deposit.
    - d. The present use of adjoining lands (residential, commercial, industrial, institutional, recreation, agricultural, etc.).
    - e. The present zoning classification of subject and adjoining lands and setback requirements.
    - f. All publicly owned lands.
    - g. Public rights-of-way road types.
    - h. Easements and railroad lines.
  - (2) A plan of operational areas showing:
    - a. Area proposed for excavation.
    - b. Area proposed for settling ponds and wash water outlets.
    - c. Area proposed for processing facilities and storage.
    - d. Area proposed for production facilities, if any, for resource-related industry.
    - e. Area proposed for plant entrance, office, dispatcher headquarters, off-street parking and equipment storage.
  - (3) A plan of excavation showing:
    - a. Division of the area proposed for excavation into one or more excavation units which are to be excavated and rehabilitated in sequence. Estimated dates for the rehabilitation of the excavation units should be given;
    - b. Methods to be used to minimize the effect of erosion by wind and water on the entire tract, such as the planting of ground cover vegetation;
    - c. Methods of screening the area of operations from view, such as planting screens or the use of earth mounds;
    - d. The access or haul road system.
  - (4) A conceptual plan of development for the rehabilitation and reuse of the entire plant area following extraction showing:
    - a. A proposed plan for landscape rehabilitation, including grading, drainage, planting, and similar appropriate installations;
    - b. The proposed water area, if any, resulting from excavation;

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- c. A proposed plan of functional reuse of the total plant area showing, diagrammatically, future locations of residential, commercial, industrial, public, semipublic, and other land uses, if any, and the principle elements of a future traffic circulation system to service the area. Sufficient information shall be provided to determine the general characteristics of proposed development such as population density ranges, types of commercial or industrial usage, and kinds of public areas.
- (5) All requirements of the Surface Coal Mining Land Conservation and Reclamation Act, 225 ILCS 720/1.01 et seq., including all amendments thereto, shall apply to all mineral extraction sites, as defined in this section, and subject to the rules and regulations of this act. All other mineral extraction sites not subject to the act shall provide a bond with surety or security satisfactory to the board of appeals. The amount of this bond of surety or security shall be from \$600.00 to \$5,000.00 per acre, or fractional part thereof, for the area to be excavated, by excavation units, which will run to the county board to ensure the satisfactory completion of the landscape rehabilitation shown in the plan of development following the extraction process. The exact amount of the bond of surety or security is to be determined by the board of appeals after considering the various factors relating to the feasible reclamation costs. This bond of surety or amount of security shall not be higher than an appraised value on the subject tract, unless the board of appeals has the approval of the county board to set an amount for the bond of surety or security higher than an appraised value. The board of appeals requires that a land appraisal of the property to be affected by the mineral extraction site, as described in the special use application, be submitted to the board of appeals along with the mineral extraction site special use application. The board of appeals may also require the assistance of a land appraiser or assessor in determining the amount of surety or security to be required. The cost of the hiring of such a land appraiser or assessor shall be borne by the applicant for the special use, mineral extraction zoning case. The board of appeals shall fix the amount of the bond of surety or security before the vote has been ordered by the chairperson of the board of appeals on the special use, mineral extraction site zoning case. As each new excavation unit is begun, such surety will be required and the bond released by the county board for those excavation units that have been inspected and found to be satisfactorily rehabilitated in accordance with the original approved plan of development.
- (c) The plant area will be used primarily for the excavation of sand, gravel, rock and other earth materials, and the processing, storage, stockpiling, distribution, and sale thereof.
- (d) The following uses may be permitted when they are determined to be functionally beneficial to the extraction activity, appropriate to the location and environs, and not detrimental to adjoining lands:
- (1) Concrete batching plants;
  - (2) Mixing plants for either Portland cement or asphaltic concrete;
  - (3) Concrete block, pipe, beam, slab or panel plants.
- (e) The uses referred to in subsections (c) and (d) of this section are subject to the performance standards, and any amendments thereto, prescribed and enforced by the state environmental protection agency.
- (f) Other plant area requirements:
- (1) Slopes. All land affected by surface mining except as otherwise provided in the state surface coal mining land conservation and reclamation act, 220 ILCS 720/1.01 et seq., shall be graded to a rolling topography traversable by machines necessary for maintenance in accordance with planned use, with slopes having no more than 15 percent grade, except that in the case of those lands to be reclaimed in accordance with filed plan for forest plantation, recreational or wildlife, the final cut spoil, the box cut spoil and the outside slopes of all overburden deposition areas, the grade shall not exceed 30 percent; but, such slopes need not be reduced to less than the original grade of the overburden of that area prior to mining. All land reclaimed for row-crop agriculture use shall be graded in accordance with Rule

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1104 of the state surface coal mining land conservation and reclamation act, 220 ILCS 720/1.01 et seq. Mineral extraction operators not subject by law to the requirements of this act shall by reference be required to comply with Rule 1104 of said act.

- (2) Fencing. Prior to the commencement of any operations in a plant area or part thereof located within 500 feet of a developed residential area, public park or other institution, a fence shall be constructed enclosing the plant area or part within that prescribed distance. Shops, garages, warehouses, storage areas, offices, dwelling units and other areas which have not been excavated and are not used by the plant, need not be fenced. Said fence shall be of woven wire, not capable of receiving a child's foot and be at least four feet in height, or a planting of shrubs capable of producing a tight, practically impenetrable hedge (i.e., multiflora rose). The bottom of the fence shall conform to the ground surface so as to prevent any opening between it and the ground surface exceeding four inches. Gates of the same height as the fence shall be installed at all points of vehicular or pedestrian ingress and egress. Said gates shall be equipped with keyed locks and shall be kept locked at all times when the plant area operations are shut down. Said fence, gates and locks shall be maintained in good condition.
- (3) Ingress, egress and traffic safety. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the local highway authorities.
- (4) Off-street parking. Off-street parking shall be provided for all equipment and for cars of employees. Such parking area shall be surfaced with crushed stone.
- (5) Screens. Screen planting consisting of a variety of trees, shrubs or both in the same planting area, or a combination of seeded earth mounds and plant material screens shall be constructed and planted so as to form dense screens to a height appropriate to block out objectionable features and maintained along the perimeter of any area being operated where said perimeter abuts a public thoroughfare or a developed residential area.
- (6) Drainage. Upon completion and during operations, the land shall be maintained in a safe condition so that sufficient drainage shall be provided so as to prevent water backing onto adjoining property, water pockets, or undue erosion, with all grading and drainage such that both natural storm water and tiled drainage leaves the entire property at the original, natural drainage points, and that the area drainage to any one such point is not increased.
- (7) Setbacks.
  - a. Setback distance shall be provided as required by Rule 1108 of the state Surface Coal Mining Land Conservation and Reclamation Act, 220 ILCS 720/1.01 et seq. Copies of such approval by the state department of mines and minerals shall be filed with the county regional planning commission.
  - b. Mineral extraction operators not subject by law to the requirements of this act shall, in this instance, be subject by reference to the requirements of Rule 1108 as stated in the act and, pursuant to complying with the requirement, shall submit an outline to the board of appeals within a three-month period, and the mineral extraction site operator shall provide evidence of a mutual agreement between the mineral extraction site operator and the adjacent land owners or a supervisor of a public right-of-way. This outline must be approved by the board of appeals before any excavation work commences within the setback distance area.
- (8) Excavations made to water producing depths, and proposed as water areas in the plan of development should have a minimum depth at some point of not less than six feet measured from low water mark.
- (9) The rehabilitation of the plant area in conformance with the plan of development submitted with the application.

(Ord. of 12-4-1973, § 20.0)

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**Secs. 56-511—56-528. Reserved.**

## ***ARTICLE V. LAND REHABILITATION***

### **Sec. 56-529. Land rehabilitation provisions.**

- (a) In cases where land is used for such purposes as landfills, dumps, or junk yards or other such uses where the physical characteristics of the land are substantially changed as a result of the operation, a proposed plan of functional reuse of the land is required at the time of the application for special use. The plan shall show future locations of residential, commercial, industrial, public, semipublic, and other land uses, if any, and the principal elements of a future traffic circulation system to service the area. Furthermore, sufficient information shall be provided to determine the general characteristics of proposed development such as population density ranges, types of commercial or industrial usage, and kinds of public areas.
- (b) All land fills shall be approved by the state environmental protection agency.
- (c) All or part of the darkened surface soil, (as defined in the state surface coal mining land conservation and reclamation act, 220 ILCS 720/1.01 et seq.), commonly called top soil, being part of the affected land of the mineral extraction site, shall be segregated during the stripping process and replaced as a final cover as a last step in the required reclamation process.
  - (1) When available in such depth, at least 18 inches of the darkened surface soil shall be segregated and replaced. When less than 18 inches of the darkened surface soil exists, all such lesser amounts shall be segregated and replaced. In no case shall less than the top eight inches of surface soil, darkened or not, be segregated and replaced.
  - (2) This segregation and replacement requirement may be altered by the department of mines and minerals or the board of appeals only if it is determined upon the advice of a competent soil scientist that other material available in the cast of the overburden would be suitable in meeting the reclamation requirements. On all lands to be reclaimed, the operators shall not be required to create a soil condition better than that which existed prior to surface mining.
- (d) The same volume of overburden removed from the natural deposits of minerals during a surface mining operation shall be used in the reclamation of the mineral extraction site of which said overburden was removed. This overburden replacement requirement may be altered by the board of appeals if the mineral extraction site operator can present an effective reclamation plan that does not require the replacement of the entire volume of overburden.
- (e) For mineral extraction operations that are administrated by the rules and regulations of the county, the reclamation of each mineral extraction site phase is to be completed by the operator prior to the expiration of three years from the date on the surety bond or from the date of proof of security being deposited, to be held by the county for that specific mineral extraction site phase. When the extension of the reclamation period is necessary to allow for continued mining operations, otherwise permitted by the zoning rules and regulations of the county, or to accommodate acceptable reclamation, such request for extension shall be justified in writing to the zoning board of appeals. It shall be within the discretion of the zoning board of appeals to grant such an extension consistent with the zoning rules and regulations of the county. If the lands are not satisfactorily reclaimed and if the zoning board of appeals shall deny request for an extension for the reclamation period, the county board may declare forfeiture of the surety bond on such land not satisfactorily reclaimed.

(Ord. of 12-4-1973, § 20.1)



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**Secs. 56-530—56-551. Reserved.**

## ***ARTICLE VI. HOME OCCUPATIONS***

### **Sec. 56-552. Requirements; inclusions; exclusions.**

- (a) Home occupations in residential dwellings are permitted as incidental and secondary to the permitted residential use of the lot, subject to the following requirements:
- (1) Such home occupation shall be conducted entirely within the dwelling unit used as the residence.
  - (2) The operator conducting the home occupation shall be the sole entrepreneur. (Special permits approved by the county regional planning commission and the board of appeals could allow for employees who are not residents of the house.)
  - (3) The primary use of the dwelling unit shall remain for residential purposes and the operator of the home occupation shall remain a resident in the dwelling unit.
  - (4) The home occupation shall be incidental and secondary to the permitted residential use of the lot.
  - (5) The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character of the dwelling or the lot in any visible manner.
  - (6) The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
  - (7) The home office or business occupies less than one-third of the floor area of the dwelling.
  - (8) No provision for off-street parking or loading facilities, other than the requirements of the residential district in which the use is located, shall be permitted; and no part of a minimum required yard shall be used for such off-street parking or loading purposes; no additional driveways to serve such home occupation, shall be permitted. The home office or business shall have sufficient off-street parking to accommodate both residential and home business uses.
  - (9) No display of goods or external evidence of the home occupation shall be permitted other than one nonilluminated sign, not exceeding three square feet in area, placed so it does not obstruct the view of oncoming traffic.
  - (10) That stock located on the premises must be approved by the zoning administrator.
  - (11) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference, (visually or audibly), outside the dwelling.
  - (12) No permitted home occupation shall interfere with the reasonable enjoyment of adjoining property owners.
- (b) Permitted home occupations can include:
- (1) Domestic crafts such as a seamstress, sewing, tailoring, weaving, washing, and ironing, carpentry work, television or radio repair, barbershops (one-chair operation only), beauty shops (one-chair operation only), repair of small household appliances.
  - (2) Music and dance instruction.
  - (3) Private tutoring.

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- (4) Use of premises by a medical or osteopathic physician, surgeon, dentist, podiatrist, or chiroprapist, for consultation or emergency treatment, but not for general practice of such profession.
- (c) Home occupation shall not be interpreted to include:
- (1) Automobile repair and tune-up.
  - (2) Offices, clinics, welding shops, tourist homes, animal hospitals, kennels.
  - (3) The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
  - (4) Not more than one room in the dwelling shall be employed for the home occupation, at grade or above grade; or 300 square feet of basement floor area below grade.
  - (5) No provision for off-street parking or loading facilities, other than the requirements of the residential district in which the use is located, shall be permitted; and no part of a minimum required yard shall be used for such off-street parking or loading purposes; no additional driveways to serve such home occupation, shall be permitted.
  - (6) No display of goods or external evidence of the home occupation shall be permitted other than one attached, non-illuminated sign, not exceeding one square foot in area.
  - (7) No stock, in trade or commodities, other than those prepared, produced or created on the premises by the operator of the home occupation, shall be kept or sold on the premises, except television or radio and appliance repair parts and hair grooming products.
  - (8) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference, (visually or audibly), outside the dwelling.
  - (9) No permitted home occupation shall interfere with the reasonable enjoyment of adjoining property owners.
  - (10) Tattoo parlors or studios.

(Ord. of 12-4-1973, § 21.0; Res. of 10-8-1996; Res. No. 2013-08-45, 8-15-2013)

**Secs. 56-553—56-582. Reserved.**

## ***ARTICLE VII. PLANNED UNIT DEVELOPMENTS***

### **Sec. 56-583. Purpose and objectives.**

- (a) To encourage improved land development and building site design, to encourage and allow a variety of building types and arrangements, and to allow the development of land areas so planned, located or situated as to merit and justify consideration for the granting of certain exceptions to the required standards for the zoning district in which it is located.
- (b) It shall be the policy of the county to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:
  - (1) A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements;

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- (2) A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services;
  - (3) A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
  - (4) A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
  - (5) A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.
- (c) The county is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.
- (d) A special use for a planned unit development shall be subject to the conditions and procedures in section 56-584.
- (Ord. of 12-4-1973, § 22.1)

#### **Sec. 56-584. Procedure for approval of planned unit development.**

To be authorized under this chapter and to secure the special consideration that it provides for planned developments, such a development must, in addition to complying with the requirements of article X of this chapter, applicable to special uses, comply with this section, and shall be subject to the following procedures and all conditions stated in section 56-586.

- (1) The developer shall meet with the zoning administrator prior to making application for the special use. The purpose of this meeting is to discuss early and informally the purpose and effect of this chapter and the criteria and standards contained herein, and to familiarize the developer with the comprehensive plan, the thoroughfare plan, the public facilities plan, the subdivision regulations, and the drainage, sewer, and water systems of the county.
- (2) Following the preapplication meeting the developer shall submit an application for special use along with two copies of a preliminary development plan of the proposed development for staff review. The preliminary development plan shall contain information as prescribed in this section.
- (3) Following receipt of the application for special use and preliminary development plan, the zoning administrator shall note in writing on the preliminary development plans his unofficial agreement or disagreement. One copy of the preliminary development plan shall be kept by the zoning administrator and one copy shall be furnished to the applicant.
- (4) The application for the planned unit development may then be submitted to the commission together with three copies of the preliminary development plan, and a detailed site plan as prescribed in section 56-589, for the lands involved, together with supporting documents including proof of the developer's financial capability to carry out the proposed development.
- (5) Distribution of copies.
  - a. The following officials and agencies shall also receive copies of the plan in such number as follows:
    1. The county health department (1);
    2. The school district in which the planned unit development is proposed to be located (1);

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3. The official, or officials responsible for municipal street facilities and water and sewer utilities (1 copy per official);
  4. The county soil and water conservation district board (1);
  5. The county superintendent of highways (1);
- b. Each official or agency shall review the plan and submit comments or recommendations to the secretary of the commission stating that:
1. All requirements of the agency have been complied with and the development plan should be approved; or
  2. Certain requirements have not been complied with and the development plan should be modified. The reasons for modification shall be stated in writing.
- (6) The commission shall carefully consider the preliminary development plan and the recommendations of the zoning administrator and other officials. The commission may approve and recommend the plan as submitted, or, it may modify, alter, adjust or amend the plan; or the commission may disapprove the plan and so notify the board. If approved all three copies of the plan shall be stamped "Conditionally Approved Development Plan" and be signed by the officers of the commission, one copy to be retained in the commission file, one copy to be included in its report to the board, and one copy to be furnished to the applicant. The commission's recommendations shall be recorded in the minutes of the commission meeting and said plan with any amendments thereto, together with a finding as to whether the proposed development is consistent with the master plan of the county, shall constitute the commission's report to the board. The preliminary development plan as conditionally approved by the commission and the additional items as specified in section 56-585(b) shall constitute the final development plan.
- (7) The board shall then hold a public hearing on the planned unit development in accordance with the procedures as established in section 56-692, and upon an affirmative finding shall order the zoning administrator to issue an improvement location permit for the special use.
- (8) In a case where the planned unit development contains a division of land into separate units under one ownership or into one or more separately owned and operated units, the commission's review and approval of said plan shall constitute the preliminary plat approval as required by chapter 52, pertaining to subdivisions.
- (9) Following an affirmative finding by the board, in the case of a division of land, the developer shall then make application for final plat approval as presented by chapter 52, pertaining to subdivisions, or if the proposed development lies within the jurisdiction of a municipality, that municipality's plat approval procedures must be followed.
- (10) A later division of the land may be made only upon reapplication to the commission for approval of a revised development plan and resubmission to the board. This separation of the land for the purposes of platting must comply with chapter 52, pertaining to subdivisions and procedures for platting approvals or the appropriate municipal authority.

(Ord. of 12-4-1973, § 22.2)

### **Sec. 56-585. Development plans.**

- (a) The preliminary development plan shall provide the following information for staff review and commission consideration:

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- (1) The proposed layout, in relationship to site conditions of streets, buildings, lots, and other elements basic to the proposed use.
  - (2) The proposed locations of residential, commercial, industrial, park, school, recreational, and other public and semi-public uses within the area proposed to be developed as well as existing adjacent land uses.
  - (3) The proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, and other site development features.
  - (4) The preliminary development plan shall be superimposed upon a print of an acceptable topographic survey of the area proposed to be developed and may include other graphic media for explaining the features to be contained in the development.
- (b) The final development plan shall contain the following items:
- (1) Detailed site plan as outlined in section 56-589.
  - (2) Statement of proposed exceptions to the requirements of the district in which the proposed development is to be located.
  - (3) Covenants as may be required by the commission.
  - (4) Statements and recommendations from other applicable official agencies.

(Ord. of 12-4-1973, § 22.3)

### **Sec. 56-586. Conditions.**

- (a) A planned unit development may contain residential, commercial, industrial, professional, or special uses as an integral part of the development.
- (b) Approval by the commission expires upon the expiration of the two-year period immediately following that approval, unless the commission has granted an extension of time.
- (c) Upon the abandonment of a planned unit development, or upon the expiration of a two-year period after authorization during which a development has not been completed, or begun with an extension of time granted under subsection (b) of this section, the authorization for it expires.
- (d) If in approving a plan the commission finds it desirable that exceptions be made to this chapter, it may recommend those exceptions to the board. The commission shall set forth the reasons for its recommendations and the suggested limits to the exceptions.
- (e) The land involved must be either in one ownership or the subject of an application filed:
  - (1) Jointly by the owners of all property included, including the holder of any written option; or
  - (2) By any governmental agency.
- (f) The proposed development must be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design. It must include adequate open space and provide for parking areas adequate for the occupancy proposed or otherwise in compliance with this chapter. It must provide for recreation areas to meet the needs of the anticipated population or as specified in the comprehensive plan.
- (g) No improvement location permit or certificate of occupancy may be issued unless all requirements, conditions, and specifications shown on the development plan and supporting documents have been met.

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- (h) All planned unit developments shall be designed to coordinate with the county thoroughfare plan, as well as any street plans, sewer plans, water distribution plans and storm drainage plans as proposed by the county or an applicable municipality.
  - (i) In case streets are to be developed within the planned unit development (public or private) they shall be constructed in accordance with the standards as specified in the subdivision control ordinance.
  - (j) All inspection fees required by the county shall be paid to the county clerk and all plans and specifications showing required improvements, as installed, shall be filed with the county clerk and the county regional planning commission within two years and prior to the release of bond.
  - (k) The owner shall submit a construction schedule that shall begin within one year after approval of the plan and shall be completed within two years, except that the commission may extend such periods upon a showing of good and sufficient cause. Construction shall include the improvements specified in subsection (f) of this section.
  - (l) Transfer of ownership. Where a transfer of a part of a planned development is contemplated, the resulting subdivision must conform to all subdivision requirements of the county or municipality having jurisdiction.
  - (m) Underground utilities. All utility lines such as electric, telephone, television cable and other communication cables shall be installed underground and comply with the National Electrical Code and Chapter 3 of NFPA Standard 501A, or such other applicable code as may be adopted by the county from time to time. The methods of construction shall be those commonly used by the utility industry with aboveground access points for distribution and maintenance. All lines shall be installed in compliance with the regulations of the state commerce commission pursuant to the state public utilities act, 220 ILCS 5/101 et seq. All transformer boxes shall be located so as not to be unsightly or hazardous to the public.

(Ord. of 12-4-1973, § 22.4)

### **Sec. 56-587. Private streets.**

- (a) Private street rights-of-way and pavements in a planned unit development shall be constructed in conformity with the minimum street specifications prescribed by the county subdivision control ordinance, except as otherwise recommended by the commission to the board (as a part of the development plan and plat) and approved by the board. Exceptions must take account of the street circulation system shown in the development plan. Pavement width may not be less than 18 feet.
- (b) At or near the entrance of each private street on a dedicated public street, the applicant or the private organization shall maintain a signpost carrying a sign, having an area of at least 15 inches by 21 inches, on which is printed and clearly legible in at least two-inch letters the name of the private street and the words "PRIVATE STREET" and, in at least one-inch letters, the words "NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC". The material on the sign shall be arranged substantially as follows:  

(NAME OF STREET) PRIVATE STREET NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC
- (c) Private streets shall be maintained by the owners, or by the private organization, so that fire, police, health, school, or sanitation vehicles and public utility vehicles have adequate access. Adequate access includes an adequate turning area.

(Ord. of 12-4-1973, § 22.5)

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**Sec. 56-588. Covenants.**

When required by the commission, covenants must include at least the following provisions satisfactory to the commission:

- (1) Adequate provision for an organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of any common facilities jointly shared by those owners.
- (2) A financial guarantee:
  - a. That satisfactory maintenance will be provided for any common facilities in accordance with standards prescribed by the property owner's organization and set forth in the covenants; and
  - b. That the facilities will be operated and maintained at no expense to the county or any other governmental unit.

(Ord. of 12-4-1973, § 22.6)

**Sec. 56-589. Detailed site plan.**

The purpose of the site plan is to enable the commission to make a finding that the proposed development is in conformity with the intent and provisions of this chapter and to guide the zoning administrator in the issuance of permits. The site plan shall be as provided in the administration section 56-854(b).

(Ord. of 12-4-1973, § 22.7)

**Secs. 56-590—56-611. Reserved.**

**ARTICLE VIII. WIND ENERGY<sup>2</sup>**

**Sec. 56-612. 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:

*Applicant*—the entity or person who submits to the county, pursuant to section 56-616 of the Livingston County Code, an application for the siting of any wind energy conversion system (WECS) or substation.

*Article*—sections 56-612 through and including section 56-631 of the Livingston County Code. Also known as chapter 56, article VIII, wind energy, Code of Ordinances, Livingston County, Illinois.

*Capability*—the ability, knowledge, experience, resources and financial viability to complete the project.

*Financial assurance*—reasonable assurance from a credit worthy party or parties satisfactory to the county that any damage to public roads caused by the wind energy project will be repaired and that the project will be

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<sup>2</sup>Editor's note(s)—This article was formerly referred to as Annex 1 of the Livingston County Zoning Ordinance.

State law reference(s)—Wind farms, 55 ILCS 5/5-12020

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decommissioned/deconstructed. Examples of such include a performance bond, surety bond, trust instrument, cash, escrow, or irrevocable letter of credit.

*Hearing facilitator*—the county may unilaterally engage the services of a hearing facilitator not affiliated with any pro wind or anti wind group to preside over any required hearings resulting from the siting approval application. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the board and county but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments. Upon conclusion of the evidence and final arguments, the board will prepare and submit "findings of fact" and a final recommendation to the county board including special use conditions if applicable.

The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois, jointly selected by the state's attorney (or his designee) and the county zoning administrator and appointed by the chairman of the county board with the consent of the county board. The applicant shall reimburse the county for the fees and costs charged by the facilitator.

*Like-kind replacement*—a WECS tower which meets or exceeds the standards and specifications of the tower being replaced and complies with the applicable terms and conditions of this article.

*Nonfunctioning wind turbine*—a wind turbine or component that is not able to generate electricity for six continuous months.

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

*Owner*—the entity with an equity interest in the WECS, including its respective successors and assignees, or an entity that becomes an owner through foreclosure. The term "owner" does not mean:

- (1) The property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or
- (2) Any person holding a security interest in the WECS 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 at the earliest practicable date.

*Professional engineer*—a qualified individual who is licensed as a professional civil and/or electrical engineer in any state in the United States.

*Primary structure*—for each property, the structure utilized primarily for sleeping purposes such as a residence. The term "primary structure" also includes structures such as commercial buildings, hospitals, day care facilities and schools.

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

*WECS project*—the collection of WECS and substations as specified in the siting approval application pursuant to section 56-616 of the Livingston County Code, hereafter referred to as project or WECS project.

*WECS tower*—the support structure to which the nacelle and rotor are attached, including the nacelle, rotor and blades.

*WECS tower height*—the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

*Wind energy conversion system (WECS)*—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 substations.

(Res. of 1-12-2006, § II; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)



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### **Sec. 56-613. Purpose.**

The ordinance from which this article is derived is adopted for the purposes stated in section 56-2 of the Livingston County Code and for the following purposes.

- (1) To ensure that any development and production of wind-generated electricity in the county is safe;
- (2) To facilitate economic opportunities for local residents;
- (3) To promote the supply of wind energy in support of a goal of increasing energy production from renewable energy sources.

(Res. of 1-12-2006, § IB; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

### **Sec. 56-614. Applicability.**

This article governs the siting of WECSs and substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECSs with an aggregate generating capacity of 3MW or less who locate the WECSs on their own property are not subject to this article, but are subject to other special use requirements outlined in this chapter.

(Res. of 1-12-2006, § III; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

### **Sec. 56-615. Prohibition.**

No WECS or substation governed by section 56-614 of the Livingston County Code, shall be constructed, erected, installed, or located within the county, unless prior siting approval has been obtained for each individual WECS and substation pursuant to this article.

(Res. of 1-12-2006, § IV; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

### **Sec. 56-616. Siting approval application.**

- (a) To obtain siting approval, the applicant must first submit a siting approval application to the county.
- (b) The siting approval application shall contain or be accompanied by the following information:
  - (1) A WECS project summary, including, to the extent available:
    - a. A general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturers, types of WECS, number of WECSs, and name plate generating capacity of each WECS; the maximum height of the WECS towers and maximum diameter of the WECS rotor;
    - b. The location of the project; and
    - c. A description of the applicant, owner and operator, including their respective business structures;
  - (2) The names, addresses, and phone numbers of the applicants, owner and operator, and all property owners; and as to whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal; whether the petitioner or applicant is a corporation and of all stockholders or shareholders owning any interest in excess of 20 percent of all of the outstanding stock or shares of the corporation; whether the

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petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity; whether petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association;

- (3) A site plan for the installation of WECSs showing the planned location of each WECS tower, guy lines and anchor bases, primary structures, property lines (including identification of adjoining properties), setback lines, public and private access roads and turnout locations, substations, electrical cabling from the WECS tower to the substations, ancillary equipment, any above or below ground transmission lines related to the project, operations and maintenance building(s), layout of all structures within the geographical boundaries of any applicable setback, and the location of any construction staging areas including concrete batch plants.
  - (4) All required studies, reports, certification, and approvals demonstrating compliance with the provisions of this article;
  - (5) Any other information normally required by the county as part of this chapter; and
  - (6) Sufficient documentation that the applicant, owner, company and parent company/ companies, have the capability to complete the WECS project as proposed.
  - (7) If the applicant intends to offer a "good neighbor plan", a "property value guarantee plan" or any other financial incentive plan in connection with a proposed WECS project, a copy of such plan shall be included with the siting approval application at the time the application is submitted.
- (c) If the application is determined by county staff, or the zoning board of appeals, or the county board not to be complete to in all pertinent aspects of this section 56-616 of the Livingston County Code, the application shall be rejected, and a new application will need to be filed.
  - (d) The applicant shall promptly notify the county of any changes to the information provided in subsection (b) of this section 56-616 of the Livingston County Code that occur while the siting approval application is pending. The applicant shall not be allowed to materially change the siting approval application after the hearing process has started. Whether a change is a material change or not shall be determined by the zoning board of appeals.

(Res. of 1-12-2006, § V; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

### **Sec. 56-617. Fees.**

- (a) The application, upon submittal of an application for a wind energy conversion special use, shall submit a certified check to the county in the amount provided in the county fee schedule. This amount shall be placed in FDIC-insured money-market accounts and will be used to cover the county's cost incurred during the special use application review process and public hearings, including, but not limited to, costs of experts and attorneys retained by the county and the cost of any appeals.
- (b) Should the actual costs to the county exceed the cost deposit, the applicant shall remit additional funds as outlined in the county fee schedule within 15 days of the receipt of written notice from the county. The county may stay the processing of an application or continue any hearings until such time as the requested, additional funds have been paid.
- (c) Any amount remaining in the account or accounts after the county renders its decision, exhaustion of all appeals, and payment of all bills and invoices, shall be refunded to the applicant.

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- (d) The applicant shall file ten complete copies of the WECS special use application upon submittal of the WECS special use application fee. A minimum of one copy shall be submitted in electronic format and a minimum of one copy shall be submitted in paper format.

(Ord. No. 09-21, § 1, 6-11-2009; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

### **Sec. 56-618. Design and installation.**

- (a) *Design safety certification.*
- (1) WECSs shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energic (GL), or an equivalent third party.
  - (2) Following the granting of siting approval under this chapter, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- (b) *Controls and brakes.* All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (c) *Electrical components.* All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and international electrical commission). Utility lines connecting the towers, substations, etc., shall be placed underground where practical.
- (d) *Color.* Towers and blades shall be painted a nonreflective, unobtrusive color that mitigates the visual impact of the structure. No advertisement shall be visible on the blades or tower.
- (e) *Compliance with the Federal Aviation Administration.* The Applicant for the WECS shall comply with all applicable Federal Aviation Administration (FAA) requirements.
- (f) *Warnings.*
- (1) A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
  - (2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
  - (3) Upon completion of the construction of an approved WECS project, a reasonable visible sign, to warn people to not approach a turbine while operating must be placed at the entrance of each access road.
  - (4) Upon completion of the construction of an approved WECS project, a sign that provides emergency contact information shall be posted on or near the operations and maintenance building
  - (5) The signs in subparagraphs (f)(3) and (4) above shall be made with letters and numbers at least three inches in height and shall include the 911 address and an emergency phone number of the operator which shall be answered 24 hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed. These phone numbers shall remain active with all calls being voice recorded for verification purposes and with comments and complaints logged and reported to the Livingston County zoning administrator on a monthly basis. The recorded calls shall be maintained for at least 12 months.

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- (g) *Climb prevention.* All WECS towers must be externally unclimbable by design or protected by anti-climbing devices such as:
- (1) Fences with locking portals at least six feet high; or
  - (2) Anti-climbing devices 12 feet vertically from the base of the WECS tower.
- (h) *Setbacks.*
- (1) WECS towers shall be set back at least six times the height of the WECS tower or at least 3,250 feet, whichever is greater, from any primary structure. Except in Round Grove Township, Dwight Township, Nevada Township, Broughton Township, Union Township, Odell Township and Sullivan Township, WECS towers shall be set back at least 3.75 times the height of the WECS tower or at least 1,640 feet whichever is greater, from any primary structure. The setbacks for all Primary Structures, located in the townships located adjacent to Nevada, Odell, Union, Broughton and Sullivan Townships are to be 3,250 feet from a WECS tower, complying with the setback requirements of those townships, not the lesser 1,640-foot setback for Nevada, Odell, Union, Broughton and Sullivan Townships. The distance for the above setback shall be measured from the edge of the primary structure foundation closest to the WECS tower, to the center of the WECS tower foundation. The owner of the primary structure may waive these setback requirements but in no case shall a WECS tower be located closer to a primary structure than 1.10 times the WECS tower height.
  - (2) All WECS 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. The county may waive this setback requirement.
  - (3) WECS towers shall be set back a distance of at least 1,640 feet from adjacent property lines, as measured from the center of the WECS tower foundation. Except in Round Grove Township, Dwight Township, Nevada Township, Broughton Township, Union Township, Odell Township and Sullivan Township, WECS towers shall be set back a distance of at least 1.375 times the height of the tower from adjacent property lines. The affected adjacent property owner may waive this setback requirement.
  - (4) An incorporated village or municipality must approve of the location of any tower to be located within one mile and a half miles of the corporate limits of such incorporated village or municipality.
  - (5) No part of a WECS tower or foundation shall encroach on a public or private sewage disposal (septic) system.
  - (6) All WECS substations shall be set back 1,600 feet from the property line of any property containing a primary structure.
  - (7) Setbacks from WECS towers for aviation-related activities shall be determined in accordance with minimum dimensional standards set forth in Title 92: Transportation, Chapter I: Department of Transportation, Subchapter b: Aeronautics Part 14 Aviation Safety. The owner of an airstrip may waive this setback requirement
  - (8) All WECS towers shall be one mile and a half from any school property line. The affected school district may waive this setback requirement
  - (9) Above ground transmission facilities and transmission poles shall be set back 150 feet from any portion of the edge of the primary structure. Unless approved in writing by the proper township, county, state and/or municipal road authority(s) and the property owner. The affected property owner may waive this setback requirement.
- (i) *Compliance with additional regulations and severability clause.* Nothing in this article is intended to preempt other applicable state and federal laws and regulations. Whenever possible, each provision of this Article

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shall be interpreted so that it is valid under applicable law. If any provision of this article is determined to be illegal or unenforceable, that provision will be reformed only to the extent necessary to make the provision legal and enforceable with all remaining provisions continuing in full force and effect.

(j) *Use of public roads.*

- (1) An applicant, owner, or operator proposing to use any county, township or village road, for the purpose of transporting and installation of WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECS or substations, shall:
  - a. Identify all such public roads; and
  - b. Obtain applicable weight and size permits from relevant government agencies prior to construction.
- (2) To the extent an applicant, owner, or operator must obtain a weight or size permit from the county, or village, township, state, the applicant, owner, or operator shall:
  - a. Conduct a preconstruction baseline survey to determine existing road conditions for assessing potential future damage;
  - b. Provide financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS prior to the issuance of building permits. The terms of the financial assurance shall contain a provision that the Financial Assurance may not be canceled or allowed to expire until at least 60 days written notice has been given to the applicable party(ies), i.e., county, or a village, or a township or the state. If replacement financial assurance is not provided within seven days thereof, then the county, village, township or state have the absolute right to draw upon the financial assurance until such financial assurance is replaced.
  - c. Provide the county zoning administrator with signed copy of any agreements pertaining to the use of public roads prior to the issuance of building permits.

(k) *Height.* The permitted maximum height of a WECS shall be 500 feet.

- (1) State and federal regulations may require a lesser height.
- (2) A WECS and transmissions poles shall be constructed with a tubular tower or monopole structure, not a lattice tower.

(l) *Lighting.* A lighting plan for each WECS and WECS substation shall be approved by the zoning board of appeals. Such plan must describe all lighting that will be used, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and where any lights will be flashing. Strobe lights are discouraged and if they are required by the FAA they must be shielded from the ground. The lighting should be planned and developed in such a way to minimize the visual impact of the structures. A consideration of synchronized lighting shall also be part of any lighting plan. This WECS substation lighting plan shall include plans as to how glare for these lights are being controlled.

(m) *[Compliance.]* All wind farm developments are to be in compliance with an Agriculture Impact Mitigation Agreement (AIMA), as approved by the State of Illinois.

(n) *[Project changes.]* If the applicant, owner or operator proposes to make a change in the project, including moving a turbine siting more than 100 feet, then the company, through the use of a qualified professional, shall appropriately demonstrate compliance with the noise requirements at a hearing to amend the special use.

(Res. of 1-12-2006, § VI; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

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## **Sec. 56-619. Operation.**

### **(a) Maintenance.**

- (1) The owner or operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the county. In addition to the annual summary mentioned in this subsection, the owner or operator must furnish such operation and maintenance reports as the county reasonably requests.
- (2) Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require recertification under section 56-618(a)(1) of the Livingston County Code. Like-kind replacements of individual WECS towers shall not require recertification but shall require the written approval of the county zoning administrator. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third-party certifying entity identified in section 56-618(a)(1) of the Livingston County Code, to determine whether the physical modification requires re-certification, and by a professional engineer as determined by the county zoning administrator. The cost of the third-party certifying entity and professional engineer shall be paid by the owner or operator.
- (3) Any replacement of equipment that is not a like-kind replacement shall require that an amendment to the special use.

### **(b) Interference.**

- (1) The applicant shall provide the applicable microwave transmission providers and local emergency service providers (911 operators) copies of the project summary and site plan, as set forth in section 56-616(b)(1) and (3) of the Livingston County Code. This project summary shall include a study pertaining to the relationship of the proposed project and microwave transmission providers and local emergency service providers.
- (2) To the extent that the providers in subsection (b)(1) of this section demonstrate a likelihood of interference with its communications resulting from the WECSs, the Applicant shall take measures to mitigate such anticipated interference. If, after construction of the WECS, the owner or operator receives a written complaint related to the above-mentioned interference, the owner or operator shall take steps to respond to and to rectify the complaint.
- (3) Prior to construction of the WECS, the owner or operator shall conduct a study related to interference with local broadcast residential television and wireless internet services, if it is demonstrated a likelihood of interference may result for the WECS, the applicant shall take measures to mitigate such anticipated interference. If, after construction of the WECS, the owner or operator receives a reasonable written complaint related to interference with local broadcast residential television and wireless internet services the owner or operator shall take steps to rectify the complaint, such as providing alternate service to each individual resident or property owner affected.

### **(c) Coordination with local fire department.**

- (1) The applicant, owner or operator shall submit to the local fire department a copy of the site plan. In addition to the site plan, a plan pertaining to the planning, response, recovery and mitigation of any natural or manmade hazard that may affect the WECS development.
- (2) Upon request by the local fire department, the owner or operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
- (3) Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

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(d) *Materials handling, storage and disposal.*

- (1) All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
- (2) A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

(e) *Mitigation of shadow flicker.*

- (1) The applicant shall conduct an analysis on the potential shadow flicker onto adjacent properties as part of the siting application approval process. The analysis shall identify the locations of the shadow flicker and the expected durations of the flicker over the course of a year.
- (2) Shadow flicker shall not affect a primary structure in excess of 30 hours per year. An owner of a primary structure can have the option to waive this requirement.
- (3) Measures to alleviate the effects of shadow flicker on a primary structure that is impacted shall be outlined by the applicant. These measures shall at a minimum include window treatments.

(Res. of 1-12-2006, § VII; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

### **Sec. 56-620. Noise levels.**

Noise levels from each WECS or WECS project shall comply at all times with applicable Illinois Pollution Control Board (IPCB) regulations and requirements of this section. The applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the noise requirements of this siting section and provide contour maps and at intervals of not greater than five feet. Sound pressure levels shall be measured using the measurement procedures set forth in the IPCB regulations, except that sound pressure levels for purposes of establishing a violation of this section may be measured at any point on the property not more than 150 feet from any portion of the edge of the primary structure. No portion of the property shall exceed the noise levels set by the IPCB. To the extent any property has multiple uses or classifications, all the land utilized for a particular use must not exceed the IPCB noise regulations for the classification of use. The owner of the receiving land may waive compliance with local measuring points requirements pertaining to the IPCB regulations for the owner's property.

The WECS project will maintain compliance with the applicable IPCB regulations throughout the entire operational period of the WECS project. If at any time throughout the life of the WECS project, the noise levels are found to not be in compliance with this section, the applicant, owner or operator will immediately shut off enough turbines to ensure that the noise levels are within acceptable levels until a solution to the noise level violations is found and approved by the county after a hearing at the ZBA.

(Res. of 1-12-2006, § VIII; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

### **Sec. 56-621. Birds and bats.**

A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian and bat habitat study, as part of the siting approval application process, to determine if the installation of WECS will have an adverse impact on birds and bats. The study must contain a plan for minimizing impact during the migration of birds and bats.

(Res. of 1-12-2006, § IX; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

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Editor's note(s)—Ord. No. 2017-04-14, § 1(exh. A), adopted April 13, 2017, changed the title of § 56-621 from "Birds" to read as herein set out.

### **Sec. 56-622. Public participation and pre-application.**

Nothing in this article is meant to augment or diminish existing opportunities for public participation. At least 90 days prior to the submission of any WECS application, the applicant shall make a reasonable effort to inform members of the public of the proposed project.

Mailings and notices of public community meetings or open houses shall be sent out to landowners and residences within the footprint and to landowners and residences within one mile and a half miles of the proposed outside boundary of the project.

These mailings should make reference to where additional information can be obtained regarding the proposed project. Advertisements in local newspapers and at least one community meeting are also required (Res. of 1-12-2006, § X; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

Editor's note(s)—Ord. No. 2017-04-14, § 1(exh. A), adopted April 13, 2017, changed the title of § 56-622 from "Public participation" to read as herein set out.

### **Sec. 56-623. Liability insurance.**

The owner or operator of the WECS shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$10,000,000.00 per occurrence and \$40,000,000.00 in the aggregate, with an annual certificate of insurance being provided to the county regional planning commission office, with the county being added as an additional insured, with the designation of primary and noncontributory.

The applicant, owner or operator shall promptly increase such liability insurance if such amount is increased in the WECS Ordinance and the applicant, owner or operator is notified in writing of same by the county. The applicant shall provide evidence of such increased insurance to the zoning administrator.

Insurance coverage shall be maintained without interruption from the date of permitting through the decommissioning of all wind turbines. Certificates of insurance acceptable to the county and in compliance with this section shall be filed with the county prior to the commencement of any work on the WECS and thereafter upon renewal or replacement of each required policy of insurance. These certificates and the insurance policies required under this section shall contain a provision that coverages afforded under the policies shall not be cancelled or allowed to expire until at least 60 days written notice has been given to the county.

Applicant shall also, to the fullest extent permitted by law, indemnify, and hold the county, its employees, board members and agents harmless for any action due to or arising out of the construction, maintenance, decommissioning, deconstruction and/or operation of the WECS, including the payment of any attorney's fees and costs arising out of any action due to or arising out of the construction, maintenance and/or operation of the WECS.

(Res. of 1-12-2006, § XI; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

### **Sec. 56-624. Decommissioning plan/deconstruction plan.**

Prior to receiving siting approval under this article, the applicant, owner, and/or operator must formulate a decommissioning plan to ensure that the WECS project is properly decommissioned. The decommissioning plan shall include:



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- (1) Provisions describing the triggering events for decommissioning the WECS project. Any nonfunctioning wind turbine of the WECS shall be decommissioned within 30 days unless the operator has shown to the county zoning administrator that it is diligently repairing such wind turbine or component.
  - (2) Provisions for the removal of structures, debris and cabling, including those below the soil surface;
  - (3) Provisions for the restoration of the soil and vegetation;
  - (4) An estimate of the decommissioning costs certified by a professional engineer, to be updated every three years or as determined by the county zoning administrator, which update shall include an analysis of the salvage value of the improvements. The owner or operator shall provide the county zoning administrator with each updated estimate, which will be subject to review and approval or adjustment by the county board. If the county board determines that the amount of security must be increased due to changes in the estimated decommissioning costs, the owner or operator shall post such additional security within 30 days of the owner or operator receiving written notification from the county. The county board or the county zoning administrator may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the owner/operator.
  - (5) Financial assurance, secured by the owner or operator, for the purpose of adequately performing decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning cost and the cost to continue insurance coverage at the level specified in section 56-623 of the Livingston County Code. The terms of the financial assurance shall contain a provision that the financial assurance may not be cancelled or allowed to expire until at least 60 days written notice has been given to the county. If replacement financial assurance is not provided within seven days thereof, then the county shall have the absolute right to draw upon the financial assurance until such financial assurance is replaced.
  - (6) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

(Res. of 1-12-2006, § XII; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

Editor's note(s)—Ord. No. 2017-04-14, § 1(exh. A), adopted April 13, 2017, changed the title of § 56-624 from "Decommissioning plan" to read as herein set out.

### **Sec. 56-625. Remedies.**

- (a) The applicant's, owner's, or operator's failure to materially comply with any of the provisions of this article shall constitute a default under this article.
- (b) Prior to implementation of the existing county procedures for the resolution of such defaults, the appropriate county body shall first provide written notice to the owner and/or operator, setting forth the alleged defaults. Such written notice shall provide the owner and operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged defaults.
- (c) If the county determines, in its sole discretion, that the parties cannot resolve the alleged defaults within the 60-day good faith negotiation period, the county shall have the right to take the actions allowed in section 56-940 of the Livingston County Code, or take any other action permitted by law or in equity.

(Res. of 1-12-2006, § XIII; Ord. No. 2017-04-14, § 1(exh. A), 4-13-2017; Ord. No. 2018-02-10, 2-5-2018)

### **Secs. 56-626—56-644. Reserved.**

## **ARTICLE VIII-B SOLAR FARMS**

### **Sec. 56-645. Definitions.**

*Solar farm*—a solar panel or array composed of multiple solar panels on ground-mounted rack or poles which are one of the primary use(s) for the parcel of land on which it is located, or any solar energy system that has a primary purpose for wholesale or retail sales of generated electricity.

(Res. No. 2016-09-39, 9-15-2016)

### **Sec. 56-646. Design standards for solar farms.**

- (a) *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.
- (b) *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.
- (c) *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, watercourses, or other elements of natural landscape interfere with the ability to bury lines.
- (d) *Minimum lot size.* No solar farm shall be erected on any lot less than 20 acres in size.
- (e) *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.
- (f) *Setbacks.* Ground-mounted solar energy systems as part of a solar farm shall have a setback for all equipment including fences a minimum of 100 feet on the front 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 for residentially zoned lots and existing residential properties, with the setback distance to be measured from the property line of the solar farm to the property line of residentially zoned lots or existing residential properties. 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.
- (g) *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, that takes 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

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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.

- (h) *Lighting.* If lighting is provide at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
- (i) *Noise.* Noise levels measured at the property line shall not exceed 50 decibels when located adjacent to an existing residence or residential district.
- (j) *Installation and design.* Individual arrays/solar panels shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- (k) *Inspections.* Each solar farm shall be required to have the facility inspected annually for three years, by an approved independent party, following the issuance of a permit to verify continued compliance with the zoning regulations. Thereafter inspections shall be take place every three years, unless otherwise determined by the Livingston County Zoning Administrator. Additional inspections necessitate by complaints or otherwise shall not replace these inspections requirements.
- (l) *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 a 24-hour emergency contact number.

(Res. No. 2016-09-39, 9-15-2016)

### **Sec. 56-647. Application requirements.**

The follow information shall be provided as part of the application for a special use permit:

- (1) A site plan with existing conditions showing the following:
  - a. 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.
  - b. Exiting public and private roads, showing widths of the roads and any associated easements.
  - c. Location and size of any abandoned wells, sewage treatments systems.
  - d. Existing buildings and any impervious surfaces.
  - e. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.
  - f. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)
  - g. Waterways, watercourses, lakes and public water wetlands.
  - h. Any delineated wetland boundaries.
  - i. A copy of the current FEMA FIRM map that shows the subject property. And, the 100-year flood elevation and any regulated flood protection elevation, if available.
  - j. Floodway, flood fringe and/or general floodplain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.
  - k. Mapped soils according to the Livingston County Soil Survey.
  - l. Surface water drainage patterns.
  - m. The location of any subsurface drainage tiles.

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- (2) Site plan of proposed conditions:
    - a. Location and spacing of solar panels.
    - b. Location of access roads.
    - c. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
    - d. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.
    - e. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
    - f. Weed/grass control—Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. 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 56-940 of these regulations.
  - (3) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
  - (4) The number of panels to be installed.
  - (5) A description of the method of connecting the array to a building or substation.
  - (6) 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.
  - (7) 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 landowner 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. 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.

An update to this decommissioning plan should 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 holds the right to require additional information as the county deems necessary to be part of the review of this plan.

(Res. No. 2016-09-39, 9-15-2016)

**Secs. 56-648—56-654. Reserved.**

## ***ARTICLE IX. PROPERTY DEVELOPMENT STANDARDS***

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**Sec. 56-655. Enumerated.**

- (a) *Minimum lot area.* Except as hereinafter provided, no building or structure shall be hereafter erected or located on a lot unless such lot conforms with the area regulations of the district in which it is located.
- (1) Lots of record or individually held prior to the passage of the ordinance from which this chapter is derived may be smaller in area than the figure prescribed.
  - (2) If a subdivision to be served by a community sewage disposal system and designed for single-family dwellings contains at least five acres, 20 percent of the lots in the subdivision may be 20 percent smaller.
  - (3) The minimum lot area for each dwelling unit shall be subject to approval by the county health officer.
  - (4) After the effective date of any ordinance by which any area is first zoned for any district, no land in such district may be divided by the recordation of any map or by voluntary sale, contract or sale, or conveyance of any kind which creates a new parcel of land under separate ownership which consists of less than the minimum lot area required for the district of which such lot is a part. Provided, however, that a tolerance of ten percent shall be allowed as to this requirement when the parcel so created is irregular in shape.
  - (5) The restrictions of this chapter pertaining to creating a parcel of land below a specified minimum size shall not apply to a division of land by succession, will, partition, proceedings, sale or execution or other division by operation of law.
- (b) *Lot dimensions.*
- (1) Every lot shall have a minimum frontage width not less than the required minimum lot width in the district under consideration, except that the minimum frontage width in an area zoned AG Agriculture District can be a minimum of 30 feet for a lot with a single-family dwelling unit that was in existence before the adoption of the ordinance from which this chapter is derived which became effective on February 1, 1974 and the lot which is created must otherwise conform to this chapter and to "AN ACT to revise the law in relation to plats, R.S. 1874, p. 771, approved March 21, 1874, eff. July 1, 1874." Curve lots and cul-de-sac lots shall conform to the particular district wherein provisions are set forth for said lots. Every lot shall also have a minimum width and depth not less than that prescribed in the district under consideration. Each dimension is minimum only. One or both shall be increased to attain the minimum lot area required.
  - (2) Where a lot has a minimum width or depth less than that prescribed by this section, and said lot was of record under one ownership at the time that the area was first zoned whereby the lot became nonconforming, said lot may be used subject to all other property development standards of the district in which such lot is located.
- (c) *Ground floor area.* The ground floor area requirements for dwellings, as set forth in the districts, shall apply. Dwellings shall not be changed except in conformity with these regulations.
- (d) *Building height.* All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved, or enlarged shall comply with the height regulations and exceptions of the district in which they are located, with the addition of the following:
- (1) An agricultural structure may be erected or changed to any height necessary for its operation.
  - (2) Concrete ready-mix plant, asphalt concrete batch plant, mineral extraction crushing equipment, grain elevators, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, stacks, tanks, water towers, transmission towers, utility poles, radio, TV, microwave towers,

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windmills and necessary mechanical appurtenances may be erected or changed to any height that is not prohibited by the law of the state.

- (3) Buildings may be erected or changed to a height not to exceed ten feet over that permitted in the district, provided that an additional side yard setback of one foot for each one foot that the building exceeds the district height limitations.

(e) *Yards.*

- (1) In measuring a front yard or side yard adjoining a street, it shall be the perpendicular distance between the street and a line through the corner or face of said building closest to and drawn parallel with the street, excluding any architectural features.
- (2) The proposed street right-of-way as set forth by the county, comprehensive plan-thoroughfare plan shall be protected from encroachment. The proposed street right-of-way lines will be considered as the front line of lots and tracts bordering such street. Whenever 25 percent or more of the lots in a block are occupied by buildings, the existing street right-of-way line shall be considered as the proposed right-of-way.
- (3) Architectural features (cornice, eave, sill, canopy or similar feature) may extend or project into a required side yard not more than two inches for each one foot width of such side yard, and may extend or project into a required front or rear yard not more than 36 inches. Chimneys may project into any required yard not more than two feet, provided that the width of said side yard is not reduced to less than three feet thereby.
- (4) An open platform or landing which does not extend above the level of the first floor of the building may extend or project into any required front or side yard not more than four feet or into any required rear yard not more than 25 percent of the required rear yard depth.

- (f) *Lot coverage.* All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved or maintained, or enlarged, shall not exceed the maximum building coverage regulations of the district in which they may be located.

(g) *Off-street parking.*

- (1) To reduce traffic problems and hazards by eliminating unnecessary on-street parking, every use of land must include on-premises parking sufficient for the needs normally generated by the use, as provided by this section. Parking spaces or bays contiguous to the street, required by subdivision or other ordinances, are in addition to and not in place of the spaces so required.
- (2) As used in this section:

*Parking space*—an area, not including any part of a street or an alley, designed or used for the temporary parking of a motor vehicle.

*Parking area*—a group of parking spaces, or an open area not including any part of a street or an alley, designed or used for the temporary parking of motor vehicles.

- (3) Parking spaces shall be as provided in the accompanying table.
- (4) Each of the parking spaces required by this section must be at least nine feet wide and 20 feet long, exclusive of passageways.
- (5) The parking spaces prescribed by this section for a business or an industrial use must be located on the premises or on a site, approved by the board, at least part of which is within 300 feet of the premises. However, parking spaces may not be located in the required front yard, except in commercial and industrial districts.

- (6) Some parking areas must conform to the location requirements prescribed in section 56-688 In addition, a parking area for a business or industrial use must be paved with a permanent all weather, dust-free paving material.
- (7) A group of business or industrial uses may provide a joint parking area if the number of spaces in the area at least equals the aggregate of the spaces required for the several uses.
- (8) A church or temple that requires a parking area at times when nearby uses do not need their parking facilities may, by agreement approved by the board, use those facilities instead of providing its own.
- (9) Parking requirements may be waived by the board for uses in a block in which 50 percent or more of the area is occupied, at the time the ordinance from which this chapter is derived is passed, by business or industrial structures.
- (10) Residential off-street parking requirements shall not be met in the front yard.

Parking Requirements

<i>Uses</i>	<i>Required parking spaces</i>
Airport or heliport	1 per 2 employees plus 1 per 4 public seats
Artificial lake of 3 acres or more or private swimming pool (not private residential)	1 per 2 users
Automobile or trailer sales area	1 per 1,000 sq. ft. used for retailing
Automobile sales and repair (indoor)	1 per 200 sq. ft. of floor area
Banks, business offices, professional offices, similar business uses, postal stations, telegraph offices, and similar service uses	1 per 500 sq. ft. of floor area
Boardinghouse or lodginghouse or fraternity, sorority, or student cooperative house	1 per 3 occupants
Bowling alley	3 per lane plus 1 per 6 spectator seats
Business uses not otherwise listed	As determined by the board
Camping facility	1 per camp site plus 1 per cabin
Cemetery or crematory	1 per 2 employees plus 1 per 4 seats
Church or temple	1 per 6 seats in main auditorium
Clinic	1 per 2 employees plus 3 per doctor
College, university, or trade or business school	1 per 3 students or staff members
Confinement feeding operation	1 per 2 employees
Country club or golf course	1 per 2 employees plus 3 per golf hole
Dancing academy	1 per 200 sq. ft. of floor area
Department store, retail showroom, apparel shop, flower shop, drugstore, hardware store, stationer, news-dealer, record shop, photo studio, barbershop, beauty shop, reducing salon, restaurant, delicatessen, bakery, grocery, meat market, supermarket, cold-storage locker service (individual), roadside sales stand, electrical appliance shop, radio-TV shop, dressmaker, millinery, tailor and pressing shop, shoe repair, dry cleaning shop, self-service laundry, laundry agency, billiard room, tavern, night club, and similar business uses	1 per 125 sq. ft. of floor area

Fairgrounds	1 per 200 sq. ft. of principal building area
Greenhouse (commercial), facilities for raising or breeding nonfarm fowl or animals (commercial), sales barn for livestock resale	1 per 3 employees plus 1 per 125 sq. ft. of sales area
Hospital	1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle
Hotel	1 per 3 employees plus 1 per 2 sleeping rooms
Industrial park	1 per 2 employees on largest shift
Industrial uses generally	1 per 3 employees
Junk yard	1 per 2 employees
Kindergarten or day nursery	1 per 2 employees plus 1 per 5 children
Mobile home park or travel trailer park	1 per 2 employees plus 2 per mobile home and travel trailer stand
Mortuary	1 per 6 seats in main auditorium
Motel	1 per sleeping room
Nursing home or home for aged	1 per 7 persons in residence
Outdoor commercial recreational use	1 per 3 employees plus 1 per 500 sq. ft. of use area
Penal or correctional institution	1 per 3 employees plus 1 per 10 inmates (capacity)
Police station or fire station	1 per 3 employees on shift
Private club or lodge	1 per 6 active members
Private recreational development	1 per 2 customers or members
Public library, museum, or municipal or government building	1 per 125 sq. ft. of floor area
Public or commercial sewage disposal plant	1 per employee per shift
Radio or TV tower or station	1 per employee per shift
Railway right-of-way, railroad operational use	1 per 2 employees where headquartered
Railway station or motor bus station	1 per 10 seats in waiting room plus 1 per 2 employees of connected retail use
Residential use, including farm tenant housing and farm seasonal worker housing	1½ per dwelling unit
Riding stable	1 per 5,000 sq. ft. of lot area
School	1 per 3 staff members plus 1 per 6 auditorium seats
Seasonal fishing or hunting lodge	1 per member
Slaughterhouse	1 per 2 employees
Stadium or coliseum	3 per 4 employees plus 1 per 4 seats
Telephone exchange or public utility substation	1 per employee at or working out of site
Theater (indoor)	1 per 3 seats
Theater (outdoor)	1 per 2 employees
Tourist home	1 per employee plus 1 per sleeping accommodation
Truck freight terminal	1 per 2 employees plus 4 for customers
Veterinary hospital for small animals or kennel	1 per 3 animal spaces (cages or pens)
Warehouse (grain elevator)	1 per 2 employees
Wholesale produce terminal	1 per 2 employees

(h) *Outdoor advertising.*



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- (1) *General provisions.* Signs, billboards, and advertising structures may be erected and maintained in the districts where such use is permitted after having secured approval of the location, size and design of said sign, billboard or advertising structure subject to the following conditions:
- a. Signs may be painted upon the surface of a building; provided, however, that when such sign is so located as to face a residential district the sign and the method of lighting the sign, if any, shall be approved by the board.
  - b. Vertical signs.
    1. Any projecting wall sign with its advertising surface at or approximately at right angle to a wall facing a street shall be deemed to be a vertical sign and shall not exceed 18 inches in thickness. Any V-shaped projecting sign shall also be deemed to be a vertical sign, and shall not exceed 18 inches in thickness at its farthest projection from the building, nor four feet in thickness at the face of the building. Thickness for the purpose of this requirement is the distance between the two faces of the sign.
    2. When the bottom of a sign is eight feet and less than ten feet above the ground, the projection over the property line abutting the street line shall not exceed one foot.
    3. When the bottom of the sign is ten feet and less than 12 feet above the ground, the projection shall not exceed two feet six inches.
    4. When the bottom of the sign is 12 feet and less than 14 feet above the ground, the projection shall not exceed three feet.
    5. When the bottom of the sign is 14 feet and less than 16 feet above the ground, the projection shall not exceed four feet.
    6. When the bottom of the sign is 16 feet or more above the ground, the projection shall not exceed five feet.
    7. No sign shall exceed five feet four inches in height above the parapet wall, except that such sign may return over the roof not to exceed ten feet measured from the edge of the sign.
  - c. Flat signs.
    1. Signs painted or mounted on the face, side or rear of a building shall not exceed a total amount of two times the area permitted for vertical signs. Not more than 150 square feet of total sign area shall be permitted on any one building wall.
    2. Signs may be placed on the outer faces of a marquee if they are made a part thereof and do not exceed the building codes limitations on marquees. No sign shall be hung from the underside of a marquee unless it meets the minimum height limitations applicable to a marquee. No signs shall be placed on the roof of a marquee. All wall or projecting signs placed above a marquee shall comply with the requirements for such signs as if no marquee existed.
  - d. They shall conform with the regulations for signs and advertising structures for the district in which they are located.
  - e. No sign shall endanger the health and safety of operators of motor vehicles on the streets or highways through the use of motion, sound or other mechanical devices. Blinkers, flashing, unusual lighting or other means of animation which cause distractions shall not be permitted on any sign. All signs in or adjacent to "R" districts shall be nonflashing and nonanimated.
  - f. All signs shall meet the height and setback requirements of the district in which they are located.

- g. The area of a sign shall be calculated by multiplying its maximum vertical dimension by its maximum horizontal dimension. Whenever the area of any sign is limited by this division a double faced sign may be erected having the allowed sign area on each side of the sign; provided, the maximum dimension between the two faces of the double faced sign shall not exceed 24 inches or ten percent of the maximum dimension of the face of the sign whichever is the lesser.
- (2) *Special provisions - areas of state and local jurisdiction.* Signs and advertising structures may be erected and maintained, throughout the county, subject to regulations as outlined by this chapter and the following provisions:
- a. Outdoor advertising along federal-aid primary and interstate highways shall be erected and maintained in accordance with the provisions of the Highway Advertising Control Act of 1971, 225 ILCS 440/1 et seq. All lands within the jurisdiction of this "act" shall be administered by the state department of transportation, however, an improvement location permit, as provided by this chapter, will be required. Said permit shall be issued by the zoning administrator.
- b. Within the incorporated boundaries of all communities under the jurisdiction of this chapter all signs and advertising structures shall be subject to the requirements of this chapter.
- (i) *Loading.*
- (1) As used in this section, the term "loading berth" means an off-street, off-alley area designed or used to load goods on, or unload goods from, vehicles.
- (2) Business uses, except those that do not receive or transport goods in quantity by truck delivery, shall be provided with loading berths (which, if open, shall be paved with a hard or dustproof surface), as shown in the following table:

<i>Use</i>	<i>Gross floor area (square feet)</i>	<i>Berths</i>
Retail stores, department stores, wholesale	3,000 or more but not more than 15,000	1
Establishments, storage uses, and other business uses	Each 25,000 or fraction thereof more than 15,000	1 additional
Office buildings	100,000 or less	1
	More than 100,000 but not more than 335,000	2
	Each 200,000, or fraction thereof, more than 335,000	1 additional

- (3) Loading berths.
- a. Each of the following uses for which special uses are provided by article X of this chapter, shall be provided with loading berths, as shown in the following table. Loading berths must not face on the bordering street and must be at least as far from the nearest residential use as the number of feet shown.

Special Uses - Loading Berths

<i>Use</i>	<i>Berths</i>	<i>Distance from nearest residential use (feet)</i>
Commercial greenhouse	15,000 sq. ft. or less -1	50
	Over 15,000 sq. ft. -2	
Hospital	200 beds or less -1	50
	More than 200 but not more than 500 beds -2	

	More than 500 beds -3	
Industrial park	Same as subsection (c)	100
Junk yard	2	1320
Riding stable	1	50
Stadium or coliseum	2	50
Wholesale produce terminal	Per development plan	100

- b. For the following uses, loading berths, if any, must be at least as far from the nearest residential use as the number of feet respectively shown by the following table:

<i>Use</i>	<i>Distance from nearest residential use (feet)</i>
Airport or heliport	100
Mineral extraction, borrow pit, topsoil removal, and their storage areas	300
Outdoor commercial recreational enterprise	50
Penal or correctional institution	300
Sales barn for livestock resale	300
Truck freight terminal	100
Warehouse (grain elevator)	100

- (4) Industrial uses shall be provided with loading berths, as shown in the following table:

<i>Gross floor area of industrial use square feet)</i>	<i>Berths</i>
15,000 or less	1
More than 15,000 but not more than 40,000	2
More than 40,000 but not	3

more than 100,000	
Each 40,000 or fraction thereof, more than 100,000	1 additional

- (5) Each loading berth prescribed by this section must provide at least a 12-foot by 45-foot loading space, with a 14-foot height clearance.

(Ord. of 12-4-1973, § 23.0; Res. of 10-11-1983; Res. of 9-11-1984)

**Secs. 56-656—56-683. Reserved.**

***ARTICLE X. SPECIAL USES<sup>3</sup>***

**Sec. 56-684. Requirements and procedures.**

The special uses listed in the individual districts and those listed in section 56-685 and their accessory buildings and uses may be permitted by the board in the districts, in accordance with the procedures set forth in this article.

(Ord. of 12-4-1973, § 24.0)

**Sec. 56-685. All districts.**

Uses permitted in any district (except in the R3, C4 and I3 districts) are subject to the requirements of this article:

- (1) Airport or heliport.
- (2) Artificial lake of three or more acres.
- (3) Cemetery.
- (4) Church or temple.
- (5) Fairgrounds.
- (6) Hospital.
- (7) Mineral extraction.

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<sup>3</sup>State law reference(s)—Special uses, 55 ILCS 5/5-12009.5.

- (8) Public water wells, pumping stations, filtration plants, reservoirs, and storage tanks.
- (9) Radio, T.V. transmitting towers and microwave tower.
- (10) Recreational use of a reclaimed borrow pit, subject to the requirements of article IV of this chapter, pertaining to mineral extract sites.
- (11) Sewage disposal plant (primary use of the site).
- (12) Telephone exchange.
- (13) Transmission lines for gas, oil, electricity, or other utilities, and necessary substation or distribution centers.

(Ord. of 12-4-1973, § 24.1)

**Sec. 56-686. Minimum lot area.**

A lot on which one of the following uses is located may not be smaller in area than the area prescribed for that use opposite it on the following table:

<i>Use</i>	<i>Minimum lot area</i>
Assembly halls	1 acre
Auction sales yard	2 acres
Auction sales yard (excluding livestock)	1 acre
Camping facility	3 acres
Cemetery or crematory	** (ZT-1-90)
Charitable institutions	1 acre
Church or temple	1 acre
Clinic	15,000 sq. ft.
Commercial greenhouse	25,000 sq. ft.
Hospital	5 acres
Hotel or motel	25,000 sq. ft.
Junk yard	10 acres
Kennel	2 acres
Kindergarten or day nursery	110 sq. ft. per child
Lodge or private club	*
Marina	*
Fraternity or sorority	*
Farm equipment sales	1 acre
Penal or correctional institution	320 acres
Police station or fire station	20,000 square feet
Public or commercial garbage disposal plant	5 acres
Public or commercial sanitary fill	10 acres
Public or employee parking lot	1,500 square feet
Riding stable	20,000 sq. ft. plus 5,000 sq. ft. for every horse over four
Seasonal fishing or hunting lodge	*
Slaughterhouse	6 acres
Storage of disabled vehicles	3 acres
Tourist home	*

Transmission lines for gas, oil, electricity or other utilities	*
Truck service center	3 acres
Warehouse (grain elevator)	3 acres
Wholesale produce terminal	5 acres
*The requirements of the district in which the use is located apply to the use.	
**New cemeteries will be required to have a minimum lot area of ten acres. The zoning board of appeals will review the lot area of existing cemeteries that are being expanded as each special use case for the addition to an existing cemetery is submitted to the board of appeals.	

(Ord. of 12-4-1973, § 24.2; Res. of 5-8-1990)

**Sec. 56-687. Setbacks.**

(a) The following uses are subject to the special setbacks prescribed, in feet by the following table. If no figure appears for a front yard setback, the standard setback prescribed for the district shall apply.

<i>Use</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>
Anhydrous ammonia or similar liquid fertilizer, storage and distribution (commercial)	100**	100**	100**
Assembly halls		20	15
Bottled gas storage and distribution	100**	100**	100**
Bulk storage of petroleum products	100**	100**	100**
Camping facility	100	40	40
Cemetery or crematory		50	50
Charitable institutions		20	15
Clinic		10	30
Commercial greenhouse	100	40	40
Confinement feeding (new structures and related uses)	300	300	300
Confinement feeding (existing structures and related uses)	150	150	150
Home for the aged		10	
Hospital	100	40	40
Hotel or motel		20	
Industrial Park or light industry	100	75*	75*
		35 (abutting other use)	
Junk yard	300*	300*	300*
	150	150	150
Kennel	100	75*	75*
		35 (abutting other use)	
Kindergarten or day nursery		20	15
Liquid fertilizer storage and distribution (commercial)	300**	300**	300**
Machine shop	100	75*	75*
		35 (abutting other use)	
Manufacturing, storage or use of explosives	300*	300*	300*

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Material storage, open	300*	300*	300*
Mineral extraction, borrow pit, or topsoil removal, and their storage areas	***	***	***
Nursing home, orphanage		10	30
Outdoor commercial recreational enterprise		40	40
Penal or correctional institution	100	100	100
Petroleum tank farm (commercial)	300	300	300
Private recreational development		40	40
Public or commercial sanitary fill, refuse dump, or garbage disposal plant	300	300	300
Public or commercial sewage disposal plant	300	300	300
Public water wells, water stations, filtration plants, reservoirs, storage tanks and pumping stations		20	15
Race track	150	150	150
Riding stable	100	100	100
Sales barn for livestock resale*	300	300	300
Shooting range		40	40
Slaughterhouse	300	300	300
Storage of disabled vehicles	100*	100*	100*
Theater, outdoor	100	40	40
Warehouse (grain elevator)	100**	100*	100*
Welding shop	100	75	75*
		35 (abutting other use)	
Wholesale produce terminal	100	75*	
		35 (abutting other use)	
* Abutting residential use			
**Except along railroad			
***As required in article IV of this chapter			

- (b) Buildings with the following uses may be located no closer to private interior roads in planned developments that are subject to through traffic than the distances, in feet, respectively prescribed by the following table:

<i>Use</i>	<i>Setback</i>
Country club or golf course	85
Industrial park	85

(Ord. of 12-4-1973, § 24.3)

**Sec. 56-688. Minimum distances from residential district or use.**

- (a) The following uses may not be located closer to a residential district, or residential use, than the distance, in feet, listed opposite in the following table:

<i>Use</i>	<i>Feet</i>
Auction sales yard	25

Airport or heliport	100
Anhydrous ammonia, or similar liquid fertilizer, storage or distribution (commercial)	300
Borrow pit	300
Confinement feeding operation (new structures and related uses)	1320
Confinement feeding operation (existing structures and related uses)	300
Kennel	75
Machine shop	75
Manufacturing, storage or use of explosives	300
Material storage, open	300
Mineral extraction area	300*
Penal or correctional institution	300
Public or commercial sewage disposal plant	300
Sales barn for livestock resale	300
Slaughterhouse	300
Topsoil removal area (including storage area)	300
Truck freight terminal	100
Welding shop	75
Wholesale produce terminal	100
Farm equipment sales	50
*Mineral extraction rock crushing equipment may not be located within 500 feet of a residential use.	

- (b) A parking area or loading berth for any of the following uses may not be located closer to a residential district or use than the distance, in feet, listed opposite it in the following table:

<i>Use</i>	<i>Parking area</i>	<i>Loading berth</i>
Airport or heliport	25	100
Camping facility	25	
Clinic	10	
Commercial greenhouse		50
Contractor's storage yard	300	
Country club or golf course	10	
General industry	25	100
Hospital	25	50
Industrial park	25	100
Junk yard	1320	1320
Kennel	25	
Light industry	25	100
Machine shop	25	100
Mineral extraction, borrow pit, or topsoil removal, and their storage areas		300
Outdoor commercial recreational enterprise	25	50
Penal or correctional institution	300	300
Police station or fire station	10	
Private recreational development	25	



Sales barn for livestock resale	50	100
Slaughterhouse	50	300
Storage of disabled vehicles	25	50
Theater, outdoor	25	50
Truck freight terminal	100	100
Warehouse (grain elevator)	100	100
Welding shop	25	100
Wholesale produce terminal	100	100
Note—Residences occupied by owners, operators or managers may be located as close to the parking area or loading berths as desired.		

(Ord. of 12-4-1973, § 24.4)

**Sec. 56-689. Fences and walls.**

The following uses shall be fenced or walled as respectively prescribed by the following table at the discretion of the board:

Use	Enclosure	
Airport or heliport	Adequate to protect abutting use	
Auction sales yard	Adequate to protect abutting use	
Confinement feeding operation	Adequate to protect abutting use	
Junk yard	5-foot solid wall or solid painted fence sufficient to hide from view	
Kindergarten or day nursery (play area only)	4-foot chainlink fence	
Mineral extraction, borrow pit, topsoil removal, and their storage areas (where they abut residential uses)	4-foot chainlink fence or adequate to protect abutting use	
Outdoor commercial recreational enterprise, if accessible to public	4-foot chainlink fence	

Public or commercial or garbage disposal plant	6-foot solid painted fence	
Public or employee parking area (along front line and such other boundaries as the commission considers necessary to protect residential property), except at approved entrances and exits	4-foot masonry wall, 6 inches thick	
Slaughterhouse	6-foot solid painted fence	
Storage of disabled vehicles	6-foot solid painted fence	
Theater, outdoor	8-foot painted board fence	
Truck service center	6-foot solid painted fence	
Wholesale produce terminal	6-foot chainlink fence	

(Ord. of 12-4-1973, § 24.5)

**Sec. 56-690. Screen planting abutting residential use.**

During all seasons, a dense compact screen planting shall effectively block from view all of the following uses when they abut existing residential uses and shall be maintained in an orderly manner at the following dimensions in accordance with the following table at the discretion of the board:

Use	Screen
Airport or heliport	6 feet high; 3 feet wide
Artificial lake of 3 or more acres	6 feet high; 3 feet wide
Automobile laundry	6 feet high; 3 feet wide
Camping facility	6 feet high; 3 feet wide

Cemetery or crematory	6 feet high; 3 feet wide
Clinic	6 feet high; 3 feet wide
Confinement feeding operation	6 feet high; 6 feet wide
Country club or golf course	6 feet high; 3 feet wide
Filling or service station	6 feet high; 3 feet wide
General industry	6 feet high; 3 feet wide
Hospital	6 feet high; 3 feet wide
Hotel or motel	6 feet high; 3 feet wide
Industrial park	5 feet high
Junk yard	6 feet high; 3 feet wide
Kennel	6 feet high; 6 feet wide
Kindergarten or day nursery	6 feet high; 3 feet wide
Light industry	6 feet high; 3 feet wide
Machine shop	6 feet high; 3 feet wide
Mineral extraction, borrow, topsoil removal, and their storage areas	6 feet high; 3 feet wide
Outdoor commercial recreational enterprise	8 feet high; 3 feet wide
Police station or fire station	6 feet high; 3 feet wide
Private recreational development	8 feet high; 3 feet wide
Public or commercial sanitary fill or garbage disposal plant (also along abutting street)	5 feet high; 3 feet wide
Public or commercial sewage disposal plant	6 feet high; 3 feet wide
Restaurants, Drive In	6 feet high; 3 feet wide
Race track	8 feet high; 6 feet wide
Riding stable	6 feet high; 3 feet wide
Shopping center	6 feet high; 3 feet wide
Shooting range	8 feet high; 6 feet wide
Slaughterhouse (along abutting street)	6 feet high; 6 feet wide
Storage of disabled vehicles	6 feet high; 3 feet wide
Telephone exchange or public utility substation (also along abutting street)	Adequate for purpose
Truck freight terminal	6 feet high; 6 feet wide
Truck service center	6 feet high; 3 feet wide
Warehouse (grain elevator)	6 feet high; 3 feet wide
Welding shop	6 feet high; 3 feet wide
Wholesale produce terminal	6 feet high; 3 feet wide

(Ord. of 12-4-1973, § 24.6)

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## Sec. 56-691. Entrances.

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

*Entrance*—a passageway generally 30 feet wide from premises to thoroughfare by which vehicles enter or leave.

- (b) The applicant shall obtain a permit from the county superintendent of highways for the entrance.
- (1) This subsection limits the number of entrances to a major highway (principal arterial) or area service highway (minor arterial) street or road. However, it does not apply to entrances for emergency use only.
  - (2) Each of the following uses, for which special uses are prescribed, is limited to one entrance.
    - a. Advertising structures.
    - b. Artificial lake of three or more acres or private swimming pool.
    - c. Bait sales.
    - d. Clinic.
    - e. Commercial greenhouse.
    - f. Contractor's storage yard.
    - g. Country club or golf course.
    - h. Home for aged.
    - i. Industrial park.
    - j. Junk yard.
    - k. Kennel.
    - l. Kindergarten or day nursery.
    - m. Machine shop.
    - n. Manufacturing, storage or use of explosives.
    - o. Material storage, open.
    - p. Mineral extraction, borrow pit, topsoil removal, and their storage areas.
    - q. Penal or correctional institution.
    - r. Private recreational development.
    - s. Public or commercial sanitary land fill or refuse dump or garbage disposal plant.
    - t. Public or commercial sewage disposal plant.
    - u. Public or employee parking area.
    - v. Race track.
    - w. Radio, TV transmitting towers and microwave towers.
    - x. Railroad right-of-way and necessary uses.
    - y. Riding stable.

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- z. Roadside produce sales stand.
  - aa. Sales barn for livestock resale.
  - bb. Shooting range.
  - cc. Slaughterhouse.
  - dd. Storage of disabled vehicles.
  - ee. Telephone exchange.
  - ff. Theater, outdoor.
  - gg. Tourist home.
  - hh. Truck freight terminal.
  - ii. Truck service center.
  - jj. Warehouse (grain elevator).
  - kk. Welding shop.
  - ll. Wholesale produce terminal.
- (3) Each of the following uses, for which special uses are prescribed is limited to two entrances:
- a. Airport or heliport.
  - b. Camping facility.
  - c. Cemetery or crematory.
  - d. Confinement feeding operation.
  - e. Hotel or motel.
  - f. Outdoor commercial recreational enterprise.

(Ord. of 12-4-1973, § 24.7; Res. of 2-11-1986)

### **Sec. 56-692. Procedures.**

- (a) The special uses listed in the districts and this article and their accessory buildings and uses may be permitted by the board in the districts indicated therein, in accordance with the procedure set forth in this section. The special uses listed in the districts and this article are those customarily located in the community. When an appeal is taken to the board upon the denial of an application for an improvement location permit for a use not specifically stated or implied elsewhere in these regulations and not listed the board shall refer the matter of this proposed use to the county board for consideration as an amendment to the regulations.
- (b) Upon receipt of an application for an improvement location permit for a special use by the zoning administrator, it shall be referred to the commission for investigation as to the manner in which the proposed location and character of the special use will affect the comprehensive plan. The commission shall report the results of its study to the board within forty-five days following receipt of the application. If no such report has been filed with the board within this time period, the board may proceed to process the application. The board shall then proceed with a public hearing on the application after having given the same notice of said hearing as required by section 56-986(b). Following the hearing, and upon an affirmative finding by the board that:

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- (1) The proposed special use is to be located in a district wherein such use may be permitted;
  - (2) The requirements set forth in the district and this article for such special use will be met; and
  - (3) The special use is consistent with the spirit, purpose and intent of these regulations, will not substantially and permanently injure the appropriate use of neighboring property, and will not be detrimental to the public convenience and welfare.

The board shall order the zoning administrator to issue an improvement location permit for the special use except in the class of special uses pertaining to regulating the siting of wind energy conversion systems, and solar farms in the county, the county board shall reserve the authority to grant the approval of the class of special uses for wind energy conversion systems, and solar farms.

- (c) An existing use which is listed in this article as a special use, and which is located in a district in which such special uses may be permitted, is a conforming use. Any expansion of such special use involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this article. However, only one special use permit shall be required for the total mineral extraction land area, including existing and proposed buildings and structures, that were indicated on the approved plan for the plant area as the term is defined in article IV of this chapter. Additional excavation and mining of an existing mineral extraction site shall be construed to be a conforming use.

(Ord. of 12-4-1973, § 24.8; Ord. No. 2006-04, 1-12-2006; Res. No. 2016-09-39, 9-15-2016)

**Secs. 56-693—56-712. Reserved.**

## ***ARTICLE XI. NONCONFORMING BUILDINGS AND USES***

### **Sec. 56-713. Nonconforming building and use specifications.**

The lawful use of a building or premises, existing at the time of the effective date of the ordinance from which these regulations are derived, may be continued although such use does not conform to all the provisions thereof, except as hereinafter provided:

- (1) A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.
- (2) A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use of a less restricted district.
- (3) Any building, or building and land in combination, in or on which a nonconforming use or building is existing shall not hereafter be expanded or altered except in accordance with the requirements of the district in which it is located.
- (4) The board may authorize, by written permit, in a residentially-zoned district for a period of not more than one year from the date of such permit, a temporary building for commercial or industrial use incidental to the residential construction and development of said district.
- (5) Nothing contained in this article shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and the construction of which has been diligently prosecuted within 90 days of the date of such permit, and which entire building shall be

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completed according to such plans filed within two years from the effective date of the ordinance from which this chapter is derived.

- (6) In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located if the building is adaptable to a permitted use.
- (7) When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than 50 percent of its assessed value it shall not be restored except in conformity with the regulations of the district within which it is located.
- (8) These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to these regulations.
- (9) Any nonconforming open use of land shall be discontinued within two years from the date of passage of the ordinance from which this chapter is derived.

(Ord. of 12-4-1973, § 25.0)

**Secs. 56-714—56-830. Reserved.**

## ***ARTICLE XII. PERMITS AND CERTIFICATES***

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

**Secs. 56-831—56-853. Reserved.**

### ***DIVISION 2. IMPROVEMENT LOCATION PERMITS***

**Sec. 56-854. Application requirements.**

- (a) (1) Within the jurisdictional area no structure or improvement or use of land may be altered, changed, placed, erected or located on platted or unplatted land, unless the structure, improvement or use, and its location, conform with this chapter, and an improvement location permit for such structure, improvement or use has been issued.
  - (2) Buildings and structures incidental to agricultural uses shall conform to the building setback line requirements of this chapter.
  - (3) Permits are required for buildings and structures incidental to permitted agricultural uses, however, no fee shall be charged for such permits.
  - (4) The zoning administrator shall issue an improvement location permit upon written application, when the proposed structure, improvement or use and its location conform in all respects to the comprehensive plan of this county and this chapter.
- (b) Any person, persons, firms, or corporations which shall make application for an improvement location permit shall, at the time of making such application furnish the zoning administrator with:

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- (1) A plot plan, in the case of single-family, two-family or agricultural buildings. Said plot plan shall be drawn to a scale of one inch equals 20 feet or as required by the zoning administrator and show the following items:
    - a. Legal description of the real estate involved;
    - b. The location and size of all buildings or structures already on the site and those to be erected;
    - c. The width of all entrances to and exits from the site;
    - d. All adjacent streets and roadways; and
    - e. Any additional information requested by the zoning administrator.
  
  - (2) A detailed site plan for all other uses of the land upon which said application for an improvement location permit is made. Such application shall be made at least five days prior to the issuance of said improvement location permit, which five-day period may be waived by the zoning administrator. Said detailed site plan shall be drawn to a scale of one inch equals 50 feet or as required by the zoning administrator and show the following items:
    - a. Name and address of the applicant.
    - b. Location and legal description of the tract of land.
    - c. Area and dimensions of the tract of land.
    - d. Lot dimensions, where applicable. Number, location and size of all mobile home spaces in the case of a mobile home park.
    - e. All buildings and structures: location, elevations, size, height and proposed use.
    - f. Yards and distance between buildings.
    - g. Number of residential living units per acre, per structure, and the amount of floor area per unit. (multifamily dwellings only).
    - h. Walls and fences: location, height and materials.
    - i. Dense compact screen planting: specie, location, height and width. (If required by the zoning administrator).
    - j. Off-street parking: location, number and size of spaces and dimensions of parking area, internal circulation pattern and type of surfacing material.
    - k. Access - pedestrian, vehicular service: width and length of all entrances and exits, internal circulation and type of surfacing material.
    - l. Existing topography at two foot contour intervals.
    - m. Signs: location, size and height.
    - n. Loading: location, dimensions, number of spaces, internal circulation.
    - o. Lighting: location and general nature; hooding devices, easement dimensions.
    - p. Common facilities and open spaces: location, dimensions.
    - q. Public and private roads (existing, proposed and any adjacent roads or highways): location, dimensions, circulation and type of surface material.
    - r. Water and sewer lines: location, dimensions.



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- s. Water wells, sewage and drainage: location, dimensions, and evidence of an adequate water supply and means of sewage disposal and surface drainage as approved by the county public health department, county superintendent of highways or applicable official.
  - t. Fire hydrants: location and type.
  - u. Structures on adjacent properties: location, type, use and size of structures on adjacent properties within 100 feet of the proposed development.
  - v. Provide for the dedication of right-of-way for widening, extending or connecting major or collector type streets and all other street or road facilities required in the county's thoroughfare plan.
  - w. Location of all underground utilities such as telephone cables, electric cables, gas mains, TV cables and any other underground installations.
  - x. Indicate the boundaries and dimensions of all utility easements.
  - y. Any additional information indicating the manner in which the location is to be improved.
- (3) Site plans so furnished to the zoning administrator shall be filed by the zoning administrator and shall become a permanent record.
  - (4) The zoning administrator may require the relocation of any proposed building or structure or exit or entrance shown on said site plan and/or the location of new exits or entrances not shown on said site plan before issuing an improvement location permit when such action is necessary to carry out the purpose and intent of these regulations.
  - (5) An application for an improvement location permit for any industrial use subject to the provisions of these regulations shall be accompanied by a certificate of compliance subscribed by a registered professional engineer of the state, certifying that the use intended will satisfy the performance standards of the district in which it is to be located. The zoning administrator may take ten days in which to review the application, during which time he may consult with appropriate technical consultants. If, after the ten-day period, the zoning administrator has not required any additional information or stated any objections in writing, he shall issue the improvement location permit.
  - (6) The zoning administrator shall issue an improvement location permit for a special use only following receipt of notice from the board that the application therefor has been approved by the board.
  - (7) A fee shall be assessed and collected for an improvement location permit in accordance with a schedule of fees established and adopted by the county board.

(Ord. of 12-4-1973, § 26.4)

**Secs. 56-855—56-871. Reserved.**

*DIVISION 3. CERTIFICATES OF OCCUPANCY*

**Sec. 56-872. Provisions.**

- (a) No land shall be occupied or used and no building hereafter erected, reconstructed or structurally 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 zoning administrator stating that the building and use comply with all of the

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provisions of these regulations applicable to the building or premises or the use in the district in which it is to be located. Agricultural buildings and uses are exempt from the certificate of occupancy requirement.

- (b) Upon completion of the improvement covered by the improvement location permit, the zoning administrator shall inspect the premises, and, if his inspection shall reveal that the improvement has been completed in substantial conformity with the site plan, and certificate of compliance when required, and any approved amendments thereto, shall issue a certificate of occupancy.
- (c) Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the zoning administrator for a period of not more than 90 days during the construction of a building or of alterations which are required under the terms of any law or ordinance. The temporary certificate may be given one renewal for a period not to exceed 90 days by the board when the evidence available to it clearly demonstrates that the construction or alteration shows reasonable progress and that at least 25 percent of the work, as measured in relation to the bulk of the structure being constructed or altered, for which the original application was made, has been completed. Such temporary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the applicant or of the county relating to the use or occupancy of the land or building under these regulations, and such temporary certificate shall not be issued except under such restrictions and provisions as will insure adequately the safety of the occupants.
- (d) No change shall be made in the use of land, except agricultural, or in the use of any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a certificate of occupancy having been issued by the zoning administrator, and no such permit shall be issued to make such change unless it is in conformity with the provisions of these regulations.
- (e) A certificate of occupancy shall be applied for coincidentally with the application for an improvement location permit and shall be issued within ten days after the lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed.
- (f) A record of all certificates of occupancy shall be kept on file in the office of the zoning administrator and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.
- (g) No improvement location permit shall be issued for excavation for or the erection, reconstruction or structural alteration of any building, before application has been made for a certificate of occupancy.
- (h) A fee shall be assessed and collected for a certificate of occupancy in accordance with a schedule of fees established and adopted by the county board.

(Ord. of 12-4-1973, § 26.5)

## **ARTICLE XIII. ADMINISTRATION AND ENFORCEMENT**

### **DIVISION 1. GENERALLY**

#### **Sec. 56-940. Violation and remedy.**

- (a) In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter or other regulation made under the authority conferred thereby, the county board, the board of appeals, or any owner of real property in the same contiguous zoning district as the building or structure in question where such owner's value or use of property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceeding in equity to:

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- (1) Prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
  - (2) Prevent the occupancy of the building, structure, or land;
  - (3) Prevent any illegal act, conduct, business, or use in or about the premises; or
  - (4) Restrain, correct, or abate the violation.
- (b) The violation of the terms of this chapter, or any amendments thereto after taking of effect, shall be deemed a petty offense, and shall be punishable by a fine not to exceed \$500.00, with each week the violation remains uncorrected constituting a separate offense.

(Ord. of 12-4-1973, § 26.7; Res. No. 2016-09-40, 9-15-2016)

### **Sec. 56-941. Administrative officer.**

- (a) There is hereby established and created the office of zoning administrator, and/or building inspector in the county.
- (b) Appointment, removal from office, and compensation. The zoning administrator shall be appointed by the county board of the county. He may be removed from office for good cause after full opportunity has been given him to be heard on specific charges. Compensation for the zoning administrator shall be determined by the county board.
- (c) Authority to enforce regulations. The zoning administrator is hereby authorized to enforce the zoning regulations as adopted herein and according to the directions contained in the zoning regulations, as now or as may be hereafter adopted by ordinance of the county. The zoning administrator shall be the custodian of the zone maps.

(Ord. of 12-4-1973, § 26.1)

### **Secs. 56-942—56-965. Reserved.**

## *DIVISION 2. BOARD OF APPEALS<sup>4</sup>*

### **Sec. 56-966. Generally.**

- (a) *Definition.* The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:  
*Board*—the board of appeals.
- (b) *Creation, membership, removal, and filling of vacancies.* A board of appeals is hereby established.
  - (1) The members of the board shall be appointed by the chairperson of the county board, upon approval by the county board. The board shall consist of seven members 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, the successor to each member so initially appointed to serve for a term of five years. Alternate members may be appointed to serve as members of the board only in the absence of regular members,

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<sup>4</sup>State law reference(s)—County boards of appeals, 55 ILCS 5/5-12010 et seq.

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- with the alternate member who has the greatest of amount of time remaining in his term to have priority over the other alternate member in determining which alternate member shall serve in the absence of a regular member. All members of the board shall be residents of separate townships at the time of their appointments.
- (2) The chairperson of the county board shall name one of the members so appointed as chairperson at the time of his appointment. In the case of a vacancy in the chairpersonship, the chairperson of the county board shall designate a chairperson. In the absence of the chairperson, the board may elect an acting chairperson.
  - (3) The county board may remove any member of the board for cause after public hearing.
  - (4) A vacancy on the board shall be filled for the unexpired term of the member whose place has become vacant, such vacancy to be filled under the same procedure as in an original appointment.
- (b) *Meetings, rules of procedure, hearings.* All meetings of the board shall be held at the call of the chairperson and at such times and places within the county as the board may determine. Hearings on text amendments shall be held in the courthouse of the county or other county building with more adequate facilities for such hearings. Hearings on map amendments shall be held in the township or road district affected by the terms of such proposed amendment or in the courthouse or any other county building with more adequate facilities for such hearings, of the county in which the affected township or road district is located. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that 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 of a requested variation, specifying the reasons for making or denying such variation. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board shall immediately be filed in the office of the board and shall be a public record. The board shall adopt its own rules of procedure not in conflict with the statute in such cases made and provided. At all hearings before the board upon application to vary the regulations provided for by this chapter, the board shall require that all testimony by witnesses shall be given under oath. In case an appeal is taken from the decision of the board, such testimony shall be transcribed and a copy thereof shall be furnished to the party appealing from the decision of the board. The cost of taking and transcribing such testimony and furnishing a copy thereof to the party so appealing from the decision of the board shall be borne by the applicant for zoning or rezoning, or other alterations, as the case may be.
- (c) *Appeal and review.* The board shall hear and decide appeals from and review any order, requirement, decision or determination made by the zoning administrator, who is charged with the enforcement of this chapter.
- (1) An appeal may be taken from the zoning administrator by any person aggrieved or by an officer, department, board or bureau of the county. Such appeal shall be taken within fifteen days after the date of the decision appealed from by filing with the zoning administrator and with the board, a notice of appeal, specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.
  - (2) An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application, on notice to the zoning administrator and on due cause shown.
  - (3) The board shall fix a time within 30 days for the hearing of the appeal and give due notice thereof to the parties by publication in one or more newspapers of general circulation in the county of a notice of

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the time and place of the hearing at least once not more than 20 nor less than ten days before the hearing. The notice shall specify the nature of the appeal. The board shall decide the same within 30 days from the date of the public hearing. Upon the hearing, any party may appear in person, or by agent, or by attorney. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have the power of the zoning administrator from whom the appeal is taken.

- (4) It shall also hear and decide all other matters referred to it or upon which it is required to pass under this chapter. The concurring votes of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor or the applicant any matter upon which it is required to pass under this chapter or to recommend any variation or modification in this chapter to the county board.

(Ord. of 12-4-1973, § 26.2; Res. of 2-14-1989; Res. of 8-11-2005)

**Secs. 56-967—56-985. Reserved.**

*DIVISION 3. VARIATIONS<sup>5</sup>*

**Sec. 56-986. Board's variations review procedure.**

- (a) Where in specific cases permits are applied for and there are practical difficulties or particular hardships in the way of carrying out the provisions of this chapter the board may determine and vary their application in accordance with the following rules, except the board shall not grant variations in respect to the classification, and location of trades and industries and the location of buildings designed for specified industrial, business, residential and other uses.
- (1) Variations shall be permitted by the board only when they are in harmony with the general purpose and intent of the regulations and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations relating to the construction, or alteration of buildings or structures or the use of land.
- (2) Variances from the regulations and standards of this chapter shall be granted by the board only in accordance with the regulations and standards set forth in this chapter and may be granted in the following instances only and in no others:
- a. To permit any yard, court, buffer strip, setback line, or spacing between buildings of less dimension than required by the applicable regulations;
  - b. To permit any structure to exceed the height limitations imposed by the applicable regulations;
  - c. To permit greater lot coverage than required by the applicable regulations;
  - d. To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot;
  - e. To permit a reduction in the number of off-street parking spaces or loading berths required about or in connection with a use;
  - f. To permit a reduction in the minimum ground floor building size of a dwelling;

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<sup>5</sup>State law reference(s)—Variations by county boards of zoning appeals, 55 ILCS 5/5-12009.

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- g. To permit the extension, change or reconstruction of a nonconforming structure pursuant to the nonconforming use specifications of this chapter;
  - h. To permit a lot to have lot dimensions less than the required lot dimensions as required by the applicable regulations in the district under consideration.
- (3) In its consideration of the standards of practical difficulties or particular hardship, the board shall require evidence that such variation will not:
- a. Impair an adequate supply of light and air to adjacent property;
  - b. Increase the hazard from fire and other dangers to said property;
  - c. Diminish the taxable value of land and buildings in the vicinity and throughout the jurisdictional area;
  - d. Increase or cause congestion in the public streets;
  - e. Otherwise impair the public health, safety, comfort, morals and welfare of the inhabitants of the jurisdictional area; and that:
    - 1. The plight of the owner is due to unique circumstances; and
    - 2. The variation, if granted, will not alter the essential character of the locality or give the owner or occupant of the property in question privileges not generally held by other property owners or occupants in the same vicinity and district.
- (b) No variation shall be made by the board, except in a specific case and only after a public hearing.
- (1) The board shall fix a time within 30 days, from the filing of an application for variation, for the hearing. Due notice shall be given thereof to the parties concerned by publication in a newspaper of general circulation in the county, of the time and place of the hearing at least once not more than 20 nor less than 15 days before the hearing said notice to contain:
- a. The particular location of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection;
  - b. Whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal;
  - c. Whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20 percent of all outstanding stock of such corporation;
  - d. Whether the petitioner or applicant, or his principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity;
  - e. Whether the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and
  - f. A brief statement of what the proposed variation consists.
- (2) The costs or charges of the publication notice shall be paid by the petitioner or applicant.

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- (3) In addition, if the property affected by the variation lies within 1½ miles of a zoned municipality in the county, the board shall give written notice by certified mail, return receipt requested, to the city or village clerk as applicable, at the same time the notice is filed for publication.
  - (4) All final administrative decisions of the board shall be subject to judicial review pursuant to the provisions of the Administrative Review Act, approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in section 1 of the Administrative Review Act.

(Ord. of 12-4-1973, § 26.3; Res. of 8-11-2005)

**Secs. 56-987—56-1010. Reserved.**

*DIVISION 4. AMENDMENTS<sup>6</sup>*

**Sec. 56-1011. Amendments and changes.**

- (a) The regulations imposed and the districts created by this chapter may be amended from time to time by ordinance, but no such amendments shall be made without a hearing before the board of appeals.
- (b) The board may of its own motion, or upon petition signed by 50 percent or more of the property owners of any district or portion thereof, or upon instruction from the county board, cause to be prepared a notice indicating the changes proposed to be made in the regulations or in the district boundary lines, describing the boundaries or the territory to be affected. Such notice shall state the time and place of the public hearing for consideration of such proposed amendment, supplement or change, and the place where maps of the proposed amendment, supplement or change will be accessible for examination by interested parties.
- (c) Notice of such public hearing shall be published not more than 30 nor less than 15 days in advance thereof in at least one newspaper of general circulation in the county. A public hearing may be held in the county courthouse or in the township affected by the terms of such proposed amendment. Prior to such public hearing the board may submit a copy of the proposed amendment to the county planning commission for its review and recommendations. These recommendations shall be a guide to the board in its recommendation to the county board.
- (d) The board shall report to the county board on the proposed amendment, supplement or change, and may cause an ordinance authorizing such amendment, supplement or change to be introduced for the county board's consideration. Whenever a proposed amendment, supplement or change in this chapter is proposed for territory located with in 1½ miles of a zoned municipality in this county, the board shall cause written notice of the public hearing to be sent to the city or village clerk, as applicable, of that municipality by certified mail, return receipt requested. And, whenever a proposed amendment, supplement or change in this chapter is proposed for territory located within one and one-half miles of a zoned municipality in this county, and the city council or president and board of trustees of the zoned municipality with limits nearest adjacent shall have file a written protest against the proposed amendment, supplement or change or whenever a written protest against such proposed amendment, supplement or change, that is either:
  - (1) Signed by the owner or owners of at least 20 percent of the land to be rezoned; or
  - (2) Signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least 20 percent of the perimeter of the land to be rezoned, or in cases

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<sup>6</sup>State law reference(s)—Amendment of county zoning regulations and districts, 55 ILCS 5/5-12014.

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where the land affected lies within 1½ miles of the limits of a zoned municipality, or in the case of a proposed text amendment to the ordinance, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, is filed with the county clerk within 30 days after said public hearing, the ordinance providing for such proposed amendment, supplement or change shall not be passed except by the favorable vote of three-fourths of the members of the county board.

- (e) At the time application is made to zone or rezone, alter or vary the use of property under the provisions of this chapter, the applicant therefor shall pay to the clerk of this county the amount in accordance with a schedule of fees established and adopted by the county board. All funds collected under the provisions of this section shall be credited by the clerk to the general fund of the county.

(Ord. of 12-4-1973, § 26.6; Res. of 2-14-1989)