

ZONING ORDINANCE  
LOGAN COUNTY, ILLINOIS

This document includes all amendments adopted by the Logan County Board to  
June 15, 2021.

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## **SECTION 1.0 INTRODUCTION**

### 1.1 AUTHORITY

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

### 1.2 PURPOSE

This ordinance is adopted for the following purposes:

- 1.21 To promote and protect the public health, safety, morals, comforts and general welfare of the people;
- 1.22 To divide the County into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures, and land for residential, business and manufacturing and other specified uses;
- 1.23 To protect the character and the stability of the residential, business, and manufacturing areas within the County, and to promote the orderly and beneficial development of such areas;
- 1.24 To provide adequate light, air, privacy and convenience of access to property;
- 1.25 To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air and to protect the public health;
- 1.26 To establish building lines and the location of buildings designed for residential, business, manufacturing, or other uses within such areas;
- 1.27 To fix reasonable standards to which buildings or structures shall conform;
- 1.28 To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;

- 1.29 To prevent additions or alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
- 1.29-1 To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading of commercial vehicles;
- 1.29-2 To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare;
- 1.29-3 To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
- 1.29-4 To conserve the taxable value of land and buildings throughout the County;
- 1.29-5 To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- 1.29-6 And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

### 1.3 INTENT

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

### 1.4 ABROGATION AND GREATER RESTRICTIONS

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

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

1.5 INTERPRETATION

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

1.6 SEVERABILITY

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

1.7 TITLE

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

## **SECTION 2 - GENERAL PROVISIONS**

### 2.1 JURISDICTION

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

### 2.2 USE RESTRICTIONS

#### 2.21 Principal Uses

Only those principal uses specified for a district or on a planned development plat, their essential services, and the following uses shall be permitted in that district.

#### 2.22 Accessory Uses and Structures

Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction.

#### 2.23 Conditional Uses

Conditional uses and their accessory uses are permitted in districts as specified, but only according to the conditional use procedure in Section 10.0. Also, any development except residences and farm structures within five hundred (500) feet of the existing or proposed rights-of-way of free-ways, expressways, interstate and controlled access trafficways, and within fifteen hundred (1500) feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be conditional uses. Such development shall be specifically reviewed by the Planning and Zoning Commission as provided in Section 10.0.

#### 2.24 Unclassified or Unspecified Uses

In case of uncertainty where the zoning inspector is unable to determine literally whether a use is permitted as a principal or accessory use, he shall consult the Board of Zoning Appeals for an interpretation.

#### 2.25 Temporary Uses

Temporary uses, such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted while sales or construction are in progress.



2.26 Performance Standards

Performance standards listed in Section 7.0 shall apply to all uses in all districts.

2.3 SITE RESTRICTIONS

2.31 Soil Conditions

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the County Planning Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the County. The County Planning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability, if he so desires. Thereafter, the County Planning Commission may affirm, modify, or withdraw its determination of unsuitability.

2.32 All lots shall abut upon a public street, except in Planned Development Districts. Private streets are permitted only in Planned Development Districts, and these streets shall be constructed to standards contained in the Subdivision Regulations.

2.33 Only one principal structure shall be located, erected, or moved onto any lot or parcel of land.

2.34 No zoning permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

2.35 For a newly platted property, in a district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system, area for a replacement system, and a private water supply, where municipal water is not available. The system shall be designed in accordance with the Logan County Health Department and Illinois Department of Public Health Standards. In any district where public sewerage service is not available and private on-site sewage disposal is contemplated, the area for single-family lots shall be no less than twenty thousand (20,000) square feet, excluding easements for underground utilities and drainage easements, except as otherwise required by the Zoning Administrator at the recommendation of the County Health Administrator. All lots must be of sufficient size to accommodate a private sewage disposal system, area for a replacement system and adequate separation between the private sewage disposal system and water well. The size of the sewerage disposal system shall be based on, but not

limited to soil analysis, the cost of which shall be born by the permit applicant.

2.35-A The size of the sewerage disposal system for existing platted property shall be based on soil analysis, the cost of which shall be born by the permit applicant.

2.36 Reduction of Joint Use

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

2.37 Substandard Lots

Any lot in a single ownership, which ownership was of record at the time of the adoption of this ordinance, that does not meet the requirements of this ordinance for yards, courts, or other area of open space may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth, or open space is within seventy-five (75) percent of that required by the terms of this ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

2.38 Public Sewage Treatment and Water Supply Plants and Related Improvements. Public sewage treatment and water supply plants and related improvements are allowed as conditional uses in all zoning districts.

2.4 GENERAL DEVELOPMENT PROCEDURE

Comprehensive Plan including Planning Policies: The Planning Commission and the County Board shall continuously develop their Comprehensive Plan, including their planning policies to guide future decisions. All comprehensive plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all development under this Zoning Ordinance, and no development shall be approved under this ordinance which is in conflict with any comprehensive plan elements.

### **SECTION 3 - ZONING DISTRICTS**

#### **3.1 ESTABLISHMENT**

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

A	Agricultural District
SD	Special District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Single-Family Residential District
R-4	Two-Family and Multi-Family Residential District
B-1	Business District
B-2	Business District
B-3	Highway Business District
M-1	Limited Manufacturing District
M-2	General Manufacturing District
M-3	Extraction District
S-1	Special Use Permit Required

#### **3.2 DISTRICT BOUNDARIES**

Boundaries of these districts are hereby established as shown on the maps entitled "Zoning Atlas, County of Logan, Illinois," dated 1991, and which accompanies and is hereby declared to be a part of this ordinance. District boundaries shall be construed to follow: Corporate limits; county limits; U.S. public highways, alleys, easements, and railroad rights-of-way, or such lines extended; soil mapping unit lines; unless otherwise noted in the Zoning Atlas.

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

#### **3.3 ZONING ATLAS**

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

### 3.4 AGRICULTURAL AND SPECIAL DISTRICT

#### 3.41 A - Agricultural District

3.4.1-1 Purpose - The Agricultural District is established as a zone in which agriculture and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the admixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. This zone is also designed to prevent health hazards brought about by the illogical placement of inappropriately high residential densities in the otherwise open countryside.

#### 3.41-2 Permitted Uses

- a. Agricultural Uses, including but not limited to horticulture; forestry; crop and tree farming; gardening; dairy, stock and poultry farming; and the operation of any machinery or vehicles and other uses customarily incidental thereto; but excluding slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter.
- b. Dwelling, Single-family.
  1. Farmsteads.
  2. Single-family dwelling when constructed on an existing farmstead as permitted in Section 3.41-6 (A) meeting the definition of "farmstead" in Section 15 and is in compliance with Section 2.35 of this ordinance. For the purpose of this Section, the County zoning officer shall require evidence of the prior existence of a dwelling on the site.
- c. Billboards as permitted in Section 5.0 of this ordinance. Signs not exceeding twelve (12) square feet in area advertising agricultural products are permitted.
- d. Borrow Pits

#### 3.41-3 Accessory Uses, including the following:

- a. Home occupations in a single-family dwelling provided that such

use is incidental to the main use as a dwelling, and further provided that such is limited to a person actually residing in the dwelling.

- b. Living quarters such as tenant house, apartment or room for persons employed on the premises.
- c. Barns and other bona fide farm buildings.
- d. Private garages and private greenhouses.
- e. Roadside stands, offering for sale agricultural or other products grown or produced on the premises upon which the stand is located at least thirty-five (35) feet from the existing roadway, and off-street parking as regulated in Section 4.0 of this ordinance is complied with.
- f. Kennels.
- g. Private Wind Energy Conversion System (WECS) accessory to an established agricultural and/or residential use provided that all private WECS towers shall be setback not less than 1.1 times the tower height from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines. The affected road authority, utility, tower owner/lessee and/or affected adjacent property owner may waive the setback. Said waiver shall be in writing. However, in no instance shall any part of a private WECS, including guy wires, be located within five (5) feet of any of the aforementioned items.

#### 3.41-4 Conditional Uses

- a. Junk Yards.

Any junk yard, scrap yard, or salvage yard for which permission is granted under this Section shall at all times be subject to the performance standards established for this ordinance.

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

Any junk or salvage yard which offers to the public at retail any

new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet or retail floor space.

b. Dumps, Sanitary Landfills, and Incinerators.

A dump, sanitary landfill, and/or incinerator, upon a finding that said use will not constitute a nuisance because of traffic, noise, odors, smoke, or physical activity may be permitted provided that all requirements of this ordinance are complied with.

c. Public utility and service uses such as electric substations, gas regulator and compressor stations, telephone trans-mission structures, radio, television and microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses. (See Section 10.0, Conditional Uses)

d. Tiny Home Parks (3 tiny homes or more) – Subject to regulations of the Tiny Home Park Regulations found in Appendix B.

e. Grain elevators and agricultural business uses.

f. Public and private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions and similar uses.

g. Fireworks Storage, under the following conditions: The property and storage facilities shall be approved by the United States Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms, and the Illinois Department of Mines and Minerals.

h. Wind Energy Conversion Systems, Commercial (Windfarms)

i. Adult-Use Cannabis Business Establishment

3.41-5 Special Regulations

a. All permitted, accessory, and conditional uses shall maintain a minimum setback of:

1. 100 feet from Federal highway right-of-way.
2. 50 feet from State highway right-of-way.
3. 35 feet from County or Township road right-of-way.

b. Minimum Lot width shall be 200 feet.

### 3.41-6 Minimum lot size

All lots created after the adoption of this amendment shall be at least (5) acres in size, excepting therefrom:

- a. Farms and farmsteads in existence prior to the adoption of this amendment which may be subdivided into two parcels, one containing an existing farmstead and one containing the remaining unimproved land which shall be at least five (5) acres in size. The parcel containing the farmstead shall have a minimum area of one (1) acre. Farmsteads not adjacent to or abutting a public road right-of-way may have a private road right-of-way of no less than 30 feet extending from the public road to the existing farmstead. Lots or parcels previously permitted by the Logan County Board and recorded in the office of the Logan County Clerk and Recorder of Deeds will be exempted from compliance of this amendment.
- b. Legitimate farming operations on tracts of less than five acres, provided that the tract is for the purpose of a farming operation and does not provide a rural homesite.
- c. Lots on tracts of less than five (5) acres if approved through the Conditional Use Procedure and if proven by the petitioner that the parcel will not adversely affect adjoining agricultural uses, or that the parcel was created by the acquisition of a public right-of-way and construction of a public street or highway.

### 3.42 SD - Special District

#### 3.42-1 Purpose

The Special District has been created for areas which are:

- a. To be kept open for highway interchanges.
- b. To be kept open for take-off or landing of aircraft.
- c. (Also see Section 6.0, Flood Plain Regulations.)
- d. To be kept open to protect sources of water supplies.
- e. To be kept open from intensive development because of unstable soil conditions.
- f. To be kept open for general conservation purposes.

3.42-2 Permitted Uses.

- a. Agriculture.
- b. Highway interchange areas.
- c. Airports.
- d. Conservation, forestry.

3.42-3 Conditional Uses

Public or private recreational facilities or parks.

3.5 URBAN RESIDENTIAL DISTRICTS

Purpose

Urban Residential Districts are established to provide the full range of residential housing types in an urban environment where all of the facilities for urban living, including community sewer and water facilities are available or can be made available in the future.

3.51 R-1 Single-Family Residential District

3.51-1 Permitted Uses

- a. Single-family dwellings.

3.51-2 Accessory Uses

- a. Home occupation in a single-family dwelling provided that such is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- b. Private garages.
- c. Off-street parking as regulated in Section 4.0 of this ordinance.

3.51-3 Conditional Uses

- a. Public or private community facilities such as schools, churches,



cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 10.0 of this ordinance.

- b. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, sanitary landfills, transportation facilities, and similar uses. (See Section 10.0, Conditional Uses.)
- c. Tiny Home Subdivision.

#### 3.51-4 Bulk Requirements

- a. Lot:
  - 1. Minimum Area 10,000 Sq. Ft.
  - 2. Minimum Width at Building Line 75 feet
- b. Minimum Yards:
  - 1. Front 25 feet
  - 2. Rear 30 feet
  - 3. Side 10% of lot width
- c. Building:
  - 1. Maximum Ground Coverage-30% of lot area
  - 2. Minimum Total Floor Area-1,200 sq. ft.
  - 3. Maximum Height-35 feet

#### 3.52 R-2 Single-Family Residential District

##### 3.52-1 Permitted Uses

- a. Single-family dwellings.

##### 3.52-2 Accessory Uses

- a. Home occupations in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.

- b. Private garages.
- c. Off-street parking as regulated in Section 4.0 of this ordinance.

#### 3.52-3 Conditional Uses

- a. Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 10.0 of this ordinance.
- b. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, sanitary landfills, transportation facilities and similar uses. (See Section 10.0, Conditional Uses.)

#### 3.52-4 Bulk Requirements

- a. Lot:
  - 1. Minimum Area 7,500 sq. ft.
  - 2. Minimum Width at Building line 60 feet
  - 3. Front 25 feet
  - 4. Rear 30 feet
  - 5. Side 10% of lot width
- b. Building
  - 1. Maximum Ground Coverage-30% of lot area
  - 2. Minimum Total Floor Area - 1,000 sq. ft.
  - 3. Maximum Height - 35 feet

### 3.53 R-3 Single-Family Residential District

#### 3.53-1 Permitted Uses

- a. Single-family dwellings.

#### 3.53-2 Accessory Uses

- a. Home occupations in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.

- b. Private garages.
- c. Off-street parking as regulated in Section 4.0 of this ordinance.

#### 3.53-3 Conditional Uses

- a. Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 10.0 of this ordinance.
- b. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, sanitary landfills, transportation facilities and similar uses. (See Section 10.0, Conditional Uses.)

#### 3.53-4 Bulk Requirements

- a. Lot:
  - 1. Minimum Area 6,000 sq. ft.
  - 2. Minimum Width at Building line 50 feet
  - 3. Front 25 feet
  - 4. Rear 30 feet
  - 5. Side 10% of lot width
- b. Building
  - 1. Maximum Ground Coverage-30% of lot area
  - 2. Minimum Total Floor Area - 800 sq. ft.
  - 3. Maximum Height - 35 feet

### 3.54 R-4 Two-Family and Multi-Family Residential District

#### 3.54-1 Permitted Uses

- a. Two-family and multi-family dwellings.

#### 3.54-2 Accessory Uses

- a. Private garages
- b. Off-street parking as regulated in Section 4.0 of this ordinance.

#### 3.53-3 Conditional Uses

- a. Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 10.0 of this ordinance.
- b. Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, or pumping stations, government buildings, sanitary landfills, transportation facilities and similar uses. (See Section 10.0, Conditional Uses.)

#### 3.54-4 Special Regulations

- a. Parking.

One and one-half spaces shall be provided for each dwelling unit as required by Section 4.0.

- b. Plat Requirements

All developments proposed in the R-4 Districts containing more than two dwelling units per structure shall be subject to specifications review by the Planning Commission and the Zoning Board of Appeals. Portions of the Planned Development Procedures shall be used as follows:

1. The Amendment required by the Planned Development Procedure shall be waived since this district has already been established exclusively for multi-family dwellings according to the standards cited.
2. Preliminary and final plats shall be required according to the Planned Development Procedure, except that the Planning Commission may waive the preliminary plat in areas already subdivided and served with streets and all required improvements. In this case, the approved final plat shall replace the final plat recorded earlier at the time of subdivision.
3. Site design flexibility and originality shall be encouraged within the limitations of the use and dimensional standards cited for this district. Preliminary and final plats shall conform to the standards for this district, and any applicable comprehensive plan elements.
4. The recorded final plat shall provide continuing control

over the completed development as specified in the  
Planned Development Procedure.

#### 3.54-5 Bulk Requirements

a. Lot and Density:

1. Minimum Area: Two family - 12,000 sq. ft.
2. Multi-family - 15 dwelling units per acre; 30 bedrooms per acre. Maximum density shall be interpolated proportionately where development less than acre is proposed.

b. Minimum Yards:

Principal Buildings - 20 feet from project boundaries.  
Accessory Buildings - 5 feet from project boundaries.

c. Building: Minimum total floor area:

Efficiency:	500 sq. ft.
1-bedroom apt.:	600 sq. ft.
2-bedroom apt.:	750 sq. ft.
Each additional bedroom:	150 sq. ft.
Maximum Heights:	45 feet

### 3.6 BUSINESS DISTRICTS

#### Purpose

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

#### 3.61 B-1 Business District

##### 3.61-1 Purpose

The B-1 Business District is established to provide retail goods and services to the consumer.

##### 3.61-2 Permitted Uses

- a. Retail sales. Processing of products is permitted only if all products are sold at retail on the premises.

- b. Consumer services. Processing is permitted only if all such processing is performed as a consumer service for customers served on the premises.
- c. Professional, business and government offices.
- d. Community facilities such as churches, libraries, art galleries, parks, hospitals, institutions, government buildings.
- e. Signs, and Billboards, as regulated in Section 5.0 of this ordinance.

#### 3.61-3 Accessory Uses

- a. Off-street parking and loading as regulated in Section 10.0 of this ordinance.

#### 3.61-4 Conditional Uses

- a. See Section 10.0 of this ordinance.
- b. Regional, community and neighborhood shopping centers.

#### 3.61-5 Special Regulations

- a. All sales, services, processing, storage and display shall take place within a completely enclosed building.
- b. All uses of the drive-in types are not permitted. This would include drive-in restaurants, service stations, drive-in theaters, and other similar uses.
- c. All motels or motor inns are not permitted.
- d. In addition to meeting the requirements for procuring a conditional use permit for the development of a shopping center, potential developers of shopping centers must submit a market analysis in order to establish evidence of a need for a change in the comprehensive zoning plan for the County, and to substantiate a finding that such a change will promote the general welfare of the County.

#### 3.62 B-2 Business District

3.62-1 Purpose

The B-2 Business District is established to provide retail goods and services directly to the consumer.

3.62-2 Permitted Uses

- a. Retail sales. Processing of products is permitted only if all products are sold at retail on the premises.
- b. Consumer services. Processing is permitted only if all such processing is performed as a consumer service for customers served on the premises.
- c. Professional, business and government offices.
- d. Community facilities, such as churches, libraries, art galleries, parks, hospitals, institutions, government buildings.
- e. Signs, and Billboards, as regulated in Section 5.0 of this ordinance.

3.62-3 Accessory Uses

- a. Off-street parking and loading as regulated in Section 4.0 of this ordinance.

3.62-4 Conditional Uses

- a. See Section 10.0 of this ordinance.
- b. Regional, community and neighborhood shopping centers.

3.62-5 Special Regulations

- a. Sales, services, processing and display may take place outdoors. However, junk yards are not permitted.
- b. Drive-in theaters are not permitted.
- c. Motels and motor inns are not permitted.
- d. In addition to meeting the requirements for procuring a conditional use permit for the development of a shopping center, potential developers of a shopping center must submit a market analysis in order to establish evidence of a need for a change in

the comprehensive zoning plan for the County, and to substantiate a finding that such a change will promote the general welfare of the County.

#### 3.62-6 Bulk Requirements

- a. Minimum yards:
  1. Front - Not required.
  2. Side - No minimum yard required except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining residence district.
  3. Rear - 20 feet

#### 3.63 B-3 Highway Business District

##### 3.63-1 Purpose

The Highway Business District is established to provide areas for commercial establishments which cater primarily to the needs of motorists. Typical uses offer accommodations and services to motorists, specialized retail outlets, and commercial amusement enterprises. The requirements of this district are developed to minimize traffic hazards and interferences with other related uses in the vicinity.

##### 3.63-2 Permitted Uses

- a. Retail sales. Processing of products is permitted only if all products are sold at retail on the premises.
- b. Sales and service of automotive and farm implement goods.
- c. Signs, and Billboards, as regulated in Section 5.0 of this ordinance.
- d. Motels and motor inns.

##### 3.63-3 Accessory Uses

- a. Off-street parking and loading as regulated in Section 4.0 of this ordinance.

##### 3.63-4 Conditional Uses

- a. See Section 10.0 of this ordinance.



- b. Outdoor amusement and recreational enterprises, including but not limited to drive-in theaters, fairgrounds, auto tracks, adult entertainment establishments, crematory. Incinerators, junkyards, shooting ranges(outdoors) and manufacturing of explosives and flammable liquid or gases.
- c. Drive-in restaurants.
- d. Junk Yards
  - 1. Any junk yard, scrap yard or salvage yard for which permission is granted under this Section shall at all times be subject to the performance standards established for this ordinance.
  - 2. All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height, or enclosed with a dense evergreen.
  - 3. Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.

#### 3.63-5 Special Regulations

- a. All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products shall conform with the performance standards in Section 7.0 of this ordinance.
- b. Storage, auxiliary to the principal use, is permitted in the open, if such storage activities occupy no more than 20 percent of the gross lot area.
- c. Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of six (6) feet in height.

#### 3.63-6 Bulk Requirements

- a. Minimum yards:
  - 1. Front            25 feet

- 2. Side 10 feet
- 3. Rear 20 feet

- b. Building Height: 35 feet, or two (2) stories, whichever is less

### 3.7 MANUFACTURING DISTRICTS

#### 3.71 M-1 Limited Manufacturing District

##### 3.71-1 Purpose

This manufacturing district is established to provide areas for light, industrial, office and administrative uses having few, if any, adverse effects on neighborhood properties. To maintain an appropriate environment, high standards of performance are prescribed.

##### 3.71-2 Permitted Uses

- a. Industry, non-retail commercial, laboratories, offices.
- b. Signs as regulated in Section 5.0 of this ordinance.

##### 3.71-3 Accessory Uses

- a. Off-street parking and loading as regulated in Section 4.0 of this ordinance.

##### 3.71-4 Conditional Uses

Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities. Also see Section 10.0, Conditional Uses.

##### 3.71-5 Special regulations

- a. All processing and storage shall take place within completely enclosed buildings.
- b. Storage, auxiliary to the principal use, is permitted in the open, if such storage activities occupy no more than 20 percent of the gross lot area.
- c. Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of six (6) feet in height.

3.71-6 Bulk Requirements

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

3.72 M-2 General Manufacturing District

3.72-1 Purpose

This manufacturing district is established to provide areas in which manufacturing and related commercial operations are the principal use of land. Such uses have some adverse effects on surrounding properties, and are not compatible with residential, institutional, and retail uses. Moderate performance standards are established.

3.72-2 Permitted Uses

- a. Industry, non-retail commercial, laboratories, offices.
- b. Signs as regulated in Section 5.0 of this ordinance.

3.72-3 Accessory Uses

- a. Off-street parking and loading as regulated in Section 4.0 of this ordinance.

3.72-4 Conditional Uses

- a. Junk Yards
  - 1. Any junk yard, scrap yard or salvage yard for which permission is granted under this Section shall at all times be subject to the performance standards established for this ordinance.
  - 2. All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height, or enclosed with dense

evergreen growth at least six (6) feet in height. Storage between the street and such fence or screen is expressly prohibited.

3. Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.
- b. Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities. Also see Section 10.0, Conditional Uses.
- c. Slaughter houses, fertilizer works, plants for the processing of animal skins or hides and plants for the reduction of animal matter.

#### 3.72-5 Special Regulations

Processing and storage may take place within buildings or outdoors.

All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products shall conform with the performance standards in Section 7.0 of this ordinance.

Storage, auxiliary to the principal use, is permitted in the open, but not within twenty (20) feet of the property lines.

Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of six (6) feet in height.

#### 3.72-6 Bulk Requirements

- a. Lot - Minimum area - 1 acre
- b. Minimum Yards:
  1. Front - 50 feet from right-of-way of any street or road.
  2. All others - 20 feet from all lot lines.
- c. Building Height - 35 feet or two stories, whichever is less.

3.73 M-3 Extraction District

3.73-1 Purpose

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

3.73-2 Permitted Uses

- a. Borrow Pits.

3.73-3 Conditional Uses

- a. Cement concrete or asphaltic concrete mixing plants.
- b. Sand, gravel, marl, clay, limestone, salt, coal extraction and related crushing processes.
- c. Oil and gas extraction.

3.73-4 Special Regulations: All extraction and reclamation activities shall be in accordance with the applicable requirements administered by the State of Illinois Department of Natural Resources; in addition, the following stipulations shall be required:

- a. All applications for a use listed under 3.73-3 b, c shall be accompanied by a map or plat showing the area proposed to be included in the extraction or removal operation; an estimate of the time required for removal of material; and a final grading plan which shows the existing ground elevations of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding streets or roads.

3.73-5 Effective Date: Uses listed in Section 3.73-3(b) and (c) shall be permitted uses: (1) for all land where such uses already exist and are in operation on the effective date of this amendment; or (2) for all land which has been or is otherwise approved or designated for M-3 classification by ordinance of the Logan County Board on or before the effective date of this amendment. All such uses identified in (1) and (2) of this section as of the effective date of this amendment are designated as M-3 on the attached zoning classification map dated March 17, 2015.

### 3.8 SPECIAL USE PERMIT DISTRICT

Because the County has a substantial government interest in protecting the public health, safety, and welfare of its citizens and persons within the County and because of their unique and potentially harmful characteristics, the uses set forth in this section shall be located in a district or districts upon consideration in each case of the impact of such use upon the neighborhood land and the public need for such use at the particular location.

3.8-A The County Board is hereby authorized to decide whether Special Use Permits shall be granted. The County Board shall not act until receiving a recommendation from the Regional Planning Commission and not until a public hearing has been held by the Zoning Board of Appeals.

3.8-B Application for a Special Use permit shall be made to the Zoning Administrator and the procedure for conditional uses shall be followed.

3.8-C The following uses of land may be allowed by a special use permit.

1. All permitted uses which exceed two stories or 35 feet in height
2. All Adult Entertainment Establishments as defined in definitions section
3. Airports or aircraft landing fields
4. Crematory
5. Incinerators
6. Junkyards
7. Manufacturing of explosives and flammable gases or liquid
8. Motor vehicle racetracks (outdoor)
9. Shooting Ranges (outdoors)
10. Solar Farm and Solar Garden, subject to the regulations in Appendix F
11. Bed and Breakfast Establishment, subject to regulations in 3.8-2

3.8-D Where a use exists on the date that this amendment becomes effective (or on the effective date of a subsequent amendment or subsequent amendments hereto) and is permitted only as a Special Use in the district in which it is located, such use shall not be deemed a non-conforming use, but shall, without further action, be deemed a lawful special use in such district. No such Special Use shall be expanded unless a supplemental special use permit is secured in accordance with the provisions for this amendment pertaining to Special Use permits.

#### 3.8-1 ADULT ENTERTAINMENT ESTABLISHMENTS

3.8-1(a) Separation From Other Uses:

No adult entertainment establishment shall be permitted within 1,000 feet of any residential zoned lot or within 1,500 feet of any church or religious assembly, schools both public or private, parks or recreational area both public or private, cemetery and nursing homes. This separation distance shall be measured as a straight line, without regard to intervening properties, from the nearest exterior wall of the adult entertainment establishment to the nearest lot line of a lot that is zoned residential or a lot that contains a church or religious assembly, school, park, recreational area both public or private and any cemetery or nursing home. No adult entertainment establishment shall be permitted within 2,000 feet of any other adult entertainment establishment or any establishments licensed to sell alcoholic beverages.

(b) Hours of Operation:

No operator, employee or agent of an adult entertainment establishment shall sell, deliver or allow any person to view any adult only items between the hours of 10:00 p.m. and 10:00 a.m. Mondays through Saturdays, nor on Sundays or recognized State of Illinois holidays. The time referred to shall be either Central Standard Time or Daylight Savings Time, whichever is in effect at the time in this State.

No operator, employee or agent of adult entertainment establishments shall permit any person to remain on premises during the hours specified herein and all patrons shall vacate the premises during the hours specified herein.

(c) Access:

All access to and from adult entertainment establishments shall be provided from a thorough-fair street.

(d) Windows and Doors:

The building in which the adult entertainment establishment is located shall be designed in such a fashion that all openings, entries and windows prevent views into such establishments from any sidewalk, walkway, street or other public area. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window area or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No adult entertainment activity shall take place outside the building containing the adult entertainment establishment.

(e) Signs:

Adult entertainment establishments shall be limited to one wall mounted sign no greater than one square foot of sign per linear foot of wall length, not to exceed a total of fifty square feet. The sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. No flashing lights or lighting that gives the impression of motion or movement shall be permitted.

(f) Parking Area Lighting:

Lighting of parking area that serve an adult entertainment establishment shall provide a minimum lighting level of 0.25 foot candles over the entire parking area, but in no point shall the light level exceed 3.0 foot candles, nor shall any increase in light levels or visible glare be permitted at the lot line.

3.8-2 Bed and Breakfast Establishments

When considering a special use permit application for a bed and breakfast establishment, the following requirements shall apply:

- a. The establishment shall be located within a one or two-family dwelling unit.
- b. The establishment shall be located on a lot that is a minimum of one acre in size.
- c. The establishment shall be located in a dwelling unit permanently occupied by the owner or manager wherein, as an accessory use to the residential use, rooms are rented to the public.
- d. Breakfast may be provided to guests of the bed and breakfast only.
- e. Two off-street parking spaces with one additional off-street parking space per lodging room shall be provided. All off-street parking spaces for each lodging room shall be adequately screened from neighboring property.
- f. No more than five guest rooms may be provided. The County Board may, however, further limit the number of lodging rooms allowed in order to maintain the character of the neighborhood in which the bed and breakfast facility is located.
- g. No signs other than a 3' x 5' identification sign shall be allowed. The maximum height of a freestanding sign shall not exceed six feet (6') above the natural grade where the sign is installed. Lighting is permitted by floodlight only. Signs shall be non-flashing and digital signs are not permitted.
- h. The establishment shall comply with the requirements of the State Fire Marshal for one- and two-family dwellings.
- i. The operator of the establishment shall obtain certification from the State Fire Marshal that the proposed bed and breakfast establishment meets the requirements of Section 6 of the State of Illinois Bed and Breakfast Act (50 ILCS 820/6).
- j. In conjunction with the special use permit application, a floor plan of the proposed bed and breakfast establishment shall be submitted illustrating that the proposed



establishment will comply with the requirements for bed and breakfast establishments as set forth by this chapter.

- k. The operator shall obtain all required licenses and permits for a bed and breakfast establishment as required by the Logan County Health Department prior to beginning the operation of the bed and breakfast establishment.
- l. The operator shall comply with the minimum health, safety, and management standards set forth in the Illinois Bed and Breakfast Act (50 ILCS 820/1) sections 50 ILCS 820/4, 150 ILCS 820/5, 150 ILCS 820/6, 150 ILCS 820/7, and 150 ILCS 820/8.

**SECTION 4.0 - PARKING, LOADING, TRAFFIC, ACCESS**

4.1 PARKING AND LOADING

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

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

4.2 ADDITIONAL REGULATIONS, PARKING

4.21 Except as otherwise indicated, required accessory off-street parking facilities provided for uses listed hereinafter shall be solely for the parking of passenger automobiles of patrons, occupants (or their guests), or employees of such uses.

4.22 **Collective Provision**  
Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing locating of accessory parking spaces in relation to the use served are adhered to. Further, no parking space for more than one use unless otherwise authorized by the Board of Zoning Appeals.

4.23 **Size**  
Size of each parking space shall not be less than two hundred (200) square feet exclusive of the space required for ingress and egress.

4.24 **Access**  
Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Tandem parking of vehicles may be permitted on single-car width driveways.

4.25 **Design and Maintenance**

4.25-1 **Surfacing and Bumper Guards**

All open off-street parking areas except parking spaces accessory to a single-family dwelling shall be improved with an asphaltic concrete surface, concrete, or some comparable all-weather dustless material, and shall have appropriate bumper guards where needed.

4.25-2 **Lighting**

Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.

4.26 **Mixed Uses**

When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space, or portion thereof, shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.

4.27 Other Uses

For uses not listed in the following schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, as required by this ordinance, or as varied due to unique circumstances by the Board of Zoning Appeals.

4.3 ADDITIONAL REGULATIONS - OFF-STREET LOADING

4.31 Location

All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two tons capacity shall be closer than fifty (50) feet to any property in a Residence District unless completely enclosed by a building wall, or uniformly painted solid fence or wall, or any combination thereof, not less than six (6) feet in height.

4.32 Access

Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements, and subject to approval of the Building Commissioner and County Engineer.

4.33 Surfacing

All open off-street loading berths shall be improved with a compacted macadam base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphaltic concrete or some comparable all-weather dustless material.

4.34 Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

4.35 For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use as determined by the Board of Zoning Appeals shall be provided.

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

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

USE	NUMBER OF PARKING SPACES WHICH SHALL BE PROVIDED	OFF-STREET LOADING AND UNLOADING SPACES WHICH SHALL BE PROVIDED
Single-family Multi-family	Two per dwelling unit One and one-half per dwelling unit	None required
Motels, hotels, lodging houses	One per lodging unit, plus one stall for each 100 sq. ft. of retail sales or dining area	One for each structure or each 20,000 sq. ft. of gross floor area
Commercial (except as specifically provided below)	One per 200 sq. ft. of gross floor area	One for each shop over 10,000 sq. ft of gross floor area plus one for each additional 100,000 sq. ft. of gross floor area
Furniture, appliance stores, machinery sales, wholesale storage	One per 400 sq. ft. of gross floor area	One plus one additional for each 25,000 sq. ft. of gross floor area
Offices, banks, or public administration	One per 400 sq. ft. of gross floor area	One for each structure over 40,000 sq. ft. of gross floor area plus one for each additional 100,000 sq. ft of gross floor area
Manufacturing, warehousing	One for each employee on the maximum working shift, plus one for each vehicle used in the conduct of the enterprise	One for each structure plus one for each 60,000 sq. ft. of gross floor area over 40,000 sq. ft.
Churches, theaters, auditoriums, and other places of assembly	One per five seating spaces	One for each structure over 100,000 sq. ft. of gross floor area
Hospitals, rest homes, nursing homes, etc.	One per three employees, plus one per three beds	One for each 100,000 sq. ft. of gross floor area

4.5 PARKING OF JUNK VEHICLES OR EQUIPMENT PROHIBITED ON RESIDENTIAL PREMISES

Parking or storage of inoperable or unlicensed motor vehicles or parts thereof shall not be permitted in any residential area. No person in charge or control of any residential property in Logan County whether as owner, tenant, occupant, lessee or otherwise, shall allow any inoperable or unlicensed motor vehicle to remain on such property for a period longer than (10) ten days.

4.5(a) Inoperable motor vehicle as used in this section means any motor vehicle:

1. from which for a period of ten (10) days, the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor;
2. for which there are no valid license plates;
3. which is in violation of any provisions of the Illinois Vehicle Code which would prohibit the vehicle from being legally driven on the streets or highways of Illinois.

4.5(b) Nothing in this section shall apply to any motor vehicle that is:

1. Kept in an enclosed structure and hidden from view of the public.
2. An operable historic motor vehicle over 25 years of age.
3. On the premises of any business enterprise operating in a lawful place and lawful manner as described in the Illinois Vehicle Code.

4.5(c) The offering for sale of two (2) or more motor vehicles at the same time, the offering for sale of an inoperable motor vehicle or the vehicle parts thereof, is prohibited in residential areas of the county

4.6 TRAFFIC VISIBILITY

No obstruction such as structures, parking, or vegetation shall be permitted in any district between the heights of two and one-half (2 1/2) feet and ten (10) feet above the plane through the mean curb-grade within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines, and a line joining points on such lines located a minimum of twenty (20) feet from their intersection.

4.7 DRIVEWAYS

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

4.71 Openings for vehicular ingress and egress from residential properties shall not exceed twenty-four (24) feet at the street line and thirty (30) feet at the roadway.

- 4.72 Vehicular entrances and exists to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service washing and repair stations; garages; or public parking lots shall not be less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

4.8 HIGHWAY ACCESS

No direct private access shall be permitted to the existing or proposed rights-of-way, expressways, nor to any controlled access arterial street without permission of the highway agency that has control jurisdiction, and of the Planning Commission and County Board.

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

- 4.81 Freeways, interstate Highways, and their interchanges or turning lanes, nor to intersecting or interchanging streets within five hundred (500) feet of the most remote end of the taper of the turning lanes.
- 4.82 Arterial streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines.
- 4.83 Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines.
- 4.84 Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- 4.85 Temporary access to the above rights-of-way may be granted by the County Planning Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

## **SECTION 5.0 - SIGNS**

### **5.1 PURPOSE OF SIGNS**

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

### **5.2 PERMITS**

5.21 A separate permit shall be required for the erection of signs regulated in this ordinance except that no permit shall be required for 5.31 and 5.34 below.

5.22 Each application for a sign permit shall be accompanied by a drawing showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination; the exact location of the sign in relation to the building and property, the details and specifications of construction. A fee of three dollars (\$3.00) shall accompany each application for a sign permit which will be issued by the Building Inspector.

5.23 If the Building Inspector shall find that any existing sign regulated by this law is unsafe or insecure, or is a menace to the public, he shall give written notice to the Named Owner of the sign and the Named Owner of the land upon which the sign is erected, who shall remove or repair the said sign within 45 days from the date of said notice. If the said sign is not removed or repaired, the Building Inspector shall revoke the permit issued for such sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located. The Building Inspector may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

#### **5.24 Advisory Board**

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



### 5.3 RESIDENCE DISTRICTS

Signs shall be permitted in these districts only as follows:

- 5.31 One non-illuminated name plate, not exceeding three (3) square feet in area for each dwelling unit, indicating only name, address and occupation.
- 5.32 One non-illuminated identification sign for multi-family dwellings and offices, not exceeding five (5) square feet in area, indicating only name, address, management name, and management address.
- 5.33 One non-illuminated identification sign at each entrance to subdivisions, not exceeding five (5) square feet.
- 5.34 One non-illuminated "For Sale" or "For Rent" sign per lot, not exceeding twelve (12) square feet in area, nor closer than ten (10) feet to adjacent zoning lots.
- 5.35 One non-illuminated sign designating each entrance to or exit from a parking area, not exceeding five (5) square feet in area, and indicating conditions of use.
- 5.36 One non-flashing school or church bulletin board sign, area not exceeding twenty (20) square feet.

The preceding signs shall be permitted providing they do not project into the public right-of-way, and the top of the sign shall not be higher than eight (8) feet above curb level, and that on a corner lot two signs, one facing each street, shall be permitted for 5.32, 5.34, and 5.36 above.

### 5.4 BUSINESS DISTRICTS

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

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

5.5 INDUSTRIAL DISTRICTS

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

5.51 M-1 and M-2 Manufacturing Districts

The gross area in square feet of all signs on a lot shall not exceed two (2) times the lot frontage in lineal feet. No firm shall have more than two (2) signs. Roof signs are not permitted.

Providing illuminated signs shall be shielded from park areas and residential districts, and providing no sign shall be within fifty (50) feet of a park or residential district.

5.6 INTEGRATED DEVELOPMENT SIGNS

For integrated developments under single ownership or under unified control, including shopping centers, manufacturing districts, apartment developments, and including the Central Business District, two (2) additional illuminated signs may be erected providing they do not exceed one hundred and twenty-five (125) square feet in gross surface area, and contain only name and location of the development, and the name or type of business of the occupants of the development. Signs in a residential area shall not be illuminated. Signs shall be set back at least twenty-five (25) feet from each street right-of-way and the bottom edge of such sign shall be at least eight (8) feet above ground level where it will block vision of traffic otherwise ground level or higher. The overall height of the sign shall not exceed twenty (20) feet above ground level.

5.7 BILLBOARDS

Billboards may be permitted only where allowed as a permitted use in the zoning district in which it is located subject to the following:

5.71 Advertising Billboards shall be permitted on tracts of land where the principal use is the pursuit of agriculture, provided such billboards may be illuminated with non-flashing illumination, but with no moving parts, and shall also conform with other regulations set forth as follows and other Logan County codes or ordinances and Illinois Statutes:

- a. One advertising sign shall be permitted on a tract of land under single ownership or control having 1,000 lineal feet or less of frontage on a county, state or federal highway, and not more than one additional advertising sign shall be permitted for each additional 1,000 lineal feet of highway frontage provided that not more than two sign structures are joined together and there is an interval of at least 1,000 feet between a single-sign or double-sign structure or tract of land where more than one sign structure is permitted. In all cases, there shall be a 1,000 foot minimum separation between all billboards.
- b. Each advertising sign structure shall contain not more than two display surfaces and have a length and height of not more than such dimension

necessary to secure a standardized poster panel display surface 15 feet by 25 feet or a standardized painted bulletin display surface 15 feet by 55 feet. Such sign structure shall not project higher than 30 feet above average ground grade at the sign structure or above grade of the nearest edge of the roadway pavement at a point directly opposite the sign structure--whichever is higher.

5.72 Billboards in Business Districts

5.72-1 Billboards Limited: Billboards must meet the following requirements:

- a. A billboard may only be placed on lands zoned B-1, B-2, and B-3.
- b. The billboard must comply with all provisions of lands zoned B-1, B-2, and B-3 in Section 3 of this ordinance.
- c. No billboard shall have more than four (4) panels.

5.72-2 Size, Height And Mounting of Billboards: The size, height and mounting of billboards shall be regulated by the following:

- a. **Maximum Area:** The maximum area for any one billboard panel shall be three hundred (300) square feet with a maximum vertical dimension of fifteen feet (15') and a maximum horizontal dimension of twenty feet (20') inclusive of border and trim but excluding the base or apron, supports, and other structural members.
- b. **Maximum Height:** The maximum height of a billboard shall not exceed thirty-five feet (35') above the natural grade where the sign is installed.
- c. **Location:** No sign shall be located on the roof of a building or on a nonsign structure.
- d. **Freestanding:** Billboards shall be freestanding and not attached to any other structure or building.
- e. **Stacked:** Billboards shall not be stacked such that a billboard panel is placed immediately above or below another billboard panel.
- f. **Illumination:** A billboard may be illuminated, provided such illumination is consistent with the requirements for a digital billboard as set forth herein, or is concentrated on the surface of the billboard and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises.
- g. **Appearance:** Except for time and temperature signs or digital billboards as otherwise regulated herein, all billboards must be stationary and may not contain any visible moving parts, alternating or moving messages or have the appearance of having moving parts or messages. Under no circumstances may any type of billboard contain a message or display that appears to flash, undulate, pulse, move or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move

toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements.

- h. Blockage: In the location and placement of a new billboard, the applicant must make his/her best effort that the proposed billboard does not unduly block the view of existing business signs on adjacent commercial properties from the public street.

5.72-3 Separation Requirements: No billboard or any part of the billboard structure shall be erected:

- a. Within three hundred feet (300') of any residentially zoned property; or
- b. Within thirty-five feet (35') of any existing building; or
- c. Within three hundred feet (300') of any park, playground, school, library or place of worship; or
- d. Within forty feet (40') of an overhead power line; or
- e. Within five hundred feet (500') of another billboard; or
- f. Within fifty feet (50') of a county, city or township right of way.

5.72-4 Digital Billboards:

- a. Purpose and Intent: The County recognizes that billboards are, by their nature, different in scope and purpose from other types of signage in the county. Among other matters, billboards advertise or communicate goods, services or messages not conducted, sold or generated on the lot where the billboard is located. Billboards are significantly larger in size than other types of signage allowed in the county and their principal purpose is to dramatically attract the attention of the traveling public. The potential impact of a billboard on adjacent areas is significantly greater than other types of signage. Recently, more businesses desire to utilize advancements in technology which permit billboards to change copy electronically (e.g., utilizing an LED or digital type of sign). These newer technologies exacerbate the potential impact of a billboard in terms of adversely dominating the environment in which they operate due to light spillover and light pollution, unless regulated in a reasonable fashion. The intent of this section is to establish operating standards and regulations for billboards utilizing these newer technologies, in order to minimize the secondary effects that can accompany the unregulated display of these types of signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values in all areas of the county, and reduce traffic and similar hazards caused by undue distractions.
- b. Display:
  - (a) The display or message on a digital billboard, of any type, may change no more frequently than once every ten (10) seconds, with a transition period of one second or less.
  - (b) The display or message must otherwise comply with subsection

5.72-2 (g) of this section and the digital billboard must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with terms of this section.

(c) Maximum brightness levels for digital billboards shall not exceed two-tenths (0.2) foot-candle over ambient light levels measured within one hundred fifty feet (150') of the sign. Certification must be provided to the county demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Reinspection and recalibration shall be annually required by the county, in its reasonable discretion, at the permittee's expense to ensure that the specified brightness levels are maintained at all times.

(d) Brightness of digital billboards shall be measured as follows:

(1) At least thirty (30) minutes following sunset, a foot-candle meter shall be used to obtain an ambient light reading for the location. This is done while the billboard is off or displaying black copy. The reading shall be made with the meter aimed directly at the billboard area at the preset location.

(2) The billboard shall then be turned on to full white copy to take another reading with the meter at the same location.

(3) If the difference between the readings is 0.2 foot-candle or less the brightness is properly adjusted.

c. Other Requirements: The use, size and location of digital billboards, must comply with all other relevant regulations and ordinances of the county.

5.72-5 Construction and Maintenance and Inspection Reports: A billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity and in compliance with all applicable codes. A billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message. Whenever a billboard is erected or maintained within the county, the owner of such billboard shall cause an inspection of it at least every five (5) years and a photocopy of the inspection shall be submitted to the Zoning Officer.

5.72-6 Billboard Violations:

(a) Any person erecting or constructing a billboard or billboards in violation of this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and a further fine of one hundred dollars (\$100.00) per day after such construction in violation of this chapter that such billboard or billboards shall be maintained and until such billboard or billboards shall be removed or brought into compliance.

- (b) Whoever shall erect, keep, or maintain any billboard or board for advertising, upon any ground or place, or whoever keeps, or maintains any billboard or board for advertising purposes, upon any private premises adjacent to any sidewalk, street or footway, the same being so erected as to occasion danger or inconvenience to the public, shall be deemed guilty of erecting a nuisance, and be fined not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

5.72-7 Nonconforming Billboards:

- (a) Purpose: The purpose of this section is to provide for the regulation of billboards that legally existed prior to the effective date hereof, but which fail to comply with one or more of the applicable regulations or standards. It is the intent of this section to specify those circumstances and conditions under which such nonconformities shall be permitted to continue.
- (b) Applicability: This section applies to nonconforming billboards that were originally allowed and have been maintained over time. These billboards have legal nonconforming status and may continue so long as they are otherwise legal. Nonconforming billboards that were not permitted when they were established and have been maintained over time have no legal right to continue and shall be terminated.
- (c) Status Of Legal Nonconforming Billboards: Any billboard which was lawfully established, erected or affixed prior to the effective date hereof and which complied with all regulations in force at the time it was erected or affixed, but which fails to conform to all applicable regulations and restrictions of this title, shall be considered a legal nonconforming billboard. A legal nonconforming billboard may be continued so long as it is otherwise in conformance with these standards and is maintained in good condition. The owner of a nonconforming sign or billboard shall register the billboard with the Zoning Officer and shall provide documentation of the prior existence of the nonconformity within twelve (12) months of notification by the county of the nonconformity. Documentation shall include:
  - 1. A dated receipt for sale or erection from a contractor; or
  - 2. Dated utility bills for separate meter to service the billboard; or
  - 3. Advertisements with a photograph of the billboard in dated publications; or
  - 4. Other evidence showing that the billboard existed prior to the effective date hereof.
- (d) Certificate Of Nonconforming Use: If the Zoning Officer determines that the nonconforming billboard was permitted at the time and has been legally maintained over time, the Zoning Officer will issue a certificate of nonconforming use to the applicant.
- (e) Conditions Under Which Legal Nonconforming Billboards Are Permitted: An existing nonconforming billboard may continue to be used subject to the following conditions:

1. The message displayed on a nonconforming billboard may be changed, and painted messages on a nonconforming billboard may be repainted.
  2. A nonilluminated, nonconforming billboard shall not be illuminated.
  3. A nonconforming billboard may be changed or altered for the express purpose of making it a conforming billboard.
  4. In order to eliminate an unsafe condition(s), the Zoning Officer may order that repairs and/or alterations be made to a nonconforming billboard. Such ordered repairs shall be the minimum necessary to correct an unsafe situation(s).
  5. The type of materials used in the construction of the structural elements of a billboard shall not be changed after the date the billboard becomes a nonconforming billboard nor shall structural alterations be made to a nonconforming billboard.
  6. Nothing contained in this section shall be construed so as to permit the enlargement of a nonconforming billboard.
- (f) Conditions Under Which Nonconforming Billboards Are Not Permitted: Under the following conditions, a nonconforming billboard shall be removed or brought into conformance with this title:
1. **Illegal Billboard:** The billboard was not established or expanded in conformance with the regulations of this chapter or previous ordinances adopted by the county to regulate advertising and billboards.
  2. **Destruction Or Damage:** If any nonconforming billboard is destroyed or damaged to the extent of fifty percent (50%) or more of the original cost of the billboard and its structure, as determined by proof submitted by the owner to the satisfaction of the Zoning Officer, the billboard shall not be replaced.
  3. **Excessive Maintenance or Repairs:** If the value of maintenance or repairs to ensure the safety and compliance of the billboard with the regulations of this chapter is fifty percent (50%) or more of the fair market value of the billboard prior to the repairs, the billboard shall be brought into conformance with the provisions of this chapter. Value shall be based on material costs and labor based on prevailing wage rates.
  4. **Cessation of Use of Property:** A nonconforming billboard shall be removed or made to conform to all the requirements of this chapter if one of the following occurs:
    - (a) The use of the property for which the billboard was intended to advertise is discontinued for a period of ninety (90) consecutive days.

- (b) The products or services offered on the site for which the billboard was intended are no longer offered for a period of ninety (90) consecutive days.
  - (c) The nonconforming billboard ceases to be used for the purpose for which it was intended for a period of ninety (90) consecutive days.
5. Prohibited Nonconforming Billboards: Any billboard that is prohibited under this chapter shall be removed or made to conform to the current billboard regulations within thirty (30) days of receipt of a notice of nonconformity.



## **SECTION 6.0 - FLOOD PLAIN REGULATIONS**

### 6.1 PURPOSE

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

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

### 6.2. DEFINITIONS

For the purposes of this ordinance, the following definitions are adopted:

**Base Flood-** The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 6.3 of this ordinance.

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

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

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

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

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

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

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

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

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

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

**FEMA-** Federal Emergency Management Agency

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

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

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

elevations.

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

**Floodplain and Special Flood Hazard Area (SFHA) -** These two terms are synonymous. Those lands within the jurisdiction of the County that is subject to inundation by the base flood. The floodplains of the County are generally identified on the countywide Flood Insurance Rate Map of Logan County prepared by the Federal Emergency Management Agency and dated February 18, 2011. Floodplain also includes those areas of known flooding as identified by the community.

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

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

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

**Floodway-** That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Brainards Branch shall be as delineated on the countywide Flood Insurance Rate Map of Logan County prepared by FEMA and dated February 18, 2011. The floodways for each of the remaining floodplains of Logan County shall be according to the best data available from the Federal, State, or other sources.

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

**Historic Structure-** Any structure that is:

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

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

**IDNR /OWR Jurisdictional Stream-** Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by

issuance of a statewide permit which meets the standards defined in Section 6.6 of this ordinance.

**Lowest Floor-** the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 6.7 of this ordinance.

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

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

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

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

**NFIP-** National Flood Insurance Program.

**Recreational Vehicle or Travel Trailer-** A vehicle which is:

- a. built on a single chassis;
- b. four hundred (400) square feet or less in size;
- c. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

**SFHA-** See definition of floodplain.

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

**Structure (see “Building”)**

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

**Substantial Improvement-** Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this ordinance in which the cumulative percentage of improvements:

- a. equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or
- b. increases the floor area by more than twenty percent (20%).

“Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- b. any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

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

**6.3 BASE FLOOD ELEVATION**

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

- 6.3-1 The base flood elevation for the floodplains of Elkhart Slough, Kickapoo Creek, Salt Creek, and Salt Springs Branch shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Logan County prepared by the Federal Emergency Management Agency and dated February 18, 2011.
- 6.3-2 The base flood elevation for each floodplain delineated as an “AH Zone” or AO Zone” shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of Logan County.
- 6.3-3 The base flood elevation for each of the remaining floodplains delineated as an

“A Zone” on the countywide Flood Insurance Rate Map of Logan County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

#### 6.4 DUTIES OF THE ZONING OFFICER

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

- a. Process development permits in accordance with Section 6.5;
- b. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6.6;
- c. Ensure that the building protection requirements for all buildings subject to Section 6.7 are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or floodproof certificate;
- d. Assure that all subdivisions and annexations meet the requirements of Section 6.8;
- e. Ensure that water supply and waste disposal systems meet the Public Health standards of Section 6.9;
- f. If a variance is requested, ensure that the requirements of Section 6.11 are met and maintain documentation of any variances granted;
- g. Inspect all development projects and take any and all penalty actions outlined in Section 6.13 as a necessary to ensure compliance with this ordinance;
- h. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- i. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- j. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- k. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- l. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- m. Perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and
- n. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the

floodplain map.

## 6.5 DEVELOPMENT PERMIT

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

6.5-1 The application for development permit shall be accompanied by:

- a. drawings of the site, drawn to scale showing property line dimensions;
- b. existing grade elevations and all changes in grade resulting from excavation or filling;
- c. the location and dimensions of all buildings and additions to buildings;
- d. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 6.7 of this ordinance, and
- e. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

6.5-2 Upon receipt of an application for a development permit, the Zoning Officer shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

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

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

## 6.6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

6.6-1 Except as provided in Section 6.6-2 of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as

meeting this requirement:

- a. Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
- b. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3:
- c. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;
- d. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
- e. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6:
- f. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
- g. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
- h. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:
- i. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
- j. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
- k. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:
- l. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:
- m. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

6.6-2 Other development activities not listed in 6.6-1 may be permitted only if:

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



## 6.7 PROTECTING BUILDINGS

- 6.7-1 In addition to the state permit and damage prevention requirements of Section 6.6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
- a. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
  - b. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
  - c. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.
  - d. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
  - e. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
  - f. Repetitive loss to an existing building as defined in Section 6.2.
- 6.7-2 Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
- A. The building may be constructed on permanent land fill in accordance with the following:
    1. The lowest floor (including basement) shall be at or above the flood protection elevation.
    2. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
    3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
    4. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and

5. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
- B. The building may be elevated on solid walls in accordance with the following:
1. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
  2. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
  3. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and
  4. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
  5. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
  6. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
  7. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
  8. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- C. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the

effects of buoyancy.

2. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.
3. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
4. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
5. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
6. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
7. Utility systems within the crawlspace must be elevated above the flood protection elevation.

6.7-3 Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

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

6.7-4 Manufactured homes or travel trailers to be permanently installed on site shall be:

- a. Elevated to or above the flood protection elevation in accordance with Section 6.7-2, and
- b. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

6.7-5 Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 6.7-4 unless the following conditions are met:

- a. The vehicle must be either self-propelled or towable by a light duty truck.
- b. The hitch must remain on the vehicle at all times.
- c. The vehicle must not be attached to external structures such as decks and porches
- d. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
- e. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
- f. The vehicle's wheels must remain on axles and inflated.
- g. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
- h. Propane tanks as well as electrical and sewage connections must be quick-disconnect.
- i. The vehicle must be licensed and titled as a recreational vehicle or park model, and must either:
  1. entirely be supported by jacks, or
  2. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.

6.7-6 Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

- a. The garage or shed must be non-habitable.
- b. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
- c. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
- d. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
- e. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
- f. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.

- g. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
- h. The garage or shed must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy six (576) square feet (24'x24').
- i. The structure shall be anchored to resist floatation and overturning.
- j. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
- k. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

#### 6.8 SUBDIVISION REQUIREMENTS

The Logan County Board shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6.6 and 6.7 of this ordinance. Any proposal for such development shall include the following data:

- a. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
- b. The boundary of the floodway when applicable, and
- c. A signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

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

#### 6.9 PUBLIC HEALTH AND OTHER STANDARDS

- A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6.6 and 6.7 of this ordinance the following standards apply:
  - 1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 6.7 of this ordinance.

2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

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

#### 6.10 CARRYING CAPACITY AND NOTIFICATION

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, Logan County shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

#### 6.11 VARIANCES

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

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
1. The development activity cannot be located outside the floodplain.
  2. An exceptional hardship would result if the variance were not granted.
  3. The relief requested is the minimum necessary.
  4. There will be no additional threat to public health, safety or creation of a nuisance.

5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
7. All other state and federal permits have been obtained.

B. The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 6.7 that would lessen the degree of protection to a building will:

1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
2. Increase the risk to life and property, and
3. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

C. Historic Structures

Variances to the building protection requirements of Section 6.7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 6.6 and 6.7 of this ordinance subject to the conditions that:

1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

D. Agriculture

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed:

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural

structures.

2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 6.7 of this ordinance.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 6.7 of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 6.7 of this ordinance.
6. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 6.7-2 of this ordinance.
7. The agricultural structures must comply with the floodplain management floodway provisions of Section 6.6 of this ordinance. No variances may be issued for agricultural structures within any designated floodway.
8. Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

#### 6.12 DISCLAIMER OF LIABILITY

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

#### 6.13 PENALTY

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



such violation.

- A. If such owner fails after ten (10) days notice to correct the violation:
1. Logan County shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
  2. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
  3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
  4. Logan County shall record a notice of violation on the title of the property.
- B. The Zoning Officer shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

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

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

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

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

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

#### 6.14 ABROGATION AND GREATER RESTRICTIONS

This ordinance repeals and replaces other ordinances adopted by the Logan County Board to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6.15 SEVERABILITY

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

6.16 EFFECTIVE DATE

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

Passed by the County Board of Logan County, Illinois, this 16th day of November, 2010.

\_\_\_\_\_

Attest: \_\_\_\_\_

Terry Carlton  
Chairman, Logan County Board

Sally Litterly (Seal)  
County Clerk

**SECTION 7.0 - PERFORMANCE STANDARDS**

7.1 SPECIAL REGULATIONS IN MANUFACTURING DISTRICTS AS INDICATED

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

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

- C.
  - 1. M-1 Limited Manufacturing District
    - a. All processing shall be conducted within completely enclosed buildings.
    - b. Storage of materials, products, and goods is permitted within completely enclosed buildings.
    - c. Outdoor storage of uncontained bulk materials is prohibited.
  - 2. M-2 General Manufacturing District
    - a. Processing and storage of materials, products, and goods is permitted within completely enclosed buildings or outdoors, if screened properly from public view.
    - b. Outdoor storage of uncontained bulk materials is prohibited within twenty (20) feet of property lines.

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

## 7.2 NOISE

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

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

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

Octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960. Preferred Frequencies for Acoustical Measurements) shall be used with tables marked "Preferred Frequencies." Octave band analyzers calibrated with pre-1960 octave bands (American Standards Association 224, 10-1953, Octave Band Filter Set) shall use tables marked "pre-1960 Octave Bands."

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

1. Noises not directly under the control of the property user.
  2. Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m.
  3. The noises of safety signals, warning devices, and emergency pressure relief valves.
  4. Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads.
- B. At no point beyond a lot line of any lot in the M-1 Limited Manufacturing District shall the sound pressure level resulting from any use on that lot exceed the maximum permitted decibel levels for the designated octave bands, as set forth in Tables I and II below.

**TABLE I - PREFERRED FREQUENCIES**

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

**TABLE II - PRE-1960 OCTAVE BANDS**

<u>OCTAVE BAND CYCLES PER SECOND</u>	<u>MAXIMUM PERMITTED SOUND PRESSURE LEVEL, DECIBELS</u>
20 - 75	72
75 - 150	67
150 - 300	59
300 - 600	52
600 - 1,200	46
1,200 - 2,400	40
2,400 - 4,800	34
4,800 - 10 KC	32

Impact noises, as measured on the impact noise analyzer, shall not exceed 80 decibels at any point beyond a lot line of any lot in the M-1 District.

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

- C. At no point beyond a lot line of any lot in the M-2 General Manufacturing District shall the sound pressure level resulting from any use on that lot exceed the maximum permitted decibel levels for the designated octave bands, as set forth in Tables I and II on the following page.

TABLE I - PREFERRED FREQUENCIES

<u>CENTER FREQUENCY CYCLES PER SECOND</u>	<u>MAXIMUM PERMITTED SOUND PRESSURE LEVEL, DECIBELS</u>
31.5	83
63	78
125	72
250	64
500	57
1,000	51
2,000	46
4,000	41
8,000	38

TABLE II - PRE-1960 OCTAVE BANDS

<u>OCTAVE BAND CYCLES PER SECOND</u>	<u>MAXIMUM PERMITTED SOUND PRESSURE LEVEL, DECIBELS</u>
20 - 75	79
75 - 150	74
150 - 300	66
300 - 600	59
600 - 1,200	53
1,200 - 2,400	47
2,400 - 4,800	41
4,800 - 10 KC	39

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

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

7.3 EARTHBORN VIBRATION

- A. In any industrial district, no use shall cause or create earthborn vibrations in excess of the displacement values given on the following page.

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

The maximum permitted displacements shall be determined in each district by the following formula:

$$D = \frac{K}{f}$$

Where D = displacement in inches

K = a constant to be determined by reference to the tables which follow.

f = the frequency of the vibration transmitted through the ground, cycles per second.

B. M-1 Limited Manufacturing District

The maximum earth displacement permitted at the points described below shall be determined by use of the formula in Paragraph A and the appropriate K constant shown in Table I.

TABLE I

Values of K to be Used in Vibration Formula

<u>LOCATION</u>	<u>K</u>
On or beyond any adjacent lot line	
a. Continuous	0.008
b. Impulsive	0.015
c. Less than 8 pulses per 24-hour period	0.037

<u>LOCATION</u>	<u>K</u>
On or beyond any residence district boundary line	
a. Continuous	0.003
b. Impulsive	0.006
c. Less than 8 pulses per 24-hour period	0.015

- C. M-2 General Manufacturing District  
 The maximum earth displacement permitted at the points described on the following page shall be determined by the use of the formula in Paragraph A on Page 58, and the appropriate K constant shown in Table II.

TABLE II

Values of K to be Used in Vibration Formula

<u>LOCATION</u>	<u>K</u>
On or beyond any adjacent lot line	
a. Continuous	0.015
b. Impulsive	0.030
c. Less than 8 pulses per 24-hour period	0.075
<u>LOCATION</u>	<u>K</u>
On or beyond any residence district boundary line	
a. Continuous	0.003
b. Impulsive	0.006
c. Less than 8 pulses per 24-hour period	0.015

7.4 SMOKE AND PARTICULATE MATTER

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

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

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



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

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

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

B. M-1 Limited Manufacturing District

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

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

C. M-2 General Manufacturing District

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

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

## 7.5 TOXIC MATTER

A. M-1 Limited Manufacturing District and M-2 General Manufacturing District

The release of airborne toxic matter (including radioactive matter) shall not exceed 1/30th of the maximum permissible concentration allowed an industrial worker when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous 24-hour period.

If a toxic substance is not contained in the most recent listing of threshold limit values published by the American Conference of Governmental Industrial Hygienists, the applicant shall satisfy the County Health Department that the proposed levels will be safe to the general population.

7.6 ODOROUS MATTER

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

7.7 FIRE AND EXPLOSION HAZARDS

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

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

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

**TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED  
 (IN GALLONS)**

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

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

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

**TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED  
 (IN GALLONS)**

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

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

SOURCE: Polytechnic Inc. Chicago, Illinois

7.8 PERFORMANCE REQUIREMENTS AND ENFORCEMENT

- A. Any use established in a manufacturing district shall be operated in such a manner as to comply with the applicable performance standards as set forth governing noise, vibration, smoke, toxic matter, odors, fire and explosive hazards, glare, radio and electrical interference, air pollution, and water pollution. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district in which such use is located.
- B. The application for a zoning permit for a use subject to performance requirements shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes and products; and specifications for the mechanisms and techniques to be used in meeting the Performance Requirements.
- C. The County Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.
- D. Established uses found to be in noncompliance will be liable for inspection fees and costs. In the event no due cause is found, the challenger will be liable for the fees and costs.

## **SECTION 8.0 - MODIFICATIONS AND EXCEPTIONS**

### **8.1 HEIGHT**

The district height limitations stipulated elsewhere in this ordinance may be exceeded, but such modification shall be in accord with the following:

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

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

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

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

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

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

### **8.2 YARDS**

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

Uncovered Stairs, Landing, and fire escapes may project into any yard, but not to exceed six (6) feet, and not closer than three (3) feet to any lot line.

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

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

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

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

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

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

### 8.3 ADDITIONS

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

### 8.4 AVERAGE FRONT YARDS

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

### 8.5 NOISE

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

**SECTION 9.0 - NONCONFORMING STRUCTURES OR USES**

9.1 NONCONFORMING STRUCTURE

A. Maintenance Permitted

A nonconforming structure lawfully existing upon the effective date of this ordinance may be maintained, except as otherwise provided in this section.

B. Repairs

A nonconforming structure may be repaired or altered provided no structural change shall be made.

C. Additions, Enlargements or Moving

1. A structure nonconforming as to use, height, yard requirements or lot area shall not be added to or enlarged in any manner unless such structure including such addition or enlargement is made to conform to the use, height, yard, and area requirements of the district in which it is located.
2. No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all the requirements of the district in which it is located.

9.2 NONCONFORMING USES

A. Continuation and Change of Use

Except as otherwise provided in this ordinance:

1. A nonconforming use lawfully existing upon the effective date of this ordinance may be continued.
2. A nonconforming use may be changed only to a use of the same or more restricted classification.

B. Expansion Prohibited

1. A nonconforming use in a structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming structure for changed except to a conforming use.
2. A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.

9.3 NONCONFORMING VARIANCE PERMITTED BY BOARD OF ZONING APPEALS

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

9.4 AMORTIZATION OF NONCONFORMING USES OR BUILDINGS

- A. Whenever a nonconforming use has been discontinued for a period of twelve (12) months, such use shall not thereafter be re-established, and use thereafter shall conform to the provisions of this ordinance.
- B. No buildings damaged by fire or other causes excluding residences and farm buildings, to the extent that their restoration will cost more than sixty (60) percent of their fair cash value shall be repaired or rebuilt except to conform to the provisions of this ordinance.
- C. Any nonconforming billboard or advertising structure not attached to a building lawfully existing upon the effective date of this ordinance shall be discontinued on or before ten (10) years after the effective date of this ordinance, unless a discontinuance date has been established by a prior zoning ordinance in which case such prior date of discontinuance shall apply.

9.5 SUBSTANDARD LOT

In any residential or agricultural district, a one-family detached dwelling and its accessory structures may be erected conforming to R-3 residential district area requirements on any legal lot or parcel of record which was recorded in the office of the County Recorder of Deeds before the effective date or amendment of this ordinance.

Such lot or parcel must have been in separate ownership from abutting lands on the date of adoption or amendment of this ordinance. If abutting lands and the substandard lot are owned on that date by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical. The Board of Zoning Appeals shall interpret the requirements to be followed in such cases upon request of the County Zoning Officer. The Board of Zoning Appeals shall order the Enforcing Officer to issue the permit.

9.6 ZONING PERMITS FOR NONCONFORMING USES

A zoning permit shall be required for all lawful nonconforming uses of land and buildings created by adoption of this ordinance.



## **SECTION 10.0 - CONDITIONAL USES**

### 10.1 CONDITIONAL USES

Conditional Uses, as defined in the Definitions section, are those which cannot be adequately controlled by simple regulations through rigid dimensional and use standards. Conditional uses include three basic categories:

- 10.11 Planned Development projects--complex projects designed to take maximum advantage of unique site characteristics and potentials along with original design and use concepts and submitted for review under the Planned Development Procedure.
- 10.12 Conditional Uses--single uses or single aspects of permitted uses specifically identified in the Zoning Ordinance as requiring individual review under the Conditional Use Procedure.
- 10.13 Tiny Home Developments. Tiny Home Subdivisions and Tiny Home Parks shall be reviewed under the Planned Development Procedure. Tiny Home Parks shall also be subject to the Tiny Home Park regulations found in Appendix B.

### 10.2 PLANNED DEVELOPMENT PROCEDURE

10.21 Intent: The Planned Development Procedure is intended to provide a single uniform procedure for total review of a proposed development, both design and use. The procedure combines the design-review procedure of subdivision approval and the use-review procedure of zoning amendment, and enables the Planning Commission and Zoning Board of Appeals to review all aspects of a proposed development simultaneously to permit greater flexibility and originality in concept according to the intent of comprehensive plan elements, and still to exercise greater final control over the approved development than is possible through pre-regulated zoning districts. The first step of this planned development procedure would be a preliminary feasibility plan.

#### 10.22 Standards

- a. Design Standards: Because the design standards for use, dimensions, density, and qualitative attributes are subject to evolution through continuous plan review, they are not included as an integral part of the unchanging Planned Development Procedure. This Zoning Ordinance refers to the officially adopted policies, detailed area plans, and all other elements of the evolving comprehensive plan for the standards to guide the approval of Planned Development projects. A Planned Development project may depart from conformance with the dimension, area, and use regulations for the standard zoning districts and from conformance with the design standards in the Sub-division Regulations Ordinance.

However, a Planned Development Project shall conform with all applicable elements of the officially adopted comprehensive plan.

- b. Required Improvements: Planned Development projects shall be subject to the regulations governing required improvements found in the Subdivision Regulations Ordinance.
- c. Parking, Loading, Traffic and Access: Planned Development projects shall be subject to the regulations for parking, loading, traffic and access of this zoning Ordinance.
- d. Special Conditions: The Planning Commission or Zoning Board of Appeals may attach special conditions to approval of the final plats to insure conformance with the intent of all official plan elements.

#### 10.23 Procedure

- a. General: A Planned Development project may be permitted only by amendment to the Zoning Map according to the amendment procedure found in Section 13.0. For procedural purposes, a Planned Development project shall be treated as a subdivision, and the procedure for subdivision approval, as set forth in the County Subdivision Regulations Ordinance, shall be followed in its entirety whether the development shall be in single or divided ownership.
- b. Preliminary Plat: A preliminary plat of the Planned Development project shall be submitted as required by the Subdivision Regulations Ordinance. It is recommended that this submission be preceded by pre-application conferences, as recommended by the Subdivision Regulations Ordinance to determine whether the developer's intent agrees with the intent expressed by all comprehensive plan elements. Additional supporting material beyond that required by the Subdivision Regulations Ordinance for the preliminary plat shall include:

Explanation of the character of the Planned Development, and the manner in which it has been planned to take advantage of the flexibility of these regulations.

Statement of present and proposed ownership of all land within the project.

Development schedule indicating:

Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and

through supporting graphic material.

Approximate dates for beginning and completion of each stage.

Agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the Planned Development, and any of its common open space.

- c. Amendment: The amendment procedure established in Section 13.0 shall be initiated after conditional approval of the preliminary plat by the Planning Commission and County Board. Under this procedure, the Zoning Map may be amended to designate location proposed in the preliminary plat as a Planned Development district superseding the original zoning district. This Amendment shall be in conformance with all comprehensive plan elements. The Planned Development district shall be valid only for that preliminary plat and supporting material upon which the amendment was based. All supporting material shall remain on file with the preliminary plat.
- d. Final Plats: If the amendment is approved, final plats shall be prepared for each stage according to the development schedule. The final plat and supporting material shall show in detail the design and use of all buildings and overall land development plans, as well as such other information the Planning Commission or County Board may require for the complete consideration of the project in addition to information required by the Subdivision Regulations Ordinance. The final plats shall conform to the preliminary plat and supporting material, except that the Planning Commission and County Board may approve minor changes without public hearing at this time which do not change the concept or intent of the development. Major changes--changes in density, height of buildings, reduction of proposed open space, changes in the financing, development schedule, or final governing agreements, provisions or covenants, or resubdivision--may be approved only by submission of a new preliminary plat or applicable supporting material followed by the amendment procedure.
- e. Fees and Permits: The County Board may establish a schedule of reasonable fees to be charged for plat review. Zoning permits shall be required for each structure according to Section 12.0. The Zoning Inspector shall base issuance upon conformance with the final plat and supporting material.

### 10.3 CONDITIONAL USE PROCEDURE

10.31 The County Zoning Officer shall refer the application to the Logan County Regional Planning Commission, hereinafter referred to as the Planning Commission. The Planning Commission's action, if any, shall be forwarded to the Zoning Board and County Board within thirty (30) days after the Planning Commission's decision. The Zoning Board, after holding a public hearing in accordance with the notice requirements in Section 11.6, shall consider the Planning Commission's recommendation, if available, and Standards for Decisions and Recommendations and shall make a recommendation to the County Board. The Zoning Board may recommend special conditions to insure conformance with the Standards for Decisions and Recommendations, as found in this section. The recommendation shall be forwarded to the County Board within thirty (30) days after the Zoning Board's decision. The County Board may approve, modify, or disapprove the application. The County Board may attach special conditions to insure conformance with the Standards for Decisions and Recommendations as found in this section.

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

Conditional Uses in All Districts: The following are designed as conditional uses which may be approved in all zoning districts: public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, pumping stations, sanitary landfills, government buildings, transportation facilities, planned development, and similar uses; also those regulations designated in Paragraph 2.33.

Conditional Uses in Specified Districts: Other conditional uses may be approved in only those zoning districts where they are designated as conditional uses under the zoning district regulations.

Standards for Decisions and Recommendations of the Board of Appeals: No conditional use permit shall be recommended by the Board of Appeals unless there is a concurring vote of a majority of all members present on findings of fact that:

1. The establishment, maintenance or operation of the conditional use will not be substantially detrimental to or endanger the public health, safety, morals, comfort or general welfare; Factors to be considered include, but are not limited to: aesthetics, berms, drainage, dust, fencing (screening, inclusive of barriers to access to potentially volatile or toxic chemicals), groundwater pollution (inclusive of distancing of potentially volatile or toxic chemicals from non-owner residences), sound (noise), traffic,

vibration, and well water (inclusive of distancing of potentially volatile or toxic chemicals from non-owner well water).

2. The conditional use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish property values within the neighborhood; Factors to be considered include, but are not limited to: aesthetics, berms, drainage, dust, fencing (screening, inclusive of barriers to access to potentially volatile or toxic chemicals), groundwater pollution (inclusive of distancing of potentially volatile or toxic chemicals from non-owner residences), sound (noise), traffic, vibration, and well water (inclusive of distancing of potentially volatile or toxic chemicals from non-owner well water).
3. The establishment of the conditional use will not substantially impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

#### 10.4 TIME LIMITS AND REVOCATION

- 10.41 Sunset: Conditional Uses granted by the County Board shall expire in five (5) years from approval unless sequential activity unique and inherent to the contemplated project has been undertaken. At the end of the five (5) year period the applicant may petition the County Board for an extension or a waiver. Factors to be considered may include, but not be limited to: engineering, lease agreements, contracts, State or Federal applications, environmental testing, infrastructure improvements, construction, or otherwise for good cause shown. Delay caused by litigation shall suspend, stay and toll the running of time under this paragraph and other application of this paragraph 10.4.
- 10.42 Abandonment: Once a Conditional Use ceases or is abandoned for a period of more than 12 months, the Conditional Use approval shall expire; except that the Conditional Use approval for a salvage yard shall automatically expire if the State license for operating the salvage yard lapses for a period of time more than six months.
- 10.43 Revocation: Upon a public hearing, a Conditional Use approval may be revoked by the County Board for:
  - A. A violation of the codes and ordinances of Logan County including, but not limited to, the Zoning Ordinance;

- B. A violation of non-compliance with the conditions, limitations or requirements contained in the Conditional Use approval or these regulations.

## **SECTION 11.0 - BOARD OF APPEALS, ADMINISTRATION, AND ENFORCEMENT**

### 11.1 BOARD OF APPEALS - CREATION AND MEMBERSHIP

A Board of Zoning Appeals, hereinafter referred to by the term "Zoning Board," is hereby authorized to be established. Such Zoning Board shall consist of five (5) members appointed by the Chairman and confirmed by the members of the County Board. The five (5) members of the first Zoning Board appointed shall serve terms of one, two, three, four, and five years respectively. Thereafter, as terms expire, each appointment shall be for five (5) years. Vacancies shall be filled by the Chairman of the County Board for the unexpired term of any member whose place has become vacant, subject to confirmation by the County Board. The Chairman of the county board with the advice and consent of the county board may appoint an additional 2 members to serve for a term of five (5) years. At the end of the term of the 2 additional members, the county board may provide for the appointment of successors in the same manner or may allow the Zoning Board to revert to a membership of five (5). The County Board shall have the power to remove any member of the Zoning Board for cause, after a public hearing upon giving ten days notice thereof. All members of a board of appeals shall be residents of separate townships at the time of their appointments. The Chairman of the County Board shall name one of the members of the Zoning Board as Chairman upon his appointment and, in case of vacancy, shall name the Chairman.

### 11.2 MEETINGS

11.21 Regular meetings of the Zoning Board shall be held at such time and place within the County as the Zoning Board may determine. Special meetings may be held at the call of the Chairperson, or as determined by the Board. Such Chairperson or, in his absence, the acting Chairperson, may administer oaths and compel attendance of witnesses. All meetings of the Zoning Board shall be open to the public.

11.22 The Zoning Board shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or appeal thereof, and every order, requirement, decision or determination of the Zoning Board shall immediately be filed in the office of the Board and shall be a public record. The concurring vote of 3 members of a board consisting of 5 members or the concurring vote of 4 members of a board consisting of 7 members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or resolution, or to effect any variation in such ordinance or resolution, or to recommend any variation or modification in such ordinance or resolution to the county board. In the performance of its duties, the Zoning Board may incur such expenditures as shall be authorized by the County Board. The Zoning Board shall adopt its own rules of procedure not in conflict with the statute

or this ordinance.

### 11.3 JURISDICTION

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



11.4 APPEALS: HOW TAKEN

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

11.5 STANDARDS FOR VARIATIONS

11.51 Purpose

The Board of Zoning Appeals shall determine and vary the regulations of this ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Zoning Board makes a finding of fact based upon the standards hereinafter prescribed, that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.

- 11.52 A variation shall be permitted only if the evidence in the judgment of the Zoning Board sustains each of the following:
- a. That the property in question cannot yield a reasonable return, if permitted to be used only under the conditions allowed by the regulations in that zoning district; and
  - b. That the plight of the owner was not created by the owner and is due to unique circumstances; and

- c. That the variation, if granted, will not alter the essential character of the locality.

11.53 For the purpose of implementing the standards for variations, the Zoning Board in making its decision, whenever there are practical difficulties or particular hardship, shall also take into consideration the extent to which the following facts favorable to the applicant have been established by the evidence that:

- a. The particular physical surrounds, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were strictly enforced.
- b. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.
- c. The alleged difficulty or hardship has not been created by any person presently having an interest in the property, or any person through whom the applicant claims title.
- d. The granting of the variations will not be substantially detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
- e. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values with the neighborhood.

11.54 The Zoning Board may require such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this ordinance.

#### 11.6 NOTICE OF HEARING

No decision or recommendation shall be made by the Zoning Board unless an amendment, appeal, or application has been made and a duly advertised public hearing has been held by the Zoning Board. The notice of the hearing shall contain the particular location of the property for which the amendment, appeal, or application is requested by parcel number, legal description and street address, and if there is no street address, then by locating such property with reference to any well-known landmark, highway, road, thoroughfare or intersection and contain a brief description of the nature of the amendment, appeal, or application. Notice shall be given by certified mail at least twenty-

five (25) days prior to the hearing to all property owners within two hundred (200) feet in areas zoning residential, three hundred (300) feet in areas zoning business or manufacturing, and one-quarter (1/4) mile in areas zoned agricultural or Special District. These distances shall be from the property line of the property for which the amendment, appeal, or application is being sought. Notice shall also be given to any municipality whose boundaries are within 1-1/2 miles of any part of the property for which the amendment, appeal or application is being sought. At the hearing, the appellant or applicant may appear in person, by agent or by attorney.

#### 11.7 APPEALS TO COURT

All final administrative decisions of the Zoning Board rendered under the terms of this ordinance shall be subject to judicial review pursuant to the provisions of the Administrative Review Act: approved May 8, 1954, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

#### 11.8 ENFORCEMENT

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

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

## **SECTION 12.0 - PERMITS**

### 12.1 PERMIT APPLICATIONS

It shall be unlawful to commence the excavation for, construction of, moving of, or alteration of any building including accessory buildings, until the County Zoning Officer has issued a building permit for such work.

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

Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.

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

Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed streets, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site.

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

Proposed water supply plan, if municipal water service is not available. This plan shall be approved by the County Health Department and shall comply with the Illinois Water Well Construction Code..

Concrete, stone, wood, masonry, or other fences in a required front yard, of any R, RE, business or manufacturing district shall require permits. The Enforcing Officer shall also require permits for any fences or other structures within the sight triangle establishment at intersections. (See Section 4.6 Traffic Visibility.)

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

Any work or change in use authorized by permit, but not substantially started within ninety

(90) days shall require a new permit. A permit shall be revoked by the County Zoning Officer when he shall find from personal inspection or from competent evidence, that the rules or regulations under which it has been issued are being violated.

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

No permit shall be required for:

1. Routine maintenance or repair of buildings, structures, or equipment such as repainting or re-roofing a building, or re-ballasting a railroad track.
2. Alterations of existing buildings having a replacement value of less than three hundred dollars (\$300).
3. Construction of a service connection to a utility system.
4. Highways, roads, and similar transportation structures, but not including buildings.

Application for conditional use permits under Section 3.41-4 shall be referred by the County Zoning Officer to the Zoning Board without delay.

No fee shall be charged for zoning permit for building or structures used or to be used solely for agricultural purposes, as defined in this ordinance.

When constructing a new dwelling or when a fire or natural disaster renders a dwelling unit unfit for habitation, the temporary use of a recreational vehicle on the property is permitted during the construction, rehabilitation or reconstruction of the dwelling unit, provided that:

1. The request for use of a recreational vehicle shall be included with a building permit application for the construction, rehabilitation, or reconstruction of the dwelling unit.
2. Such a permit will be issued without charge for the recreational vehicle during construction.
3. The recreational vehicle shall be located at least ten (10) feet from the dwelling unit and shall meet all applicable side and rear setbacks for the principal structure.
4. The Zoning Officer shall require appropriate health department permits for water supply and sewage disposal prior to the issuance of the permit.
5. Use of the recreational vehicle for permanent habitation shall cease upon

completion of the construction, rehabilitation, or reconstruction of the dwelling unit.

6. The maximum length of the use of the recreational vehicle shall be one (1) year but may be extended by the Planning & Zoning Committee if the need for such continuance is demonstrated.

## 12.2 CERTIFICATE OF OCCUPANCY

12.21 General Requirement. No Single-family dwelling or an addition greater than 750 square feet to a single-family dwelling shall be occupied until a certificate of occupancy has been issued by the Zoning Officer.

12.22 Inspection Process. No certificate of occupancy shall be issued until construction has been completed and the project inspected by an Illinois State licensed home inspector. The home inspector shall submit inspection reports to the Zoning Office which state that the construction meets ASHI Standards/InterNACHI. It shall be the responsibility of the property owner to hire the home inspector. Manufactured Homes older than three (3) years from the current year's date that are moved to a new location shall require inspections in accordance with ASHI/InterNACHI standards. The inspections shall include the following:

a. Predrywall inspection to include:

1. foundation components;
2. floor, wall, and roof structural components;
3. plumbing, electrical, and rough-in components;
4. windows and exterior doors;
5. HVAC systems.

b. Final inspection to include:

1. exterior stairs and handrails,
2. surface drainage;
3. porches (screened, year round, or open)
4. decks;
5. entrance steps;
6. patios.

12.23 Manufactured Homes and Modular Homes are exempt from the inspection process as it relates to the structure construction as they were built to set standards and contain the appropriate red or yellow seal from the manufacturer. An inspection by an Illinois State licensed home inspector shall be required for the following:

- a. foundation components;
- b. exterior stairs and handrails;
- c. surface drainage;
- d. porches (screened, year round, or open);
- e. decks;

- f. entrance steps;
- g. patios.

## **SECTION 13.0 - AMENDMENTS**

### **13.1 POWER TO AMEND**

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

### **13.2 PETITIONS**

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

### **13.3 PROCEDURES**

Upon any application for a proposed amendment, supplement, or change being properly filed with the County Zoning Officer, the County Zoning Officer shall refer the proposed amendment to the Logan County Regional Planning Commission, hereinafter referred to as the Planning Commission. The Planning Commission's action, if any, shall be forwarded to the Zoning Board and County Board within thirty (30) days after the Planning Commission's decision. The Zoning Board, after holding a public hearing in accordance with the notice requirements in Section 11.6, shall consider the Planning Commission's recommendation, if available, and applicable approval criteria and shall make a recommendation to the County Board. The recommendation shall be forwarded to the County Board within thirty (30) days after the Zoning Board's decision. The County Board shall consider the Zoning Board's recommendation and applicable approval criteria and shall approve, modify, or disapprove the amendment.

Hearings on text amendments shall be held in the court house 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 court house, or other county building with more adequate facilities for such hearings. No proposed amendment shall be defeated because of improperly mailed notices, if the Zoning Board is satisfied that the applicant has made diligent effort to list all property owners in the application, in accordance with notice requirements in section 11.6, for a proposed map amendment.

### **13.4 PASSAGE OF AMENDMENT**

Amendments may be passed at a County Board meeting by a simple majority of the elected County Board members, except a favorable vote of 3/4 of all the members of the County Board will be required in the following instances:

1. Written protests against the proposed text amendment that are signed by 5% of the land owners of the county or by resolution of the corporate authorities of a zoned municipality;
2. Written protests against the proposed map amendment that is either:



- a. signed by the owner or owners of at least 20% of the land to be rezoned, or
- b. 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% of the perimeter of the land to be rezoned, or in cases where the land affected lies within 1 1/2 miles of the limits of a zoned municipality, by resolution of the corporate authorities of the zoned municipality.

3. If a township located within a county with a population of less than 600,000 has a plan commission and the plan commission objects to a text amendment or a map amendment affecting an unincorporated area of the township, then the township board of trustees may submit its written objections to the County Board within 30 days after the hearing before the Board of Appeals.

Written protests shall be filed with the County Clerk.

A copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

Notwithstanding any other provision of this Section, if a map amendment is proposed solely to correct an error made by the county as a result of a comprehensive rezoning by the county, the map amendments may be passed at a County Board meeting by a simple majority of the elected board.

## **SECTION 14.0 - FEES, VIOLATIONS, PENALTIES**

### **14.1 FEES**

By resolution, the County Board shall establish (and may periodically amend) a schedule of filing fees for various permits and procedures listed in this ordinance. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid to the Logan County Clerk. A current schedule of filing fees shall be maintained in the zoning administrator's office and the Logan County Clerks office.

When construction starts before a zoning permit is issued, the fee for such permit shall be increased by one-hundred percent, or a minimum of \$200.00, whichever is greater.

No fee for an amendment, special use permit, conditional use permit or variation shall be refunded unless written notice of cancellation is received by the zoning administrator prior to the publication date of the notice of public hearing. The zoning administrator shall refund no fees for a zoning permit after issuance of said permit.

The cost of publishing any notice required to be published in a newspaper of general circulation in the county, shall be paid by the applicant prior to the case being heard by the Zoning Board of Appeals.

### **14.2 VIOLATIONS**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this ordinance, the States Attorney of Logan County or any person, the value or use of whose property is or may be affected by such violations, in addition to other remedies, may institute any appropriate action or proceedings in equity to prevent such unlawful maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct business, or use in or about such premises.

### **14.3 PENALTIES**

Any person, firm, or corporation who, after notification of violation and method of correction, continues to violate and/or refuse to obey any provisions of this Ordinance shall, upon conviction, be guilty of a petty offense, and shall receive a fine not to exceed \$500.00. Each week a violation exists or continues shall constitute a separate offense.

## **SECTION 15.0 - RULES AND DEFINITIONS**

### 15.1 RULES

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

### 15.2 DEFINITIONS

#### Accessory Use or Structure

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

#### Adult Bookstore

An establishment having 10 percent or more portion of its stock trade, books, photographs, magazines, films for sale or viewing on the premises by use of motion picture devices, or other coin-operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as said term is defined herein.

#### Adult Entertainment Establishments

A "Modeling Studio," "Adult Bookstore," "Adult Entertainment Facility," "Bathhouse" or "Massage Parlor" as defined herein.

#### Adult Entertainment Facility

Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for live presentations, video tapes or

film predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities, as said term is defined herein, and exotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape or film presentation), where the patrons either: (1) engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or (2) observe any live presentation, video tape or film presentation of persons wholly or partially nude with genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities as said term is defined herein.

Adult-Use Cannabis Business Establishment: An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, or transporting organization.

Adult-Use Cannabis Craft Grower: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Cultivation Center: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Infuser Organization or Infuser: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Processing Organization or Processor: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Transporting Organization of Transporter: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

#### Agriculture

Land, or land, buildings and structures, the principal use or uses which is growing of farm or truck garden crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture,

or animal or poultry husbandry, and accessory uses customarily incidental to agricultural activities, including but not limited to the farm dwelling, dwellings, dwellings for tenants and full-time hired farm workers and dwellings or lodging rooms for seasonal workers.

Agricultural Business Uses

Agricultural-related businesses, their land, buildings, and structures, and accessory uses, the principal use of which is directly and indirectly involved in the planting, cultivation, harvesting, and storage of agricultural products, including but not limited to grain elevators, fertilizer plants, farm equipment sales, and seed sales.

Bar or Tavern

An establishment in which the primary function is the sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and nightclubs but excluding those establishments that would otherwise be defined as an "Adult Entertainment Facility".

Bathhouse

An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy. This term shall not apply to any business or establishment that is operated by or supervised by a medical physician who is licensed under the Illinois Medical Practice Act or a professional Physical Therapist licensed by the State of Illinois.

Bed and Breakfast Establishment

An operator-occupied residence providing accommodations for a charge to the public with no more than 5 guest rooms for rent, in operation for more than 10 nights in a 12 month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

Boarding House (Rooming or Lodging House)

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

Building

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

Building Height

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

Camps or Campgrounds

Tracts of land of a design or character suitable for and used for seasonal, recreational,

and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary, or movable nature such as a cabin, hunting shelter, or tent.

Comprehensive Plan

The extensively developed and evolving plan, also called a master plan, adopted by the County Planning Commission.

Conservation

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

Consumer Service

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

Dwelling

A building or portion thereof designed or used exclusively as a residence for one family and that includes provisions for sleeping, cooking, eating and sanitation. A dwelling shall include manufactured or modular homes but not including boarding or lodging houses, motels, hotels, tents, cabins, recreational vehicle, or mobile homes.

Essential Services

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

Family

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

Farmstead

That untilled portion of a farm presently containing or which has contained the principal farm buildings, farm house, and adjacent service areas.

Fireworks

Fireworks shall be defined as in the Alcohol Tobacco, and Firearms Explosives Law and

Regulations, P5400.7 )6/90) on page 37 as class (b) Low explosives. Explosive materials which can be caused to deflagrate when confined, (for example, black powder, safety fuses, igniters, igniter cords, fuse lighters, and "special fireworks" defined as Class B explosives by U.S. Department of Transportation regulations in 49 CFR Part 173, except for bulk salutes)."

Floor Area

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

Grade, Private

An accessory building, or an accessory portion of a principal building enclosed on at least three sides which is intended for and used to store private passenger motor vehicles and no more than one (1) three-quarter ton or lesser-sized truck.

Grade

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

Home Occupation

An occupation carried on in a dwelling by the resident thereof, not involving the conduct of a retail business or manufacturing business, the employment of any additional persons in the performance of such services excepting members of the immediate family residing on the premises and one receptionist or office assistant; not using any mechanical equipment other than is usual for purely domestic or hobby purposes; nor exterior storage of equipment or materials used in connection with the home occupation. Home occupations, further, shall not utilize more than twenty-five (25) percent of the total floor area of any one story.

Hotel

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

Junk Yard

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

Kennel

Any premises or portions thereof on which four or more dogs, cats, or other household domestic animals over four months of age are kept, or on which more than two such animals are maintained, bred, or cared for, for enumeration or sale.

Loading Area

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

Lot

A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other open spaces required by this ordinance.

Lot, Corner

A lot abutting on two streets at their juncture, when the interior angle formed is less than one hundred thirty-five (135) degrees.

Lot Lines and Area

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

Lot, Interior

A lot other than a corner lot.

Lot Recorded

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

Lot Width

The width of a parcel of land measured at the required minimum building setback line.

Lot, Zoning

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

Massage Parlor

An establishment which has a fixed place of business having an income or compensation 60% or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity; this term shall not include any establishment operated or supervised by a medical physician who is licensed under the Illinois Medical Practice Act or any professional physical therapist licensed by the State of Illinois.



Manufactured Home

A transportable, factory-built structure that is manufactured in accordance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401, effective date June 15, 1976) and that is designed to be used as a single dwelling unit. Manufactured homes can be identified by a red seal that states compliance with the Act, and is generally placed on the rear of the structure or on the electrical panel box. Manufactured home shall be placed on a permanent foundation.

Mobile Home

A transportable, factory-built structure that was manufactured prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401, effective date June 15, 1976) and that is designed to be used as a single dwelling unit.

Modular Home

A transportable, factory-built structure that is manufactured in accordance with local, state, or national building codes and the unit is inspected and certified at the factory that it meets said standards and that is designed to be used as a single dwelling unit. An Illinois approved modular dwelling will have a yellow seal on the electrical panel box or on the inside of the kitchen sink cabinet. Modular dwellings manufactured at a factory in Indiana will contain the seal of approval from the State of Indiana. Modular homes shall be placed on a permanent foundation.

Modeling Studio

A use or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools where persons are enrolled in a class.

Motel

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

Nonconforming Structure

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

Nonconforming Use

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

Nonretail Commercial

Commercial sales and service to customers who intend resale of the products or

merchandise sold or handled. For example, nonretail commercial includes wholesale activities, warehousing, trucking terminals, and similar commercial enterprises.

Nursing Home or Rest Home

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

Open Sales Lot

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

Parking Space

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

Performance Standards

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

Planned Development

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

Recreational Vehicle

A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational camping and travel use.

Relatives

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

Retail Sales

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

Sanitary Land Fill

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

Setback, Building

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

Service Station, Filling Station, Gas Station

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

Shopping Centers

Regional

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

Community

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

Neighborhood

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

Signs

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

Sign, Advertising (Billboard)

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

Sign, Gross Area of

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

Specified Sexual Activities

1. Sexual conduct, being acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person is a female, her breasts.
2. Sexual conduct, being the condition of human male or female genitals when in a state of sexual stimulation or arousal.
3. Sadoomasochistic abuse, being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.

Structural Alterations

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

Structure

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

Thoroughfare

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

Use

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

Use, Accessory

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

Use, Permitted

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

Use, Principal

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

Use, Conditional

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

Utilities

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

Yard

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

Yard, Corner Side

A side yard which adjoins a street or thoroughfare.

Yard, Front (Setback)

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

Yard, Interior Side

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

Yard, Rear (Setback)

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

Yard, Side (Setback)

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

Performance Standard Definitions

Closed Cup Flash Point

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

Decibel

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

Displacement (Earth)

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

Earthborn Vibrations

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

Equivalent Opacity

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

Free Burning

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

Frequency (Vibration and Sound)

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

Impact Noise

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

Impulsive

Discrete vibration pulsations occurring no more than one per second.

Incombustible

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

Intense Burning

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

Moderate Burning

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

Octave Band

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

Octave Band Filter

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

Odor Threshold

The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with ASTM Method D1391-57, "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)."

Odorous Matter

Any material that produces an olfactory response among human beings.

Particulate Matter

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

Pre-1960 Octave Bands

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

Preferred Frequencies

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

Ringelmann Chart

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

Ringelmann Number

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

Slow Burning

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

Smoke

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

Sound Level Meter

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

Sound Pressure Level

The intensity of sound or noise in decibels.

Three-Component Measuring System

A three-component measuring system is an instrument or complement of instruments which records earthborn vibration simultaneously in three (3) mutually perpendicular directions.

Toxic Matter

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

Vibration

The periodic displacement of the ground measured in inches.



SECTION 16.0 EFFECTIVE DATE

16.1 WHEN EFFECTIVE

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

Approved and ordained by the County Board of the County of Logan

this 27th day of October, 1970.

Wilbur G. Colburn  
County Board Chairman

ATTEST:

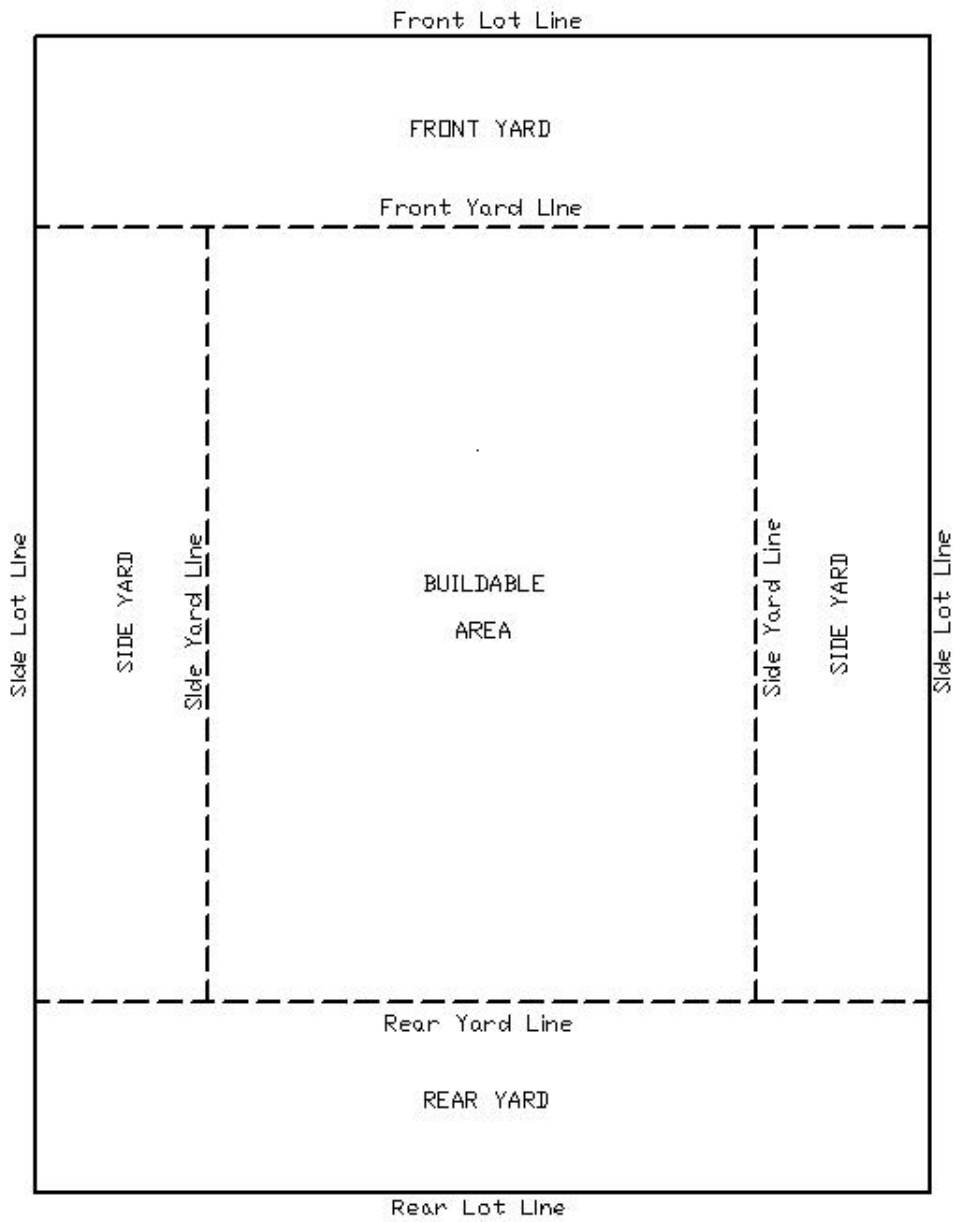
Weldon B. Frantz  
County Clerk

APPENDIX A

YARDS

APPENDIX A

YARDS



APPENDIX B

TINY HOME PARK REGULATIONS

## **APPENDIX B - TINY HOME PARKS REGULATIONS**

A CONDITIONAL USE ORDINANCE DEFINING AND REGULATING TINY HOME PARKS: ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONSTRUCTION OF TINY HOME PARKS; ESTABLISHING MINIMUM STANDARDS GOVERNING THE PROVIDED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS OF MAKING TINY HOME PARKS SAFE, SANITARY AND FIT FOR HUMAN HABITATION; FIXING THE RESPONSIBILITIES AND DUTIES OF OWNERS AND OPERATORS OF TINY HOME PARKS.

### **SECTION 1**    **DEFINITIONS**

#### **Board of Appeals**

The County Zoning Board of Appeals.

#### **County Zoning Officer**

The legally designated County zoning officer (or his/her authorized representative).

#### **May**

The term "may" shall mean permissible.

#### **Person**

Means an individual, firm partnership, corporation, company or association.

#### **Service Building**

Means a building housing manager's office, laundry facilities, maintenance equipment, toilet facilities for employees, and emergency sanitary accommodations.

#### **Shall**

The term "shall" means imperative and mandatory.

#### **Tiny Home**

A dwelling that is between 200 and 800 square feet that is intended for permanent occupancy and is placed on a permanent foundation.

#### **Tiny home Space**

An area of land designated for the exclusive use of the occupants of a single tiny home.

#### **Tiny Home Park**

"Tiny Home Park" means an area of land upon which three or more occupied tiny homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of such tiny home park.

SECTION 2

Each park to be constructed under the provisions of this Ordinance shall adhere to the minimum regulations as are required by the Illinois State Department of Health Regulations established health sanitation.

SECTION 3

In order to obtain an approval to construct a new tiny home or tiny home park, or an addition to an existing tiny home park, the applicant shall file with the County Zoning Officer a written application setting forth:

- (a) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of filing of the application.
- (b) Locations and legal description of the tract of land, certified on a plat of a survey by an Illinois Registered Land Surveyor drawn to scale of 1" = 100', or larger.
- (c) The proposed and existing facilities in the park for water supply, sewage, garbage and waste disposal, fire protection, and for a sanitary community building which will include a description of toilets, urinals, sinks, wash basins, slop sinks, showers, drains and laundry facilities, the proposed alterations therein, and the maintenance thereof.
- (d) The proposed method of lighting the structures and land upon which the park is to be located.
- (e) All corners and points of tangency are to be marked by galvanized or wrought iron pipe or iron or steel bars at least eighteen (18) inches in length and not less than one half (1/2) inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.
- (f) The plans of the park drawn on a scale of 100 feet to an inch, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities, all showing compliance with the provisions of this Ordinance. The plot plans shall be drawn on a scale of 100 feet to an inch shall contain, among other things, the following:
  - 1. The date on which such plot plans were prepared.
  - 2. An arrow indicating North.

3. All Tiny home sites shall be properly numbered on the plot plans.
  4. Complete information regarding storm sewers.
  5. Storm water run-off shall be shown on a separate plat.
  6. Contour lines with intervals of not more than five (5) feet where the slope is greater than 10 percent, and not more than two (2) feet where the slope is less than 10 percent shall be shown on a separate plat, and the United States Geological Survey data shall be used for the preparation of such a plat.
  7. Grades of driveways and all ditches shall be shown on a separate plat.
- (g) A statement of the fire-fighting facilities, public or private, which are available to the tiny home park.
- (h) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached thereto.

SECTION 4 ENVIRONMENTAL, OPEN SPACE, AND ACCESS REQUIREMENTS

- 4.1 Every park to be constructed under the provisions of this ordinance shall provide for the following, in the manner specified.
- (a) No park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well drained and shall be located in areas free from ponds, swamps and similar places in which mosquitoes may breed. No waste water from tiny homes shall be deposited on the surface of the ground except State-approved systems may be used.
  - (b) All land proposed for tiny home parks shall be adequately protected against flooding.
  - (c) Not subject to any hazard or nuisance such as excessive noises, vibration, smoke, toxic matter, radiation, heat, or glare.
  - (d) Not subject to any source of pollution such as drainage from garbage disposal areas.
  - (e) Not subject to any adverse influence from adjoining streets and areas.
  - (f) The tract of land involved shall be an area of not less than five acres.

4.2 Site Drainage Requirements

- (a) The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.
- (b) Adequate provisions shall be made for approved sanitary sewage treatment.

4.3 Soil and Ground Cover Requirements

- (a) Exposed ground surfaces in all parts of every park shall be paved or covered with stone screenings, or other solid material, or protected with a vegetable growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- (b) Where topography has a slope of 25 percent or more a rip wall cribbing or other approved system of soil and slope stabilization shall be installed and maintained.

4.4 Physical Hazards in Parks

- (a) Adequate protective barriers shall be provided and maintained where there is a slope in excess of 45°, and a change in elevation of six (6) feet. Such barriers may include, but are not limited to, continuous shrubs or fences.
- (b) Swimming pools shall be screened, fenced or secured when not in active use to prevent injury. Fencing or other artificial enclosures shall completely enclose the pool area.
- (c) Swimming pools shall be constructed and maintained in accordance with the requirements of the State Department of Public Health.

4.5 Nuisances in Parks

All parks shall be maintained free of nuisances such as excessive heat, glare, vibration, smoke, toxic matter, radiation, and fire or explosive hazards.

4.6 Non-Residential Uses

No part of any park shall be used for non-residential purposes except such uses that are required for direct servicing and well-being of park residents, and for the management and maintenance of the park. Exceptions to this will be provisions for a tiny home sales office and display area.



4.7 Required Separations Between Tiny homes

- (a) Tiny homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet. Garages and storage structures associated with a tiny home shall comply with the requirements of section 10.3 and 10.4.
- (b) The tiny home parks shall not exceed an overall density of five (5) tiny homes per acre.

4.8 Required Setbacks, Buffer Strips, and Screening in Tiny home parks

- (a) All tiny homes shall be located as follows from any park boundary line abutting upon a public street or highway.

100 foot setback on Federal Highways.

50 foot setback on State Highways.

35 foot setback on all County, Township, or Municipal roads

They shall be at least ten (10) feet from other park property boundary lines.

- (b) All tiny home spaces shall provide a front yard of not less than fifteen (15) feet measured from the edge of the pavement.
- (c) Street trees shall be encouraged to be planted within five (5) feet of the pavement. These shall not be of the following or any other brittle wood or species subject to extreme vulnerability from insects or diseases: Elm, Willows, Poplars, Box Elders and Soft Maple.

4.9 Recommended Recreation Areas in Tiny home parks

In all parks accommodating or designed to accommodate ten (10) or more tiny homes, it is recommended there be one or more recreation areas which shall be easily accessible to all park residents. Recreation areas shall be so located as to be free of traffic hazards and should, where topography permits, be centrally located.

4.10 Park Street System

- (a) General Requirements  
All parks shall provide safe, continuous and convenient vehicular access from abutting public streets or roads to each tiny home space. For purposes of this code, all streets shall hereinafter to referred to as "Park Street System" and shall be maintained by the owner/owners.
- (b) Primary Entrance Road

The primary entrance road connecting the Park Street System with a public street or road shall have a minimum road pavement width of 36 feet, where guest parking is permitted at both sides, or a minimum road pavement width of 30 feet where parking is limited to one side. Where the primary entrance road is more than 100 feet long and does not provide access to abutting property within such distance, the minimum road width may be 25 feet provided parking is prohibited at both sides.

(c) Secondary Entrance Road

In addition to the required primary entrance road, all parks 5 acres or more in total area or have a primary road greater than 800 feet shall have at least one secondary entrance road connecting the Park Street System with a public street or road. Such a secondary road or roads shall have a minimum pavement width of 25 feet and shall at a minimum provide for an all-weather road. Where primary and secondary entrance roads connect to the same public street or road, there shall be a minimum separation of 150 feet between such access points. Where this is not feasible or possible, clearly marked, one-way entrance and exit lanes with at least a 15-foot wide median strip are acceptable provided the pavement width of each one-way road is at least 25 feet wide.

(d) Interior Streets

All interior streets in the Park Street System shall have a minimum pavement width of 30 feet. Dead-end streets shall be limited in length to 500 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 120 feet. One-way minor streets shall be acceptable only if less than 500 feet long and serving less than 25 tiny homes.

4.11 Street Construction and Design Standards

(a) Pavement Materials

Bituminous Surface Course (subclass A-3) over an eight (8) inch base course of compacted gravel; base course, type B.

(b) Pavement Design

All roads shall have a standard cross section with curbs.

(c) Grades

Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than 8 percent nor less than .5%. Short runs with a maximum grade of 12 percent may be permitted provided traffic safety is assured by appropriate paving, adequate leveling areas, and avoidance of lateral curves.

- (d) Intersections  
Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersection streets. Intersections of more than two streets at one point shall be avoided.
- 4.12 Required Off-Street Parking  
Off-street parking shall be provided in all parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) car spaces for each tiny home. Parking bays shall be so located as to provide convenient access to tiny home spaces. A minimum of one hard surface, off-street parking space per tiny home shall be provided on each tiny home site.
- 4.13 Pedestrian Access
- (a) General Requirements  
All parks shall provide safe, convenient, 4-inch Portland Cement Concrete pedestrian access between individual tiny homes (said thickness shall be increased to 5 inches at driveways), the Park Street System and all community facilities provided for park residents. All sidewalks must be evaluated against the requirements of ADA/PROWAG. All sidewalks along or adjoining public rights-of-way must meet the requirements of ADA/PROWAG.
  - (b) Individual Walks  
All tiny homes shall be connected with the Common Walk System and the Park Street System by one or more individual walks on each tiny home space. Such individual walks shall have a minimum width of four (4) feet.
  - (c) Common Walk System  
A common walk system, five (5) feet wide, shall be provided in every park for pedestrian access between each tiny home space and all required open areas, community structures and facilities.
- 4.14 Required Illumination of Park Street Systems  
All parks shall be furnished with sufficient electrical systems and lighting units at the owner's expense, so spaced and equipped with luminaries placed at such mounting heights (minimum 10 feet) as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
- (a) All parts of the Park Street Systems:  
0.4 foot candle with minimum of 0.3 foot candle. Exceptions to this will be in those parks selecting to use gas lights.

- (b) Potentially hazardous locations such as major street Intersections and steps, or stepped ramps: individually illuminated with a minimum of 0.4 foot candle.

SECTION 5    WATER SUPPLY

5.1    General Requirement

Every park shall have a water supply system capable of providing a sufficient supply of potable water under adequate pressure, to water supply facilities for tiny homes, service buildings, fire hydrants, drinking fountains, and other accessory facilities, as required by this code for the well-being of park residents, and for park maintenance. Such system shall be designed, constructed and maintained in accordance with the State standards of Illinois Department of Health and/or standards currently enforced by local departments.

5.2    Source of Supply

- (a) Where a public water supply system is available, the park water supply system shall be connected thereto. A public water supply system shall be deemed available when such system is within 500 feet of the park measured along a street or other public easement, and a connection may be made lawfully thereto. No private water supply system shall be cross-connected with any public water supply system.
- (b) Where a public water supply source is available, the park's source of water supply including the construction, equipment, and distributing water shall be approved by the Board of Health and other authorities having jurisdiction. The chemical and bacteriological quality of the potable water distributed in any park including water treatment processes employed shall conform to the standards established by the health authority having jurisdiction.
- (c) The water sources shall be capable of producing an adequate volume of water to supply all tiny home spaces in any park, but in no case shall such capacity be less than 150 gallons per space per day in any tiny home parks.
- (d) Where an independent or non-public water system is used to serve the tiny home parks with water obtained from wells, the well shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. A minimum distance of 100 feet shall be maintained between the water supply and any sewage treatment facility. A minimum distance of 100 feet shall be maintained between the water supply and any other possible source of contamination, except that sewers or pipes through which sewage may back up shall be located at least 50 feet from any well or water-section

pipeline.

- (e) No well-casings, pumps, pumping machinery or section pipes shall be located in any pit, room, or space extending below ground level, not in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground. The floor or rooms above ground shall be at least six (6) inches above the ground's surface. All floors shall be watertight and sloped from well-casing to the drain. Said well-casing shall be not less than 12 inches from the floor.

### 5.3 Water Storage Facilities

All water storage reservoirs shall be watertight and constructed of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material, and so designed that they may be locked. All of the overflow pipes from a reservoir shall be connected with back-siphonage protection to any pipe in which polluted water may back up.

### 5.4 Water Distribution System

- (a) The water distribution system shall be constructed of piping, fixtures and other equipment of approved materials and shall be so designed and maintained to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions, at each tiny home, service building, and other locations requiring potable water supply. Such piping shall not be interconnected or cross-connected with any drainage, venting, or other system conveying nonpotable water. Nor shall such piping be subject to hazards of back-flow or any back-siphonage.

### 5.5 Individual Water Connections

- (a) Individual water service connections shall be provided at each tiny home lot in the tiny home parks. All water service connections shall be watertight and located at a minimum distance of ten (10) feet from sanitary sewer connections below ground. The minimum pipe size of connections shall be three-quarter (3/4) inch. Outlets shall be so constructed as to be free of possible contamination from surface drainage and possible damage during installation of a tiny home, and shall be four (4) inches above grade.
- (b) Underground stop and waste-cocks shall not be installed on any connection.

5.6 Required Water Supply for Fire Protection

Where a public water supply system with a water main of four (4) inches or larger is available, all parks accommodating or designed to accommodate ten (10) or more tiny homes, or both, shall provide the following water supply facilities:

- (a) The system shall permit the operation of a minimum of two (2) 1-1/2 inch hose streams on a fire in any tiny home, service building, or other accessory structure in the park.
- (b) Hydrants shall be located within 600 feet of such structures and shall be of a type prescribed by Logan County.
- (c) Water supply and associated facilities shall be sufficient to provide a delivery of at least 75 gallons per minute at each of the two nozzles held four (4) feet above the ground, at a flowing pressure of at least 30 pounds per square inch when measured at the highest elevation in the park.

SECTION 6 SEWAGE DISPOSAL

All sewage and other water-carried waste shall be disposed of into a common sewage system. All provided sewage systems shall be constructed in conformity with all laws of the State of Illinois, regulation of any department, division or board of the State of Illinois, and any ordinance of the County of Logan, Illinois, relative thereto.

Each tiny home or tiny home site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each tiny home. It shall be the duty of the owner or operator of said tiny home park to provide an approved type of water and dro-tight connection from the tiny home water drainage to the sewer connection, and keep all occupied tiny homes connected to said sewer while located in a tiny home park. Sewer connections in unoccupied tiny home sites shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a tiny home.

SECTION 7 ELECTRICAL DISTRIBUTION SYSTEM

7.1 General Requirements

Each tiny home shall have its own independent electric service. All electric wires shall be underground. Centralized backup power is acceptable to serve the park.

SECTION 8 FUEL SUPPLY AND STORAGE

8.1 Natural Gas System

Natural gas piping systems in all parks shall be installed and maintained in conformity with accepted engineering practices and the rules and regulations of

the authority having jurisdiction.

8.2 Fuel Oil Supply System

All fuel oil supply systems provided for tiny homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction. Fuel oil systems underground shall be located at a minimum of ten (10) feet horizontally from water lines, and at necessary crossings shall be placed in substantial pipe sleeves extending ten (10) feet from each side of the water pipe.

SECTION 9 FIRE PROTECTION

9.1 General Requirements

The tiny home parks area shall be subject to the rules and regulations of the Fire Protection District in which it is located.

9.2 Location of Fire Hydrants

Where a public water system with a water main of six (6) inches or larger is available to the tiny home parks, standard fire hydrants shall be located within 600 feet of each tiny home or building.

9.3 Fire extinguishers shall be encourage to be included in each tiny home unit.

SECTION 10 ALTERATIONS, ADDITIONS, ANCHORAGE AND OCCUPANCY

10.1 General Requirements

All building, plumbing, heating, air-conditioning, and electrical alterations or repairs in tiny home parks and individual tiny homes shall be made in accordance with applicable local regulations.

10.2 Anchorage of tiny homes

All tiny homes shall be built on a foundation.

10.3 Separate Storage Structures

Small storage structures are permissible within ten (10) feet of tiny homes provided they are:

- (a) Not larger than approximately eight (8) feet by ten (10) feet in floor plan by six (6) feet in height.
- (b) Capable of being completely and easily disassembled and are readily portable.
- (c) Used only for storage purposes.
- (d) Not attached to a tiny home or used as an auxiliary room, or otherwise

used for dwelling or living purposes.

- (e) So constructed and maintained that a rat harborage is not created.

10.4 Garages

Garages are permissible provided they are:

- (a) Equal to or less than 576 square feet (24' x 24') in size.
- (b) Separated from a tiny home a minimum of ten (10) feet, unless the garage is attached to the tiny home.



APPENDIX C  
NUISANCES ORDINANCE

**AN ORDINANCE REGULATING AND CONTROLLING NUISANCES  
WITHIN LOGAN COUNTY, ILLINOIS**

BE IT ORDAINED by the County Board of Logan County, Illinois:

Section I – Definitions

- A. Administrative Officer – shall mean the legally designated Administrator or Health Officer of the Logan County Health Department or his/her authorized representative.
- B. Animal – shall mean cattle, swine, horses, mules, donkeys, sheep, dogs, cats, goats, rabbits, or any other animal; and chickens, turkeys, geese, pigeons, doves, ducks, or any other fowl; or any reptile including snakes, lizards, and turtles.
- C. Disposal Site - an area of land serving as the central location receiving consolidated refuse from one or more sources.
- D. Enforcement Officer - shall mean the Administrative Officer, the Logan County Zoning Officer, or their authorized representative.
- E. Farm - shall mean any parcel of land used for the growth and harvesting of crops; for the feeding, breeding, and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof. However, in no case shall a parcel of land be considered a farm unless its gross sales of farm products is greater than \$2,500.00 annually.
- F. Manure - shall mean the excrement of all domestic animals and stable bedding.
- G. Refuse - shall mean and include:
  - 1) Garbage - the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
  - 2) Rubbish - combustible and noncombustible waste material, and shall include, but not be limited to, tree stumps, limbs, scrap lumber, scrap metal, worn out and/or abandoned appliances, and the residue or ashes from the burning of any substance.
- H. Sewage - shall mean water-carried animal or human waste and other liquid wastes from residences, business buildings, industrial establishments, or other places.

Section II - Refuse Disposal Sites

- A. It shall be unlawful for any person to operate a disposal site by depositing or dumping, or permit the operation of a disposal site by permitting the depositing or dumping of refuse upon any land in Logan County without the approval of the site by the Illinois Environmental Protection Agency and the Logan County Health Department.
- B. All refuse disposal sites shall be located and operated in accordance with the standards of the Illinois Environmental Protection Agency.
- C. All refuse disposal sites shall also comply with the rules and regulations pertaining to their operation which may be promulgated by the Administrative Officer.

Section III - Refuse

- A. No person shall deposit or dump or maintain or permit the depositing or dumping, on any land in Logan County of any refuse which, by reason of its quantity or decomposition, could become foul, odorous, subject to spontaneous combustion, rodent infestation, or otherwise be detrimental to public health or safety or conducive to the spread of disease, without covering aforesaid substance with soil to an adequate depth within 24 hours, or otherwise handled in such a manner as may be approved by the Administrative Officer.
- B. It shall be unlawful to deposit or dump any refuse in streets, alleys, roadways, or other public land.
- C. It shall be unlawful for any person to deposit or dump any refuse upon land owned or leased by another person without the person's permission.

Section IV - Vehicles Hauling Refuse

- A. No person owning or controlling a vehicle used for the purpose of hauling or transporting refuse shall cause or permit such vehicle to be so loaded, so defective, so out of repair, so improperly driven or managed that any refuse shall drop or fall from the vehicle upon any public way or place. Such vehicle shall be so constructed or covered to prevent any part of the contents thereof from leaking, spilling, or falling therefrom.

Section V - Manure

- A. All fecal waste from animals must be removed daily from the premises occupied by such animals and stored in a fly tight container, or otherwise handled in such

a manner as may be approved by the Administrative Officer. Farming operations involving cattle, hogs, sheep, or poultry, are exempt from this Section.

Section VI - Public Nuisances

- A. Public Nuisances Defined: The following are hereby declared public nuisances:
- 1) To conduct any business or use any premises as to create such an offensive smell or smoke or dust as may taint the air and render it unwholesome or disagreeable to the neighborhood. Farms as herein defined are exempt from this subsection.
  - 2) To cause the carcass of any dead animal to be collected, deposited, or to remain in any water, pond, spring, lake, stream, river, well, mine shaft, or on any land within Logan County.
  - 3) To corrupt or render unwholesome or impure the water of any well, drinking hydrant, or spring containing or producing water of drinking quality.
  - 4) For any person to keep in a foul, offensive, nauseous, or filthy condition any chicken coop, cow house, or any other animal pen, stable, grounds, or premises. Farms as herein defined are exempt from this subsection.
  - 5) All garbage stored in containers without fly-tight covers.
  - 6) For any person to keep in a foul, offensive, nauseous, or filthy condition any grounds, premises, buildings, or yards, to create or maintain potential harborage for vermin. Farms as herein defined are exempt from this subsection.
  - 7) All buildings, walls, mobile homes, or other structures which are lacking proper care and situated as to endanger the public or provide a harborage for rodents, insects, or other pests.
  - 8) All abandoned refrigerators on any premises without the doors removed.
  - 9) To permit or cause the discharge of any untreated sewage, laundry waste, effluent from a septic tank or industrial wastes or other effluent which has not been treated so as to render it harmless or inoffensive or meets the purity standards of the Illinois Environmental Protection Agency, upon the ground, surface, upon a roadway, into an abandoned well or mine shaft, pond, stream, river, lake, or crevice.
  - 10) To control the unchecked growth, propagation, and dissemination of grasses, shrubbery, or noxious weeds as to jeopardize public health and safety.

- 11) To control any condition, whether specified by ordinance or not, which in the judgement of the Enforcement Officer is a jeopardy to public health or safety.

Section VII - Disposal of Sewage

- A. Sewage from septic tanks, cesspools, other disposal units, or from other sources which is obtained from routine pumping or in other manners shall be disposed of in any municipal sewage treatment plant or in such a manner as may be approved by the Administrative Officer.

Section VIII - Enforcement and Jurisdiction

- A. This Ordinance shall be enforced by the Enforcement Officer.
- B. This Ordinance shall be applicable only to all unincorporated areas of Logan County, IL.

Section IX - Inspection

- A. The Enforcement Officer is hereby authorized and directed to make the necessary inspections to obtain compliance with this Ordinance. For the purpose of making such inspections the Enforcement Officer is hereby authorized to enter any property at any reasonable time for the purpose of determining compliance with this Ordinance. Refusal, by said owner, of right of entry may cause the Enforcement Officer to seek the permission of the court for the right of entry.
- B. Notice to Abate
  - 1) Whenever the Enforcement Officer discovers any violation(s) of this Ordinance, the owner, agent, or occupant causing, allowing, or permitting such violation(s) shall be notified by means of a written Notice to Abate. Such notification shall set forth the specific conditions found and the correction necessary to bring about such correction and compliance. The owner, agent, or occupant causing, allowing, or permitting such violation may be given up to fourteen (14) days to abate.
  - 2) Also upon such notification the owner, agent, or occupant causing, allowing, or permitting such violation may give within 3 working days written notice to the enforcement officer requesting a hearing to be conducted by the Health Department within 7 working days.
- C. Service of Notice - Notices provided for under subsection (b) of this section shall be deemed to have been properly served when the original of the inspection

report or other notice has been delivered personally to the owner, agent, or occupant, as the case may be, or the premises and/or the storage site concerned, or such notice has been sent by certified mail to the last known address of such person or persons.

- D. Failure to Abate - In case the owner, agent, or occupant of any premises fails to abate a nuisance or nuisances, after due notice and time specified under subsection (b) of this section, the Enforcement Officer shall file a complaint in the State's Attorney's Office.
- E. Any complaints shall be made in writing and signed by complainant.

#### Section X - Penalty

- A. Any person who, after notification of violation and method of correction, continues, to violate and/or refuse to obey any provisions of this Ordinance shall, upon conviction, be deemed guilty of a petty offense, and shall receive a fine not to exceed \$500.00. Each week a violation is continued constitutes a separate offense.

#### Section XI - Validity

- A. Should any section, paragraph, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.
- B. In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, health, or related code or ordinance existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Section XII - Effective Date

- A. This Ordinance shall be come effective upon its adoption and publication as required by law.
- B. The Logan County Clerk shall cause this Ordinance to be published once, within ten (10) days after its adoption, in a newspaper of general circulation in Logan County.

Adopted this 18th day of April, 1989.

AYES: 7

NAYS: 3

ABSENT: 2

ATTEST: \_\_\_\_\_(SEAL)  
County Clerk

\_\_\_\_\_ M. Deane May  
Chairman, Logan County Board

APPENDIX D

REMOVAL OF NUISANCE VEHICLE ORDINANCE



**AN ORDINANCE REGULATING AND CONTROLLING  
THE REMOVAL OF NUISANCE VEHICLES  
WITHIN LOGAN COUNTY, ILLINOIS**

WHEREAS, Chapter 55, Paragraph 5-1092, Illinois Revised Statutes authorizes a county to declare by ordinance inoperable motor vehicles, whether on public or private property, to be a nuisance and authorize fines to be levied for the failure of any person to obey a notice received from the county which states that such person is to dispose of any inoperable motor vehicle under this control, and may authorize a law enforcement agency, with applicable jurisdiction, to remove, after 7 days from the issuance of the county notice, any inoperable motor vehicle or parts thereof.

NOW THEREFORE BE IT ORDAINED BY THE COUNTY BOARD OF LOGAN COUNTY, ILLINOIS AS FOLLOWS:

SECTION I - Definitions

As used in this Ordinance, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least 7 days or any longer period of time fixed by ordinance, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations. However, nothing in this Ordinance shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

SECTION II - Enforcement and Jurisdiction

- A. This Ordinance shall be enforced by the Logan County Sheriff, his designee or agents employed by the Logan County Sheriff.
- B. This Ordinance shall be applicable only to unincorporated areas of Logan County, Illinois.

SECTION III - Inspection

- A. The Logan County Sheriff, his designee or agent is hereby authorized and directed to make the necessary inspections to obtain compliance with this Ordinance. For the purpose of making such inspections the Enforcement Officer is hereby authorized upon receiving consent, to enter any property at any reasonable time for the purpose of determining compliance with this Ordinance. Refusal, by said owner, of right of entry may cause the Enforcement Officer to seek the permission of the court for the right of entry.
- B. Whenever a violation of this Ordinance occurs, it shall be lawful for the Logan County Sheriff to serve or cause to be served a Notice to Abate such nuisance. If the violating inoperable motor vehicle or parts thereof have not been removed within seven (7) days from the issuance of such Notice, the Logan County Sheriff, his designee or agent, shall be authorized by this Ordinance to remove, or cause to be removed, the inoperable motor vehicle or parts thereof from the premises where the violation occurred.
- C. Service of Notice - Notices shall be deemed to have been properly served when the original of the inspection report or other notice has been delivered personally to the owner, agent, or occupant, as the case may be, or the premises and/or the

storage site concerned, or such notice has been sent by certified mail to the last known address of such person or persons.

SECTION IV - Penalty

- A. Any person who, after notification of violation and method of correction, continues to violate and/or refuse to obey any provisions of this Ordinance shall, upon conviction, shall receive a fine not to exceed \$1,000. Each week a violation is continued constitutes a separate offense. (55 ILCS 5/5-1113)

SECTION V - Effective Date

- A. This Ordinance shall become effective upon its adoption and publication as required by law.
- B. The Logan County Clerk shall cause this Ordinance to be published once, within ten (10) days after its adoption, in a newspaper of general circulation in Logan County.

APPENDIX E

WIND ENERGY CONVERSION SYSTEMS

**AN ORDINANCE REGULATING  
WIND ENERGY CONVERSION SYSTEMS  
WITHIN LOGAN COUNTY, ILLINOIS**

**I. APPLICABILITY**

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

**II. DEFINITIONS**

“Applicant” means the entity or person who has submitted an application for a Special Use/Conditional Use Permit for a WECS Project.

“Financial Assurance” means reasonable assurance from a credit worthy party, examples of which include a surety bond, cash escrow, or irrevocable letter of credit.

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

“Owner” means the entity or entities with an equity interest in the WECS(s), including their successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.

“Professional Engineer” means a qualified individual who is licensed as a professional engineer by the State of Illinois.

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

“Substation” means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility’s transmission lines.

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

“WECS Project” means the collection of WECSs and substations as specified in the Conditional Use Permit application.

“WECS Tower” means the support structure to which the nacelle and rotor are attached.

“WECS Tower Height” means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

### III. PROHIBITION

No WECS or substation governed by this section of the ordinance shall be constructed, erected, installed, or located within Logan County, unless prior siting approval has been obtained for each individual WECS and substation pursuant to this Ordinance.

### IV. SITING APPROVAL APPLICATION

To obtain siting approval, the Applicant must first submit a siting approval application to the County. The siting approval application shall contain or be accompanied by the following information:

- A. A WECS Project Summary, including, to the extent available:
  - (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacture(s), type(s) of WECS, number of WECS, and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS rotor(s); the general location of the project; and
  - (2) a description of the Applicant, Owner and Operator, including their respective business structures;
- B. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if known;
- C. A site plan for the installation of the WECS's showing the planned location of each WECS Tower, guy lines and anchor base(s) (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, private access roads, field tile locations and layout of all structures within the geographic boundaries of any applicable setback;
- D. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance;
- E. Any other information normally required by the County Zoning Ordinance; and
- F. All reasonable and documented costs incurred by the County relating to the review of the Siting Approval Application shall be paid by the Applicant, Owner or Operator. Costs incurred under this provision shall include, but not be limited to, the cost of notification, experts, hearing officer(s) or facilitator(s), and/or attorneys that may be used at any stage of the project, including the application review, hearing process, consideration of the application by the County (including County Board or Zoning Board of Appeals), permitting, operations phase and/or decommissioning phase. In addition, costs of any appeal or litigation resulting from any project, application, action, permit, or work undertaken or performed by the county shall be paid by the Applicant, Owner or Operator, including, but not limited to, the cost of experts and attorney's fees. Costs will not be subject to reimbursement if such appeal or litigation is the result of an action, omission or negligence caused by Logan County or its representatives. Costs incurred by the County will be documented.

The Applicant shall notify the County of any changes to the information provided in the

subsections A through E above that occur while the siting approval application is pending.

**V. DESIGN AND INSTALLATION**

**A. Design Safety Certification**

1. WECS shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party.
2. Following the granting of siting approval under this Ordinance, a Professional Engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

**B. Controls and Brakes**

All WECS projects shall be equipped with Manual and Automatic Controls and mechanical brakes to limit rotation of blades to a speed below the designed limits of a WECS. A Professional Engineer or Authorized Factor Representative must certify that the rotor and overspeed control design and fabrication conform to good engineering practices. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's or Authorized Factory Representative's statement of certification.

**C. Electrical Components**

All electrical components of the WECS shall conform to all applicable local utility standards and national electric codes. All electrical wires and lines connecting each WECS to other WECS shall be installed underground.

**D. Color**

Towers and blades shall be painted white or gray or another non-reflective unobtrusive color.

**E. Lighting**

WECS Projects shall utilize minimal lighting. No tower lighting, other than normal security lighting, shall be permitted except as may be required by the FAA. Lighting for the towers shall be constructed only in accordance with the minimum requirements and standards allowed through the FAA or other regulatory authority in an effort to minimize the visual impact of the structures. The project shall utilize aircraft detection lighting systems as approved by the FAA, unless the FAA does not recommend or approve this technology for a proposed project.

**F. Compliance with FAA**

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

G. Warnings

1. A visible warning sign of "High Voltage" must be placed at the base of all WECS projects, pad mounted transformers, and Substations. The sign must have at a minimum six-inch letters. Signs shall also be placed at all points of site ingress and egress.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires along the guy wires up to a height of 15 feet from the ground.

H. Climb Prevention

All WECS project towers or poles must be 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; or
3. Anchor points for guy wires supporting tower shall be enclosed by a six foot high fence or shall be located within the confines of a yard that is completely fenced.

I. Setbacks

1. All WECS Towers shall be set back at least 1,000 feet from any Primary Structure. The distance for this setback shall be measured from the point of the Primary Structure's foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner of the primary structure may waive this setback requirement; but in no case shall a WECS Tower be located closer to a Primary Structure than 1.10 times the 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.
3. All WECS Towers shall be set back a distance of at least 1.10 times the WECS Tower Height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.
4. Any waiver of any setback requirement shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

J. Height

WECS Tower height must comply with all applicable FAA regulations and not exceed 750 feet in height.

K. Compliance with Additional Regulations

Nothing in this ordinance is intended to preempt other applicable State and Federal laws and regulations. It shall be the responsibility of the Applicant for the WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation of a WECS project prior to the Logan

County Board granting a Conditional Use Permit.

L. Use of Public Roads

Any proposed public roads that will be used for construction purposes shall be identified and approved by the respective Township Road Commissioner and the County Engineer prior to the granting of the Conditional Use Permit. Traffic for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads will require a permit from the respective highway authority.

Any road damage caused by the transport of the facility's equipment, the installation, maintenance, or removal, must be completely repaired to the satisfaction of the Township Road Commissioner and the County Engineer. The Township Road Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for overweight and/or oversized load permits. Further, financial assurance in an amount to be fixed by the Township Road Commissioner or the County Engineer to insure the township or the county that future repairs are completed to their satisfaction shall be provided. If required, said financial assurance shall be in place prior to granting the Conditional Use permit.

M. Migratory Birds

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

N. Noise Levels

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

O. Treatment of Existing Drainage Tile

It shall be the responsibility of the WECS Owner to notify the County Engineer if the construction of any part of the project encounters underground field drainage tiles. A plan sufficient to provide remediation shall be submitted, reviewed, and approved by the County.

All existing drainage tiles that will be crossed by private access roads shall be removed and replaced with a load resistant tile as specified by the County Engineer. This shall be done before the private access roads are used for construction purposes. The load resistant tile shall extend a minimum of 30 feet across any private access roads and shall be of the same diameter of the existing tile.

To ensure that all drainage tiles have been located, reasonable measures should be made to locate all existing tile in the vicinity of the private access roads by exploratory trench or other appropriate methods. All drainage tile that are encountered during construction shall be noted on the site plan.

**VI. INSTALLATION CERTIFICATION**

A Professional Engineer or Authorized Factory Representative shall certify that the construction and installation of the WECS project meets or exceeds the manufacturer's construction and installation standards.



## **VII. MAINTENANCE AND OPERATION**

### **A. Annual Inspection**

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

### **B. Interference**

1. If the Applicant determines that the WECS project causes severe interference with microwave transmissions, residential television interference or radio reception, the WECS owner must take commercially reasonable steps to correct the problem. Evidence that the Applicant has determined that no such interference will occur or that interference has been corrected must be presented at the public hearing before the Board of Appeals.
2. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan. To the extent that the above provider(s) demonstrate a likelihood of interference with it communications resulting from the WECS(s), the Applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above-mentioned, the Owner or Operator shall take reasonable steps to respond to the complaint.
3. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take reasonable steps to respond to the complaint.

### **C. Materials Handling, Storage and Disposal**

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

### **D. Coordination with Local Fire Department**

1. The Applicant shall submit to the local fire department a copy of the site plan.
2. Upon request by the local fire department, the Applicant 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.

## **VIII. LIABILITY INSURANCE**

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

#### **IX. DECOMMISSIONING PLAN**

The WECS project must contain a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. For the purposes of this section, "facility abandonment" shall mean the ceasing of operations for a period of not less than one (1) year. Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of the project life or facility abandonment. The decommissioning plan shall state how the facility will be decommissioned, a professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County which states:

1. The financial resources for decommissioning which shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the County.
2. If the Applicant chooses an escrow agreement:
  - a. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed; and
  - b. The County shall have access to the escrow account funds for the express purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of the project life or facility abandonment.
3. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
4. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed to enforce said lien.

Financial provisions shall not be so onerous as to make WECS projects unfeasible.

#### **X. REMEDIES**

- A. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this ordinance.
- B. Prior to implementation of the existing County procedures for the resolution of such default(s), the Zoning Officer shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).

- C. If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern.

APPENDIX F

SOLAR FARMS AND SOLAR GARDENS

I. SCOPE.

This article applies to solar energy farm and garden installations in unincorporated Logan County, Illinois, other than those areas surrounding municipal limits governed by municipal ordinance.

II. PURPOSE.

The purpose of this ordinance is to facilitate the construction, installation, operation and decommission of Solar Farms or Solar Gardens (Solar Energy Systems SES) in Logan County, Illinois in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. This ordinance will not impede personal or business solar collector development for the primary use of self-sustaining energy. This ordinance is not intended to replace safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not nullify any provisions of local, state or federal law.

III. DEFINITIONS.

**Active Solar Energy System:** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

**Application:** Request for the Solar Farm or Solar Garden Permit must be submitted on the application form maintained by the County.

**Aviation Protection:** For solar units located within five hundred (500') feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

**Building-integrated Solar Energy Systems:** An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**Construction Permit:** Formal approval of the application by the County Board.

**Decommissioning:** To return the property to its pre-installation state or better as approved in the decommissioning plan.

**Grid-intertie Solar Energy System:** A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

**Ground-Mount:** A solar energy system mounted on a rack or pole that rests or is attached to the ground.

Ground-mount systems can be either accessory or principal uses.

**Maximum height:** Solar panel arrays shall be no more than fifteen (15') feet in height, not including power lines.

**Off-grid Solar Energy System:** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

**Operating Permit:** After the project is substantially completed, according to approval by the County's designee, an operating permit to produce and sell solar generated power must be issued prior to operation.

**Passive Solar Energy System:** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

**Photovoltaic System:** An active solar energy system that converts solar energy directly into electricity.

**Renewable Energy Easement, Solar Energy Easement:** An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to sunlight passing over the burdened land.

**Renewable Energy System:** A solar energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

**Set-back:** Minimum distance from a property line, right-of-way of any public road or high water mark of any lake available for public use, stream banks and drainage ditches from which the Solar Farm or Solar Garden is located. The setback set forth herein shall be measured from the exterior of the fencing and gates, which are required around the perimeter of all Solar Farms & Gardens.

**Solar Access:** Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

**Solar Farm:** A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A Solar Farm is the principal land use for the parcel on which it is located. A farm is a project that produces more than 2MW.

**Solar Garden:** A commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A garden is a project that produces no more than 2MW.

**Solar Resource:** A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four (4) hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.

**Solar Collector:** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

**Solar Collector Surface:** Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

**Solar Daylighting:** A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

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

**Solar Energy System:** A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

**Solar Heat Exchanger:** A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

**Solar Hot Air System:** An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

**Solar Hot Water System:** A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

**Solar Mounting Devices:** Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

**Solar Storage Unit:** A component of a solar energy device that is used to store solar generated electricity or heat for later use.

IV. PERMITTING.

- A. No Solar Farm or Solar Garden subject to this Ordinance shall be erected, built, or constructed without a Solar Farm or Solar Garden Development Permit having been issued by the Logan County Zoning Office.
- B. The County Board shall not approve any permit until a public hearing is held and follows the process in Section 10.3.
- C. A Solar Farm or Solar Garden development in the un-incorporated areas of Logan County shall be required to obtain permits and provide fees as applicable to Logan County.
- D. The County Board may provide for a final site inspection before the facility is authorized to become operational.
- E. An emergency contact name and phone number must be posted at the point of access on all solar developments.
- F. The permit holder will allow the County, or its Authorized Agent (appointed by the County), access to the property within 30 days of an inspection request by the County. In the event of an emergency, the County, or its Authorized Agent, has the right to access the premises.
- G. The provisions of this Ordinance shall be administered and enforced by personnel of the Logan County Board or their authorized agents.
- H. Application(s) for Solar Farm or Solar Garden Development Permits shall be accompanied by:
  - 1. plans for the Solar Farm or Solar Garden in duplicate drawn to scale:
    - a. showing the actual dimensions and shape of the parcel or parcels of land upon which the Solar Farm or Solar Garden is to be erected, built or constructed
    - b. the size and locations of any road(s), lake(s), pond(s), or streams touching on said parcel or parcels of land,
    - c. the location and dimensions of the proposed Solar Farm or Solar Garden,
    - d. the fencing and gates required to be around the exterior perimeter of the same,
    - e. the storm water pollution and prevention plan,
    - f. the decommissioning plan,
  - 2. An Ecological Compliance Assessment Tool (EcoCAT) Sign off.
- I. Application shall comply with the standards established by this Ordinance.



- J. All copies of the plan must be submitted, signed and sealed by a professional engineer, licensed in the State of Illinois.
  - K. The County Board may require an independent engineer, chosen by the County Board, to review plans at the petitioner's expense. Findings by the independent engineering firm are to be submitted to the County Zoning Office.
  - L. The Logan County Zoning Office shall maintain a record of all Solar Farm or Solar Garden Development Permits and copies shall be furnished upon request to any interested person.
  - M. Any order, requirement, decision or determination of the Logan County Board and/or Authorized Agent adverse to the interest of an applicant for a Solar Farm or Solar Garden Development Permit shall be provided to the applicant in writing by certified mail, return receipt requested.
  - N. The failure to obtain any required Solar Farm or Solar Garden Development Permit shall be a Violation of this Ordinance. Further, Solar Farm or Solar Garden Development Permits shall be issued on the basis of applications approved by the Logan County Board and shall authorize only the use, arrangement, and construction applied for and approved. Any use, arrangement or construction not in compliance with that authorized shall be a violation of this Ordinance.
- V. COMPLIANCE.
- A. Approved Solar Components: Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.
  - B. Compliance with Building Code: All active solar energy systems shall meet approval of county building code officials, consistent with the International Building Code; and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Any county building codes in existence at the time of application will apply and take precedence where applicable.
  - C. Compliance with State Electric Code: All photovoltaic systems shall comply with the National Electric Code.
  - D. Compliance with State Plumbing Code: Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.
  - E. Compliance with State Energy Code: All photovoltaic systems and Solar thermal systems shall comply with the Illinois State Energy Code.

- F. Compliance with State Drainage Laws: All Solar Energy Systems shall comply with applicable State Drainage Laws.
- G. Utility Notification: All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- H. Endangered Species and Wetlands: Solar energy systems developer(s) shall be required to initiate a natural resource review consultation with the IDNR (Illinois Department of Natural Resources) through the department's online, EcoCAT (Ecological Compliance Assessment Tool) program. Area reviewed through this process will be reviewed for endangered species and wetlands. The cost of the EcoCAT consultation will be borne by the developer(s).
- I. Storm water and NPDES (National Pollutant Discharge Elimination System): Solar energy systems are subject to the State of Illinois Storm Water Management regulations, erosion and sediment control provisions if adopted and NPDES permit requirements.

VI. SPECIAL USE PERMITS.

Solar Farms & Gardens: Logan County permits the development of unincorporated county Solar Farms & Gardens, subject to the following standards and requirements:

- 1. Ground-Mount community solar energy systems, when a part of an existing or a proposed subdivision, shall be considered an accessory use for the subdivision and shall be no more than 5 acres in size. Stand-alone ground-mount gardens, not a part of a subdivision, may be larger than 5 acres in size but shall produce no more than 2MW.
- 2. Interconnection. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
- 3. Dimensional Standards – Solar gardens (when a part of a subdivision).
  - a. All Solar Garden related structures in either existing or newly platted subdivisions must comply with setback, height, and coverage limitations for the subdivision in which the system is located. The setback from property lines will be ten (10) feet minimum unless otherwise specified in the district in which the system is located.
- 4. Setbacks – Solar Farms & Gardens.
  - a. Projects including multiple, adjoining properties as part of the project plan, need not adhere to setbacks at point of connection between the adjoining properties.
  - b. Solar panels will be kept at least five hundred (500') feet from a residence. Owners of a residence within the 500' perimeter may sign a waiver stating they have agreed to

allow the land owner and developer place solar panels closer than the County's set perimeter. This waiver must specifically state terms of the agreement and the County must receive a certified copy from the residence owner. This setback shall not apply to solar Gardens that are a part of a subdivision.

- c. Every Solar energy system shall be setback at least thirty (30') feet from all property lines of the parcel land upon which the Solar energy systems is located or to be located.
  - d. Every Solar energy system shall be setback at least sixty (60') feet from the right-of-way of any public road.
  - e. Every Solar energy system shall be setback at least one hundred (100') feet from the high water mark of any lake available for public use.
  - f. All setbacks set forth herein shall be measured from the exterior of the fencing and gates which are required around the perimeter of all Solar energy systems.
5. Aviation Protection. For Solar energy systems located within five hundred (500') feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
  6. Glare: All solar energy systems shall minimize glare from affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
  7. Other Standards. Ground-mount systems must comply with all required standards for structures in which the system is located. All Solar energy systems shall also be in compliance with all applicable local, state and federal regulatory codes, including the International Building Code, as amended; the National Electric Code, as amended, and the National Fire Protection (NFPA), as amended. Health Department requirements for wells and septic systems must be met.
  8. Ground Cover and Buffer Areas. Ground-mount systems shall be maintained. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil, subject to the Illinois Noxious Weed Law (505 ILCS 100). Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. Foundations, gravel or compacted soils are considered impervious. A managed vegetative buffer shall be present and maintained at all times around the perimeter of the exterior

of the fencing and gate(s) which are required around the perimeter of all Solar energy systems and the setback area.

9. Foundations. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
10. Power and Communication Lines. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground according to the National Electric Code. Exemptions may be granted by Logan County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the County Board or designated representative.
11. Site Plan Required. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by Logan County. A drainage report shall be submitted along with the site plan.
12. Safety Fencing.
  - a. All Solar energy systems shall be fenced around the exterior of the Solar energy system with a fence at least six (6') feet in height.
  - b. All fencing shall be constructed so as to substantially lessen the likelihood of entry into a Solar energy system by unauthorized individuals.
  - c. The fencing shall be maintained in serviceable condition. Failure to maintain the fencing required hereunder shall constitute a violation of this ordinance.
  - d. The fencing requirements specified hereunder shall continue notwithstanding the fact that a Solar energy system is no longer operational and/or falls into disuse unless and until the solar energy system is properly decommissioned.
13. Gates and Locks.
  - a. All gates to the fences of all Solar energy systems shall be at least six (6') feet in height.
  - b. All gates to the fences of all Solar energy systems shall be equipped with locks and shall be remained locked at all times except for those times when the owner and/or operator, or their respective agents is/are using the gate for ingress and/or egress or is/are otherwise present and monitoring the Solar energy systems.

- c. All gates to the fences of all Solar energy systems shall be constructed so as to substantially lessen the likelihood of entry into a Solar energy system by unauthorized individuals.
  - d. The gates required hereunder shall be maintained in serviceable condition. Failure to maintain the gates required hereunder shall constitute a violation of this ordinance.
  - e. The gate and lock requirements specified hereunder shall continue notwithstanding the fact that a Solar energy system is no longer operational and/or falls into disuse unless and until such Solar energy system is properly decommissioned.
14. During construction of the solar project care shall be taken to avoid damage to drainage field tile by installation of foundations, power cables, and other underground work. Any tile damaged shall be repaired at the expense of the solar company.
15. Special Use approval granted by the County Board shall expire in five (5) years from the date of approval.

VII. DECOMMISSIONING.

- A. Decommissioning applies to both Solar Farms and Solar Gardens.
- B. The Solar Farm or Solar Garden developer or property owner shall include a decommissioning plan with:
  1. the anticipated life expectancy of the solar farm,
  2. the anticipated cost of decommissioning in current dollars,
  3. as well as the funding method(s), for the decommission and restoration of the project site to its original, natural condition prior to the solar farm development.
    - a. Funds will be held in a Solar Farm or Solar Garden Decommissioning Escrow Account or in the form of a surety bond at the Logan County Board Office.
  4. The cost estimate of decommissioning will be reviewed every five (5) years, by the County's chosen Independent Engineer, and revised if necessary, at the Developers expense. The review and revised plan shall be sent to the Logan County Zoning Office for Board review.
- C. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Illinois Environmental Protection Agency. Logan County will require the establishment of an escrow account or surety bond to ensure proper decommissioning of

solar farm(s). This escrow account or surety bond will be held by the County Treasurer as authorized by the County Board.

1. At the completion of the projects' lifespan, the solar farm operator shall notify the County Zoning Office and then has twelve (12) months from that date to decommission the site.
- D. The County Zoning Office shall be advised in writing within ninety (90) days by the solar farm operator or property owners (whichever entity/party holds the development and building permits) in the event the project is sold or otherwise transferred to another entity/party and/or the current operator/owner abandons the project.
1. If the site is damaged, the solar farm operator shall have six (6) months to bring the project back to its operational capacity. If for any reason the solar farm is not operational after six (6) months, the operator shall have twelve (12) months to complete decommissioning of the solar farm.
  2. In the event of abandonment, decommissioning of solar panels will occur after non-use for twelve (12) consecutive months.
  3. In the event of bankruptcy or similar financial default of the solar farm, the property owner of the project site shall bear the decommissioning costs in excess of escrow funds or surety bond.

VII. LEGAL PROVISION.

- A. Abrogation: This section does not apply to any current municipal zoning requirements. It is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.
- B. Penalties for Violations: After the effective date of this ordinance, any persons who, being the owner or agent of the owner of any land, or project developer, located within the territorial jurisdiction of this ordinance, thereafter proceeds with development of a solar farm or solar garden prior to being approved under the terms of this ordinance shall be fined. Further, violators of this ordinance shall be subject to fine of \$1,000 for the first violation and \$500 for each additional month the violation is not corrected. The County Zoning office will be notified of any violations and the County Chair will enforce penalties.
- C. After the effective date of this ordinance, no proposed Solar Farm or Solar Garden, as defined in this ordinance and within Logan County's jurisdiction, shall proceed with construction until it has been submitted to and approved by the Logan County Board and/or Designee in accordance with the provisions of this Ordinance.