

ZONING ORDINANCE -77-1  
OF  
MOULTRIE COUNTY, ILLINOIS

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*Evelyn H. Kinnell*  
COUNTY CLERK

COUNTY BOARD  
SUPPLEMENTARY

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ZONING ORDINANCE

OF

MOULTRIE COUNTY, ILLINOIS

An ordinance regulating and restricting the location and use of buildings, structures, and land for trade, industry, recreation, residence, preservation of agricultural land, and other uses; regulating and restricting the intensity of such uses; establishing building or setback lines outside the limits of zoned cities, zoned villages and zoned incorporated towns; dividing the entire county outside the limits of such cities, villages and incorporated towns into districts according to the use of the land and buildings and the intensity of such use; prohibiting uses, buildings or structures incompatible with the character of such districts respectively; preventing additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions imposed in said districts respectively; specifying minimum plot sizes, side yards and maximum building heights; specifying off-street parking areas; requiring permits for buildings, structures and uses thereof, for land uses and for water supply and sewage disposal facilities; providing for the appointment of and the vesting in the County Zoning Enforcing Officer the power to make orders, requirements, decisions and determinations with respect to applications for permits; providing for appeals, defining certain terms used in said ordinance and imposing penalties for its violation.

For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the county and lessening or avoiding congestion in the public streets and highways. and pursuant to "An Act in Relation to County Zoning" passed by the General Assembly of the State of Illinois and approved June 28, 1935, and as amended. \*

It is hereby ordained by the County Board of the County of Moultrie, Illinois:

ARTICLE I - SHORT TITLE

Section 1.1

This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of Moultrie County."

ARTICLE 2 - DEFINITIONS

Section 2.1

For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; the word "premises" shall include the word "land"; and the word "shall" is mandatory and not directory.

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1. Accessory Building: A subordinate building, or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises.
2. Auto Wrecking Yard: Any place where three or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such automobiles or the parts thereof.
3. Accessory Use: A use customarily incidental and accessory to the permitted use of the lot. \*
4. Bonafide Agricultural Use: growing of crops in the open and the raising and feeding of stock and poultry, including farming, truckgardening, flower gardening, apiaries, avairies, mushroom growing, nurseries, orchards, forestry, fur farms, including the necessary structures and farm dwellings for those owning or operating the premises or the immediate families thereof, or those directly employed thereon, and further including a roadside stand for the sale of products produced on the premises, and signs and billboards pertaining to the sale or use of the premises or products produced thereon.
5. Boarding or Lodging House: A building other than a hotel where meals and/or sleeping accomodations are provided for compensation for three, but not more than twenty persons.
6. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property. When a structure is divided into separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.
7. Building Height of: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable hip, and gambrel roofs.
8. Constructed: Set up, erected, built, raised or moved into place.
9. Dwelling: Any building, or portion thereof which is designed or used exclusively for residential purposes.
10. Dwelling Single-Family: A building designed for or occupied by one family.
11. Dwelling Two Family: A building designed for or occupied exclusively by two families.
12. Dwelling, Multiple: A building or portion thereof designed for or occupied by more than two families.
13. Family: A group of one or more persons occupying a premises and living as a single house-keeping unit, whether or not related to each other by birth, adoption or marriage, but no unrelated group shall consist of more than five persons as distinguished from a group occupying a boarding or lodging house or hotel.

14. Farm Dwelling: A residence, including the land upon which the same is situated that shall be used for agriculture and shall not be composed of subdivision lots or less than 20 acres in area and the raising or keeping of livestock and/or the growing of crops in the open shall be the principal occupation of the residents or users thereof.
15. Filling Stations: Any building or premises used for the dispensing, sale, or offering for sale at retail, of any motor vehicle, fuel or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
16. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.
17. Garage, Private: An accessory building housing not more than four motor driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.
18. Garage, Public: Any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling, or storing motor driven vehicles.
19. Garage, Storage: Any building or premises used for housing only, of motor driven vehicles including boats and recreational vehicles, pursuant to previous arrangements and not to transients, and at which motor vehicle fuels and oils are not sold, and motor driven vehicles are not equipped, repaired, hired or sold. \*
20. Garbage: Any odorous, putrescible or combustible waste materials.
21. Garbage Disposal: Collected or community garbage disposal by covered burial or incineration within a fully enclosed building.
22. Garbage Farming: The feeding or storage of community or collected garbage and similar food wastes.
23. Group or Row House: A group or row of not more than eight semi-detached single-family dwellings not more than two rooms deep with access to a street as herein defined.
24. Home Occupation: Any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which no person is employed other than a member of the immediate family residing on the premises; there is used no sign other than as specified in the district concerned, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of the dwelling; there is no commodity sold upon the premises except that which is produced on the premises; and provided that no material or equipment is used which may constitute a hazard, create a nuisance, or interfere with the reception of broadcast signals; that it shall not generate undue traffic or parking congestion; that all material, equipment, (except farm machinery), merchandise or work-in-process is wholly enclosed within the dwelling structure or an accessory building; that that the total area devoted to such use shall not exceed 25% of the area of one floor of the principal building. \*

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

26. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public or private use.

27. Kennel: Any place where house pets are kept for purposes other than those customary and incidental to a household.

28. Lodging House: A building where lodging only is provided for compensation to three or more, but no more than twenty persons.

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

30. Lot, Corner: A lot abutting upon two or more streets at their intersection.

31. Lot, Double Frontage: A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

32. Lot of Record: A lot which is a part of a sub-division, the map of which has been recorded in the office of the Recorder of Deeds of Moultrie County, Illinois; or a parcel of land, the deed to which was recorded in the office of the Recorder of Deeds prior to the adoption of this ordinance.

33. Motor Freight Terminal: A building in which freight brought by motor truck is assembled and sorted for routing in intra-state or interstate shipment.

34. Non-Conforming Use: Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendments thereto which does not conform after the passage of this ordinance or amendments thereto with the use regulations of the district in which it is situated. Registration of a non-conforming use with the zoning enforcing officer is required\*.

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

36. Parking Space: An all-weather surfaced area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one standard automobile, and if the space is enclosed comprising an area of not less than 140 square feet, if unenclosed, 20 feet by 10 feet, with an all-weather surface permitting satisfactory ingress and egress of an automobile.

37. Street: All property dedicated or intended for public or private street, highway, freeway, or roadway purposes or subject to public easements therefor.

38. Street Line: A dividing line between a lot, tract or parcel of land and contiguous public street right-of-way.

39. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having permanent location on the ground.

40. Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders (including non-supporting partitions), change in the roof or in the exterior walls.\*

41. Tourist Court or Motel: An area or structure containing one or more buildings, designed to provide sleeping, or sleeping and dining, accommodations for automobile transients, in which not more than one unit may be permanently occupied, and that restricted to the family of the owner or operator of the establishment, the remainder of the units being limited to transient occupancy not to exceed thirty days in any calendar year for any one person or family group.\*

42. Trailer Coach or Mobile Home: Any enclosure or vehicle used for living, sleeping, business or storage purposes having no foundation other than wheels, blocks, skids, jacks, horses, or skirting and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting it from place to place whether by motive power or other means. For the purpose of this ordinance, such vehicle, house car, camp car, or portable or mobile vehicle shall be classified as a trailer whether or not it has been placed on a permanent foundation with its hitch and rolling equipment removed and whether or not any addition thereto has been built on the ground. The terms "trailer coach" or "mobile home" shall include camp car and house car.\*

43. Travel Trailer or Camper Vehicles: Any enclosure or vehicle used for living or camping which is permanently mounted on wheels or on the bed of a truck or is self-propelled and which is designed for short-term purposes.\*

44. Trailer Court, Mobile Home or Trailer Park: A plot of ground upon which one or more occupied trailer coaches is located.

45. Use: The activity performed on a parcel of land within a given district.\*

46. Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the distance specified as a minimum in the district concerned shall be measured perpendicular to the respective lot line at any point, thus determining a yard line parallel to the lot line.

47. Yard Front: A yard extending across the front of a lot between the side lot lines, having a depth measured from the front lot line.

48. Yard, Rear: A yard across the rear of a lot between the side lot lines, having a depth measured from the rear lot line where such lot line exists.

49. Yard, Side: A yard or yards extending along the side lot lines, measured between the front yard line and rear yard line, or



between the front yard line and the intersection of side lot lines, where the rear lot line exists, and having a width measured from the side lot line.

50. Planning Commission: refers to the Planning Commission of Moultrie County.

### ARTICLE 3 - GENERAL PROVISIONS

#### Section 3.1 - Scope of Regulations

Except as provided by this ordinance and except after obtaining written permission from the Enforcing Officer, it shall be unlawful outside the limits of the zoned cities, zoned villages, and zoned unincorporated towns in Moultrie County:\*

1. To establish any use of a building, structure or land, either by itself or in addition to another use.
2. To expand, change or re-establish any non-conforming use.
3. To erect a new building or structure or part thereof.
4. To rebuild, structurally alter, add to, or relocate any building or structure of part thereof.
5. To reduce the open space or plot area required for a building or structure, or to include any part of such open space or plot area as that required for any adjoining building or structure.
6. To provide or connect onto water supply or sewage disposal facilities.

#### Section 3.2 - Accessory Uses

Unless otherwise prohibited or restricted, a permitted use also allows uses, buildings and structures incidental thereto if located on the same site or building plot. However, such accessory uses, buildings, and structures shall not be established or erected prior to the establishment or construction of the principal use or building and shall be compatible with the character of the principal use.

#### Section 3.3 - Temporary Uses

Permitted anywhere is a temporary yard for a contractor's plant required for highway construction, if not nearer than 800 feet to any residence other than that of the owner or lessor of the site.

#### Section 3.4 - Exemptions

The powers effectuated by this ordinance shall not be exercised so as to: (1) deprive the owner of any existing property of its use or maintenance for the purpose to which it is lawfully devoted at the time of enactment of this ordinance or subsequent amendments thereto: (2) impose regulations or require permits with respect to land used or to be used for agricultural purposes as defined in Section 5.2 herein, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for such agricultural purposes upon such land, except that such building or structure for agricultural purposes shall be

required to conform to building or setback lines; nor (3) specify or regulate the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in "An Act Concerning Public Utilities" enacted by the General Assembly of the State of Illinois.

#### Section 3.5 - Other Restrictions

This ordinance shall not nullify the more restrictive provisions of covenants, agreements, resolutions, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

#### Section 3.6 - General Exceptions

The exceptions, variations and regulations of Articles 18, 19, and 20 shall be applicable in all districts, and special reference in the various articles of this ordinance to these particular articles is not required. \*

### ARTICLE 4 - DISTRICTS

#### Section 4.1

For the purpose of this ordinance all land lying outside the incorporated areas in Moultrie County is hereby organized into the following districts:

- AG-1 Agricultural District
- AG-2 Agricultural District
- R-1 Country Home District
- R-2 Single Family Dwelling District
- R-2A Outlying Single-family Dwelling District
- R-3 Two Family Dwelling District
- R-4 Multiple Dwelling District
- R-5 Mobile Home District
- C-1 Local Commercial District
- C-2 General Commercial District
- C-3 Resort Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

All boundaries of said districts are hereby established as shown upon the Zoning Maps of Moultrie County, Illinois, which maps accompany and are hereby made a part of this ordinance. The Zoning Maps of Moultrie County, Illinois, and all notations, references and other matters shown thereon shall be as much a part of this ordinance as if they were fully described herein. The said Zoning Maps shall be on file and available for public reference in the office of the Enforcing Officer, complete with amendments which are adopted, as provided herein. Any land whose classification is not shown thereon, and land hereafter disconnected from a city, village or incorporated town shall be classified as in the Ag-1 Agricultural District until otherwise classified by amendment within 90 days of such disconnection and after public hearing and recommendation by the Board of Appeals as hereinafter provided in Article 26. No building or structure shall be erected or altered, or shall any building or premises be used for any purpose other than a use permitted in the district in which such building or premises is located. No lot which is now or may hereafter be built upon as herein required may be so reduced in area so that the yards and open spaces will be smaller than prescribed by the ordinance, and no yard, court, or

open space provided about any building for the purpose of complying with the provisions hereof, shall again be used as a yard, court, or other open space for any other building.

#### Section 4.2

If uncertainty arises with respect to the boundaries of the various districts as shown on the Zoning Maps, the Enforcing Officer shall determine the boundaries in accordance with the following rules:

1. Boundaries indicated as approximately following the center-lines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

#### ARTICLE 5

#### AG-1 AGRICULTURAL DISTRICT REGULATIONS

##### Section 5.1 - Statement of Intent

The intent of this ordinance in establishing an agricultural district is to promote and protect the public health, safety and general welfare by separating incompatible non-agricultural uses from potentially incompatible agricultural uses, to allow maximum freedom of operation for bona fide agricultural purposes, and to protect such use from encroachment by other special uses which are subject to the regulations and requirements specified in Section 5.4.\*

##### Section 5.2 - Definition

1. Whenever a farm dwelling is to be constructed as an agricultural use on a tract or plot comprising less than twenty acres, or property comprising less than twenty acres and containing a farm dwelling, is to be transferred for agricultural uses, a signed statement shall be secured by the Enforcing Officer upon a form prescribed by the Enforcing Officer attesting the authenticity of the agricultural use. It shall be determined agricultural if:  
(1) a majority of the total cash income of the applicant is or shall be derived from pursuit of the occupations enumerated herein, on the premises involved, or (2) the applicant is a member of the immediate family of a bona fide farmer owning land contiguous to or on the opposite frontage to the premises involved, or (3) the applicant is recognized as engaged in bona fide agricultural pursuits by the Township Board of the township concerned. Such signed statement shall be filed in the records of the Enforcing Officer. The placing of burden of proof upon the applicant for farm dwelling structures upon small tracts for agricultural uses is intended to protect bona fide agricultural uses from encroachment by incompatible uses in violation of the regulations and requirements of permit prescribed in the ordinance.\*

Section 5.3 - Use Regulations

Other than bona fide agricultural uses within any AG-1 Agricultural District, no building, structure, or premises shall be used or arranged or designed to be used except for one or more of the following uses, which shall be subject to all regulations and requirements for permit of this ordinance.

1. Churches
2. Colleges
3. Community Buildings (Grange Halls, etc.)
4. Dwellings, single family or two family; provided that:
  - (a) Each dwelling structure shall conform with the ground floor area minimum set forth in Section 5.7, exclusive of open porches, terraces, garages or carports, and
  - (b) Each dwelling structure shall have a minimum height of eight feet over a majority of the area of the ground floor, and/or
  - (c) Each dwelling structure shall be located on a lot or tract in such manner as to comply with the yard regulations of this district, and such lot or tract shall have a minimum area of one (1) acre and a minimum width at the setback or front yard line, whichever is applicable, of 150 feet, with the following exceptions which shall be deemed to conform with the regulations of this district:
    - (1) Any dwelling existing at the time of passage of this ordinance.
    - (2) Any dwellings existing or constructed as farm dwellings which have been or may be transferred as dwellings (non-farm).
    - (3) Lots or tracts of record at the time of passage of this ordinance, which are less than one (1) acre in area or less than 150 feet in width, may be used for the erection of a single family dwelling or two-family dwelling, provided that two or more contiguous lots in common ownership of record at the time of passage of this ordinance shall be combined in one parcel to approach the required area insofar as possible, that the intent of the yard regulations of this district be reasonably observed, and that the area of parcel so obtained is not reduced in transfer.
5. Golf Courses and golf driving ranges.
6. Grain Storage, commercial, if not nearer than 300 feet to any residence other than that of the owner or lessor of the site.
7. Greenhouses.
8. Home Occupations, provided that not more than one sign with a maximum of ten square feet may be displayed setting forth such occupation and that a gravel, crushed rock, or other improved access road shall be provided off the public right-of-way.

9. Hospitals and institutions of an educational, charitable, or philanthropic nature, provided that such buildings shall not be located upon sites containing an area of less than five acres, may not occupy over thirty percent of the total area of the lot, that the building shall be set back from all yard lines a distance of not less than two feet for each foot of building height.

10. Hunting and fishing, fish and game preserves, and boat liveries.

11. Lakes. \*

12. Land filling.\*

13. Libraries, museums.

14. Monasteries, nunneries, religious retreats, homes for the aged, orphanages.

15. Picnic Grounds, provided that the minimum area of such tract shall be 10,000 square feet, and that one sign with an area of not more than 20 square feet may be displayed thereon, that a gravel, crushed stone, or other improved access road shall be provided.

16. Public Parks and forest preserves.

17. Public Utility Substations, booster stations, radio and television relay towers, repeater stations, etc., but not including power generation or gas manufacturing plants.

18. Radio and television stations.

19. Railroad trackage, but not roundhouses and repair shops.

20. Riding Academy, or commercial stables for retail rental and/or boarding of horses.

21. Schools.

22. Signs (unilluminated or unlighted) as follows:

(a) No sign permits will be granted in violation of municipal, county or state law. \*

(b) Nameplates not exceeding 144 square inches in area on either side for each dwelling unit.

(c) Bulletin boards for churches, and identification signs for schools or other permitted uses, not exceeding 24 square feet in area when located on the premises of such use.

(d) Signs offering for sale land, lots, houses, live stock, not exceeding 50 square feet in area.

(e) Signs permitted by law within highway right-of-way.

(f) Signs shall conform to the yard requirements of the District in which placed.

(g) Illumination of any sign shall be permitted only as a Special Use, after a public hearing and approval by the Moultrie County Board.

23. Town Halls.

24. Water Works

Section 5.4 - Special Uses

1. To provide for the location of special classes of uses which are deemed desirable for the public welfare within this district but which are potentially incompatible with uses herein permitted in it, a classification of "special uses" is hereby established.

2. The County Board may allow a special use, at its discretion, after a public hearing by the Board of Appeals and subject to such protective restrictions that it deems necessary, authorize the location, extension or structural alterations of any of the following buildings or uses. \*

3. Before issuance of a permit for any of the following building or uses, the County Board shall refer the proposed application to the Board of Appeals, which Board shall be given 60 days in which to make an advisory report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the public health, public safety, or general welfare. No action shall be taken upon any application for a proposed building or use above referred to until or unless the report of the Board of Appeals has been filed, approved, however, that if no report is received from the Board within 60 days, it shall be assumed that approval of the application has been given by the Board. \*

4. Special Uses are granted at the discretion of the Board with the understanding that agricultural operations may interfere with non-agricultural enjoyment of the property. \*

5. The following special uses may be permitted subject to the above provisions.

- (1) Airports, public and private, subject to the requirements of the Illinois Aeronautical Department.
- (2) Circuses, provided that they shall not operate more than 15 consecutive days, nor sell beer or alcoholic beverages, and that they shall be located not closer than 1,000 feet to any dwelling except that of the owner or lessor of the site.
- (3) Cemeteries, mausoleums, crematories, or columbariums, in cemeteries of not less than 50 acres.
- (4) Children's fairgrounds, including pony riding, miniature railroads.
- (5) Drive-In theatres. \*
- (6) Extraction of clay, coal, dirt, gravel, peat, sand, stone, topsoil, oil, and other natural resources.
- (7) Fairgrounds, race tracks, and county farms.

- (8) Feeding or other disposal of community-collected garbage.
- (9) Feeding yards for animals in farm to market transit or stock raising yards (confinement feeding of livestock not in conjunction with a farming operation).
- (10) Fishing in artificial or existing lakes or ponds, including sale of food and soft drinks, non-illuminated for night use.
- (11) Junk Yards or auto wrecking yards.
- (12) Livestock auction barns and yards. \*
- (13) Restaurant facilities in livestock auction barns and yards. \*
- (14) Motels and tourist courts provided that gravel or other improved surface access roads shall be constructed to parking areas and that parking areas off the public right-of-way shall be furnished at the rate of one parking place for each dwelling unit.
- (15) Open air illumination for outdoor games such as baseball, football, or other uses where glare and noise might unreasonably affect surrounding property or highway traffic.
- (16) Private clubs and lodges.
- (17) Private pistol or rifle ranges.
- (18) Removal of ledge rock with required approval for blasting, quarrying, and crushing of stone.
- (19) Rooming and boarding or tourish houses providing lodging and/or meals for more than six persons.
- (20) Sanitariums.
- (21) Sanitary land fill and dumps.
- (22) Saw Mills.
- (23) Seed processing plants.
- (24) Sewage treatment plants.
- (25) Skeet or trap shooting if not closer than 1320 feet to any residence or farm group.
- (26) Temporary asphalt plants.
- (27) Trailer coaches or mobile homes, provided each unit contains a gross floor area of 400 square feet or more, and further provided that all other area regulations for dwellings in this district be observed, in addition to sewage disposal and water supply regulations for residential use.

(28) Veterinarian office, animal hospitals, animal boarding and kennels.

Section 5.5 - Yard Regulations

No structure will be erected within 50 feet of the right-of-way line of any public street, nor within 15 feet, or one foot for each foot of building height, whichever is the greater, of any lot line.

Section 5.6 - Parking Regulations

Not less than two parking spaces shall be provided per dwelling unit on the lot or in a structure.

Section 5.7 - Ground Floor Area

One-story dwellings shall have a total ground floor area of not less than 725 square feet measured from the exterior faces of exterior walls, including utility rooms, but excluding open porches, garages and terraces. Dwellings having more than one story shall have not less than 680 square feet of ground floor area measured as prescribed for one-story dwellings.\*

Section 5.8 - Advertising Devices

Posters, painted bulletins and advertising signs, hereafter called advertising devices, may be established in Ag-1 Agricultural District and permits granted after a public hearing and approval by the Moultrie County Board subject to the following general requirements and such other requirements as the County Board believes proper for the individual circumstances. No permits will be granted in violation of Municipal, County, or State law. \*

1. They shall not be placed closer than 300 feet from the right-of-way line of the nearest highway.
2. They shall not be placed closer than 500 feet to the property line of any church, school, hospital, or similar public or semi-public property, existing at the time device is placed.
3. They shall not be placed closer than 500 feet to the nearest dwelling existing at time device is placed.
4. The advertising copy shall be placed on one device only, and not continued to two or more.
5. They shall be placed in a manner to respect the public interest in respect to natural scenery and with discretion and good taste with respect to frequency and concentration.
6. All devices must be placed on property properly leased, or owned by the company placing its device.
7. No advertising device shall be painted or posted directly upon the surface of any building or structure.
8. Permits for any device placed as a Special Use shall be for a period not to exceed 3 years for wooden structures, and 5 years for steel structures. All devices shall be properly maintained by painting and structural repair.



9. Before a special permit is issued the applicant shall submit a copy of the contract showing right to maintain device on the property for a length of time not to exceed that approved by the County Board. This contract shall be filed in the office of the Enforcing Officer together with the permit signed by the applicant setting forth special conditions relative to the Special Use required by the County Board.

10. Exceptions: Signs designating time of meeting, location, or notice of meetings, pertaining to the Chamber of Commerce, Kiwanis Rotary, clubs, churches, or other similar organizations and groups may be placed as separate signs in the Ag-1 Agricultural District under requirement specified above, or these signs may be incorporated into one sign and placed in the Ag-1 Agricultural District at a distance of not less than 50 feet from the right-of-way line of the highway with approval of the County Board, without a public hearing.

#### Section 5.9 - Height Regulations

No dwelling shall exceed 30 feet in height unless each side yard is increased over the required minimum by 5 feet for each 5 feet or fraction thereof of additional height over 30 feet. In no case shall the building height exceed 50 feet.

### ARTICLE 6

#### AG-2 - AGRICULTURAL DISTRICT REGULATIONS

##### Section 6.1 - Statement of Intent

In order to protect the area around the proposed Shelbyville Lake from encroachment and intermixing of land uses which can be detrimental to the public health, welfare, and conservation of property values, an AG-2 Agricultural District is established.

The regulations set forth in this Article or set forth elsewhere in this ordinance, when referred to in this Article, are the district regulations in the AG-2 Agricultural District.

##### Section 6.2 - Use Regulations

Within any AG-2 Agricultural District, except for bona fide agricultural uses as defined in Section 2.1, no building, structure, or premises shall be used or arranged, or designed to be used except for one or more of the following uses which shall be subject to all regulations and requirements for permit of this ordinance.

1. Lakes. \*
2. Picnic grounds, marinas and beaches. \*
3. Parks and forest preserves. \*
4. Public utility substations, booster stations, radio and television relay towers, repeater stations, etc., but not including power generation or gas manufacturing plants.
5. Conservation areas.

##### Section 6.3 - Yard Regulations

No structure shall be erected within 50 feet of the right-of-way of any public street, nor within 15 feet, or one foot for each foot of building height, whichever is the greater, or any property line. \*

## R-1 - COUNTRY HOME DISTRICT REGULATIONS

Section 7.1

The regulations set forth in this Article or set forth elsewhere in this ordinance, when referred to in this Article are the district regulations in the Country Home District.

Section 7.2 - Use Regulations

Within any Country Home District, no building, structure, or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

1. Agriculture, but not including the disposal or feeding of garbage, and provided that no poultry or livestock shall be housed or confined within 100 feet of any dwelling except that of the owner or lessor of the tract.
2. Churches.
3. Dwellings, single family.
4. Fire Stations.
5. Golf Courses.
6. Home Occupations, provided that no more than one nameplate, attached to the dwelling structure and unlighted, with a maximum area of four square feet may be displayed setting forth such occupation.
7. Lakes (artificial).
8. Land filling with non-odorous and non-combustible materials.
9. Police Stations.
10. Radio and television relay stations, booster stations, repeater stations, and public utility substations, etc., but not including power generation or gas manufacturing plants.
11. Schools, except business or commercial schools.
12. Signs, one per tract, but not more than 20 square feet in area, pertaining only to the lease or sale of a building or premises.
13. Waterworks.

Section 7.3

In addition to the uses listed above, the buildings and premises may be used for the following purposes provided that they are secondary to the primary use only and not carried on as business:

1. Greenhouses.
2. Guest Houses.
3. Hobby or play structures.
4. Kennels, if not within 100 feet of any dwelling other than that of the owner or lessor of the site.

5. Servant Quarters.

6. Stables, if not within 50 feet of any property line.

Section 7.4 - Height Regulations

Dwellings, guest houses, or servant quarters, fire and police stations, greenhouses and stables shall not exceed 35 feet in height, nor be less than 8 feet above grade over a majority of the area of the ground floor.

Section 7.5 - Area Regulations

1. Yard Requirements: No building shall be constructed within 50 feet of a street right-of-way line or within 15 feet or one foot for each foot of building height, whichever is the greater, of any lot line.

2. Ground Area: The maximum ground area that may be occupied by structures shall be 30 percent of the total lot area.

3. Intensity of Use: Every tract of land or lot upon which a single family dwelling is to be constructed shall have an area of not less than one and one-half acres and a width at the setback or front yard line of not less than 100 feet, except that a smaller lot officially of record at the time of passage of this ordinance may be occupied by a single family dwelling, provided that two or more contiguous lots in common ownership of record at the time of passage of this ordinance shall be combined in one parcel to approach the required area insofar as possible, that the intent of the yard regulations of this district be reasonably observed, and that the area of parcel so obtained is not reduced in transfer.

4. Ground Floor Area Per Dwelling: As permitted in the AG-1 Agricultural District.

ARTICLE 8

R-2 - SINGLE FAMILY DWELLING DISTRICT  
R-2A REGULATIONS

Section 8.1

The regulations set forth in this Article or set forth elsewhere in this ordinance, when referred to in this Article are the district regulations in the Single Family Dwelling Districts.

Section 8.2 - Use Regulations

Within any Single Family Dwelling District no building, structure or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

1. Accessory building, including a private garage, and uses customarily incidental to the principal use, not involving the conduct of a business.

2. Agriculture, but not including the disposal or feeding of garbage, and provided that no poultry or livestock shall be housed or confined within 100 feet of any dwelling except that of the owner or lessor of the tract.

3. Church or public building bulletin boards and temporary

signs not exceeding 10 square feet in area, pertaining to the lease, hire, or sale of a building or premises.

4. Churches.
5. Hobby and Play Structures.
6. Home Occupations, provided that not more than one name plate with a maximum area of two square feet and attached to the dwelling may be displayed setting forth such occupations.
7. Lakes. \*
8. Land Filling. \*
9. Parks, playgrounds and community buildings owned or operated by public agencies.
10. Public Library.
11. Public Schools, elementary and high and educational institutions having a curriculum similar to that ordinarily given in public schools.
12. Public utility substations, booster stations, radio and television relay towers, repeater stations, etc., but not including power generation or gas manufacturing plants.
13. Single family dwellings.

Section 8.3 - Height Regulations

No building shall exceed 35 feet in height. Dwelling structures shall have a minimum height of 8 feet over a majority of the ground floor area.

Section 8.4 - Area Regulations

1. Front Yard:
  - a. There shall be a front yard having a depth of not less than 25 feet, unless 40 percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings at the time of passage of this ordinance that have established a front yard line with a greater or less depth and the front yards of such buildings have a variation in depth of not more than 10 feet, in which case no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than 40 feet.
  - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
  - c. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot, except that the buildable width of such lot shall not be reduced to less than 35 feet. No accessory building shall project beyond the front yard line on either street.

2. Side and Rear Yard: There shall be a yard on each side of a building having a width of not less than 7 feet, or one-half foot for each foot of building height, whichever is greater.

3. Ground Area: The maximum area of a lot which may be occupied by structures is 30 percent.

4. Intensity of use, R-2 District: Every dwelling hereafter erected, enlarged, relocated, or reconstructed shall be provided with a lot area of not less than 7500 square feet, and a width at the setback or front yard line of not less than 60 feet, except that a smaller lot of record at the time of passage of this ordinance may be occupied by a single family dwelling, provided that two or more contiguous lots in common ownership of record at the time of passage of this ordinance shall be combined in one parcel to approach the required area insofar as possible, that the intent of the yard regulations of this district be reasonably observed, and that the area of parcel so obtained is not reduced in transfer. A dwelling not connected to a public or community sanitary sewer where a septic tank and tile field is to be used for sewage disposal shall have the following lot size:

7500 square feet if the percolation rate is under 20 min. per inch.

8500 square feet if the percolation rate is 20 to 40 min. per inch.

10000 square feet if the percolation rate is 40 to 60 min. per inch.

NOTE: Normal soil percolation rate shall be the basis of percolation determination.

R-2A District - Lot Size

	Min. Lot Area Per Family (Sq. feet)	Min. Lot Width Per Structure (Feet)
<u>Single-Family Dwelling</u>		
with both public water and public sewer	10,000	75
With neither public water supply nor sewer	20,000	100

5. Ground Floor Area Per Dwelling: As permitted in the AG-1 Agricultural District

Section 8.5 - Parking Regulations

Whenever a structure is erected, converted, or structurally altered for a single family dwelling, not less than two parking spaces shall be provided on the lot or in the structure.

ARTICLE 9

R-3 - TWO FAMILY DWELLING DISTRICT REGULATIONS

Section 9.1

Within any Two Family Dwelling District no building structure, or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

1. Any use permitted in the Single Family Dwelling Districts.
2. Two Family Dwellings.

Section 9.2 - Height Regulations

No building shall exceed 35 feet in height, nor have a height of less than 8 feet over a majority of the area of the ground floor.

Section 9.3 - Area Regulations

1. Front Yard: The front yard regulations are the same as those for Single-Family Districts in Section 8.4 "Area Regulations, Paragraph 1. Front Yard."

2. Side and Rear Yard: There shall be a yard on each side of a building having a width of not less than 5 feet, or one-third foot for each foot of building height, whichever is the greater.

3. Intensity of Use: Every dwelling hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:

- a. A lot on which there is erected a single family dwelling shall contain an area of not less than 6,000 square feet and shall have a width at the setback or front yard line not less than 50 feet, except that dwellings which are not connected to a public or community sanitary sewer shall conform with the R-2 District requirements for area according to the percolation rate, and except that a smaller lot of record at the time of passage of this ordinance may be occupied by a single family dwelling provided that two or more contiguous lots in common ownership of record shall be combined in one parcel to approach the required area insofar as possible, that the intent of the yard regulations of this district be reasonably observed and that the area of parcel so obtained is not reduced in transfer.
- b. A lot on which there is erected a two family dwelling shall contain an area of not less than 8,000 square feet and shall have a width at the setback or front yard line of not less than 65 feet, except that a two family dwelling not connected to a public or community sanitary sewer shall conform with the R-2 District requirements for area according to the percolation rate.

4. Floor Area: Any dwelling structure shall have a minimum of 600 square feet of livable ground floor area and not less than 600 square feet of livable floor area per dwelling unit.

5. Ground Area: The maximum ground area that may be occupied by structures shall not exceed 35 percent of the total lot area.

Section 9.4 - Parking Regulations

At least two parking spaces shall be provided on the lot for each single family dwelling and at least three parking spaces for each two family dwelling.

ARTICLE 10

R-4 - MULTIPLE DWELLING DISTRICT REGULATIONS

Section 10.1

The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article, are the District regulations in the R-4 Multiple Dwelling Districts. \*

Section 10.2 - Use Regulations

Within any Multiple Dwelling Districts, no building, structure, or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

1. Any permitted use in the Two Family Dwelling District. \*
2. Multiple Family Dwellings.
3. Accessory buildings and uses customarily incident to the principal use, including storage garages where the lot is occupied by a multiple dwelling.
4. Lodging House.

Section 10.3 - Height Regulations

No building shall exceed 45 feet in height, nor shall any dwelling structure have a height above grade of less than 8 feet over a majority of the ground floor area.

Section 10.4 - Area Regulations

1. Front Yard: The front yard regulations are the same as those in R-2 - Single Family Dwelling District.
2. Side and Rear Yard: There shall be a yard on each side of the building having a width not less than 5 feet, or one-fourth foot for each foot of building height, whichever is the greater.
3. Floor Area: No dwelling structure shall have less than 600 square feet of livable area on the ground floor, nor less than 400 square feet floor area per dwelling unit.
4. Ground Area: The maximum ground area that may be occupied by structures shall be 40 percent of the total lot area.
5. Intensity of Use: Every dwelling hereafter erected or relocated shall be located upon lots containing the following areas.
  - a. A lot on which there is erected a single family dwelling shall contain an area of not less than 6,000 square feet and shall have a width at the setback or front yard line not less than 50 feet, except that a dwelling which is not connected to a public or community sanitary sewer shall conform

with the R-2 District requirements for area according to the percolation rate, and except that a smaller lot of record at the time of passage of this ordinance may be occupied by a single family dwelling provided that two or more contiguous lots in common ownership of record at the time of passage of this ordinance shall be combined in one parcel to approach the required area insofar as possible; that the intent of the yard regulations of this district be reasonably observed and that the area of the parcel so obtained is not reduced in transfer.

- b. A lot on which there is erected a two family dwelling shall contain an area of not less than 8,000 square feet, and shall have a width at the setback or front yard line of not less than 65 feet, except that a two family dwelling not connected to a public or community sanitary sewer shall conform with the R-3 District requirements for area, according to the percolation rate.
- c. A lot on which there is erected a multiple dwelling shall contain an area of not less than 6,000 square feet, plus an additional 1,000 square feet for each dwelling unit, and shall have a minimum width at the setback or front yard line of 80 feet, except that a multiple dwelling not connected to a public or community sanitary sewer shall be located on a lot with an area at least three times the area as required above in this paragraph.

#### Section 10.5 - Parking Regulations

Where a lot is occupied by a two family or a multiple dwelling there shall be provided accessible parking space on the lot adequate to accommodate not less than one and one-half automobiles for each dwelling unit provided. \*

### ARTICLE 11

#### R-5 - MOBILE HOME (TRAILER COURT) DISTRICT REGULATIONS

##### Section 11.1

The regulations set forth in this Article or set forth elsewhere in this ordinance when referred to in this Article are the district regulations in the Mobile Home District.

##### Section 11.2 - Use Regulations

Within any Mobile Home District no building, structure or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

1. Agriculture, but not including the disposal or feeding of garbage.

2. Mobile Homes, provided that an area of not less than 1250 square feet shall be allocated to each trailer. The total area of the Trailer Court, including accessory uses, shall not have less



than 3,000 square feet for each mobile home. Gravel, crushed rock, or other improved surface roadway shall be installed to furnish access to each trailer site, parking area for the public right-of-way shall be furnished at the rate of one parking place for each unit, and sanitary facilities shall be furnished conforming to the requirements of the State Department of Health.

3. Tourists Courts and Motels, provided that the regulations of subparagraph (12) of Section 5.4 are observed.

Section 11.3 - Setback Regulations

No structure shall be erected within 50 feet of the right-of-way of any public street.

ARTICLE 12

C-1 - LOCAL COMMERCIAL DISTRICT REGULATIONS

Section 12.1

The regulations set forth in this Article or set forth elsewhere in this ordinance when referred to in this Article are the regulations in the Local Commercial Districts.

Section 12.2 - Intent

It is the intent of these regulations to limit this commercial district to such uses as those customarily found in a community shopping center. It is also the intent to have commercial establishments developed on the interior of the zoned district with access to the streets limited to one entrance and one exit on each adjacent street.

Section 12.3 - Use Regulations

Within any Local Commercial District no building, structure or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

1. Agriculture, but not including the disposal or feeding of garbage.
2. Dwelling units and lodging rooms provided that they are not located on the ground floor of buildings, nor on the same floor as a business use.
3. Retail trade uses provided they are on the ground floor of buildings, as follows:
  - (1) Accessory buildings and uses.
  - (2) Apparel Shops.
  - (3) Barber Shops.
  - (4) Beauty Shops.
  - (5) Boat docks.
  - (6) Book and Stationery Stores.

- (7) ~~Clothe~~ Pressing establishments.
- (8) Drug Stores.
- (9) Dry cleaning and laundry receiving stations, processing to be done elsewhere.
- (10) Electric or telephone substations and other government and utility service uses.
- (11) Florist shops.
- (12) Food stores, grocery stores, meat markets, bakeries, delicatessens, and package liquor stores, when within completely enclosed buildings.
- (13) Laundries, automatic self-service types or hand, employing not more than three persons including owners or managers, provided that laundry machines shall not exceed ten pound capacity each.
- (14) Millinery shops.
- (15) Offices, business and professional.
- (16) Restaurants and tea rooms.
- (17) Selling and leasing of fishing equipment and bait.
- (18) Shoe and hat repair stores.
- (19) Signs or bulletin boards relating to services, articles and products offered within the building to which the sign is attached, provided, however, that any advertising sign shall not project beyond the building for a distance of more than 6 feet, except that one sign, identifying the district, not restricted as to size may be erected in each C-1 District, but not within 25 feet of any public street right-of-way line nor any district boundary line.
- (20) Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- (21) Variety Stores.

4. Any industrial or storage use shall be incidental to the primary use of any building or premises.

#### Section 12.4 - Height Regulations

No building shall exceed 35 feet in height.

#### Section 12.5 - Setback Regulations

A structure setback of 65 feet shall be maintained from all district boundary lines and street right-of-way lines, except that this shall not be construed to reduce the buildable area of any district to less than 15 percent of the total area of the district, and where at the time of passage of this ordinance 40 percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a setback with less depth, in which case no building shall project

beyond the average setback so established.

Section 12.6 - Parking Regulations

1. Whenever a structure is erected or reconstructed for any of the commercial purposes permitted in this district there shall be provided parking spaces in the ratio of not less than one parking space for each one hundred square feet of floor space in the building, except that any restaurant or establishment whose primary use is to serve meals, lunches or drinks to patrons, either in their cars or in the building, shall provide parking spaces for each one hundred square feet of floor space in the building. Such parking space may be located on the same lot as the building or on an area within 300 feet of the building. Two or more owners of buildings may join together in providing this parking space. Service access to provide for pickup and delivery off the right-of-way of public streets or alleys shall be provided.

2. Access to any adjacent street or road shall be limited to one entrance and one exit on each adjacent street per district, with each entrance and exit not to exceed 26 feet in width.

ARTICLE 13

C-2 - GENERAL COMMERCIAL DISTRICT REGULATIONS

Section 13.1

The regulations set forth in this Article, or set forth elsewhere in this ordinance when referred to in this Article are the regulations in the General Commercial Districts.

Section 13.2 - Use Regulations

Within any General Commercial District no building, structure, or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

1. Any use permitted in the Local Commercial Districts.
2. Antique shops.
3. Art, school and office supply stores.
4. Art galleries.
5. Automobile service stations, sales rooms and lots.
6. Banks and financial institutions.
7. Bicycle sales, rental and repairs.
8. Bowling alleys and structures accommodating recreational activities.
9. Bus depots and cab stands.
10. Camera and photographic supply stores.
11. Candy and ice cream stores, or shops selling similar commodities where the commodities may be produced on the premises, but all such production shall be either sold at retail on the premises or sold in stores owned and operated by the producing company.

12. Carpet and rug stores.
13. China and glassware stores.
14. Clubs and lodges, private, fraternal, or religious.
15. Coin and Philatelic stores.
16. Currenty exchanges.
17. Department stores.
18. "Drive-in" restaurants, soft drink and similar "drive-in" uses.
19. Dry goods stores.
20. Electric and household appliance stores, including radio, television sales and repair.
21. Frozen food stores, including locker rental in conjunction therewith.
22. Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.
23. Furrier shops, including the incidental storage and conditioning of furs.
24. Garden supply and feed stores.
25. Haberdashery.
26. Hobby shops for retail of items to be assembled or used away from the premises.
27. Hotels and motels.
28. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
29. Jewelry store, including watch repair.
30. Laboratories, medical and dental research and testing.
31. Leather goods and luggage stores.
32. Libraries and reading rooms.
33. Loan offices.
34. Locksmith shops.
35. Newspaper offices.
36. Offices, business and professional.
37. Optometrists.
38. Paint and wallpaper stores.

39. Pet shops.
40. Photography studios, including the developing of film and pictures, when conducted as part of the retail business on the premises.
41. Physical culture and health service, gymnasium and reducing salons, masseurs and public baths.
42. Picture framing when conducted for retail trade on the premises only.
43. Post Offices.
44. Public garages, including new and used car sales rooms.
45. Public meeting halls.
46. Radio and television broadcasting studios.
47. Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing and alterations for retail only; jewelry from precious metals; watches, dentures, and optical lenses.
48. Retail hardware and housewares stores.
49. Sales and display rooms.
50. Schools, music, dance, or business.
51. Service, cleaning or repair shops for personal, household, or garden equipment.
52. Sewing machines sales and service; household machines only.
53. Shoe stores.
54. Sporting goods stores.
55. Tailor or dressmaking shops.
56. Telegraph offices.
57. Temporary outdoor demonstrations and exhibitions of merchandise primarily for outdoor use.
58. Theaters, including drive-in theaters.
59. Tobacco shops.
60. Toy shops.
61. Travel bureaus and transportation ticket offices.
62. Typewriter and business machines sales and service.
63. Undertaking establishments.

Section 13.3 - Height Regulations

No building shall exceed forty-five feet in height.

Section 13.4 - Setback Regulations

The setback regulations are the same as those in the Local Commercial Districts.

Section 13.5 - Parking Regulations

Parking regulations for Local Commercial District shall apply to General Commercial Districts, except that access to adjoining street need not be limited to one entrance and one exit.

ARTICLE 14

C-3 - RESORT COMMERCIAL DISTRICT REGULATIONS

Section 14.1

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the district regulations in the Resort Commercial District.

Section 14.2 - Use Regulations

Within any Resort Commercial District, no building, structure or premises shall be used, arranged or designed to be used except for one or more of the following uses:

1. Lodging
2. Restaurant.
3. Recreational Facilities:
  - a. Swimming
  - b. Boating
  - c. Shuffleboard
  - d. Horseback trails and riding stable
  - e. Golf Course
  - f. Tennis
  - g. Similar recreational facilities

Section 14.3 - Height Regulations

No building shall exceed 35 feet in height.

Section 14.4 - Setback Regulations

The setback regulations are the same as those in the Local Commercial Districts.

Section 14.5 - Parking Regulations

Parking regulations for Local Commercial Districts and those required in Section 19.2 for resorts shall apply to Resort Commercial Districts.

ARTICLE 15

I-1 - LIGHT INDUSTRIAL DISTRICT REGULATIONS

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COUNTY BOARD  
SUPPLEMENTARY

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Section 15.1

The regulations set forth in this Article, or set forth elsewhere in this ordinance, when referred to in this Article are the district regulations in the Light Industrial District.

Section 15.2 - Use Regulations

Within any Light Industrial District no building, structure, or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

1. Appliance repair.
2. Bakeries.
3. Bottling Works.
4. Building material storage yard, but only when such material is stored in a building or is screened against ground level view from any point within 500 feet.
5. Carting, express, hauling or storage yard and docks.
6. Catering.
7. Coal, coke or wood yard, but only where the material is stored in a building or screened as required in Item 4 of this section.
8. Dyeing and cleaning establishments.
9. Electric repairs.
10. Farm equipment sales.
11. Agriculture, but not including the disposal or feeding of garbage.
12. Filling stations.
13. Food lockers.
14. Grain elevators.
15. Industrial and manufacturing plants where the process or manufacturing or treatment of materials is such that
  - a. No noise from the operations other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at the boundary line of any Residence District, and
  - b. No toxic matter, noxious smoke or gas, and no odor or particular matter detectable beyond the lot lines shall be emitted, and
  - c. No vibrations shall be detectable beyond the lot lines, and
  - d. No glare or heat shall be detectable beyond the lot lines, and
  - e. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any Residence District or into public streets or parks.

and where the operations are conducted in one or more buildings and no more than 10 percent of the lot or tract is used for the open storage of products, materials, or equipment, and screened to the extent of Item 4 in this section.

16. Laundries.
17. Laundry and Cleaning pickup.
18. Lumber yard, but only where the material is stored in a building, or is screened as required in Item 4 of this section.
19. Mild distributing and/or mild processing plants, but not for the manufacturing of cheese.
20. Offices.
21. Outdoor advertising.
22. Painting shop.
23. Parking lot.
24. Plumbing shop.
25. Printing shop.
26. Public garage.
27. Restaurant.
28. Storage warehouse.
29. Tailor shop.
30. Tinsmith.
31. Tire repair.
32. Wholesale warehouse or business.

#### Section 15.3 - Height Regulations

Except for grain elevators, no building shall exceed 55 feet in height.

#### Section 15.4 - Area Regulations

1. Yard Requirements: No buildings or structures shall be erected within 65 feet of the right-of-way line of any public street or of any district boundary line, nor within 15 feet of any lot line, unless at the time of passage of this ordinance 40 percent or more of the frontage on the same side of the street between two intersecting streets, is improved with buildings that have observed a setback line with less depth, in which case no building shall project beyond the average setback so established.

2. Ground Area: The maximum ground area that may be occupied by structures shall not exceed 60 percent of the total area of the lot or tract.



Section 15.5 - Parking Regulations

1. Parking space shall be provided on the lot or in a building on the lot at the rate of one parking space for each three persons employed on any one shift by any industrial or manufacturing establishment permitted in this district. Access to adjoining public streets shall be limited to that reasonably necessary for the operation of the business involved and shall be indicated on the plot plan when permits for construction or use are sought. Additional access shall not be provided except through additional permit.

2. Uses permitted in the Light Industrial Districts which are also permitted in the Local or General Commercial District shall observe the parking regulations specified in Paragraph 1, Section 12.6

ARTICLE 16

I-2 - HEAVY INDUSTRIAL DISTRICT REGULATIONS

Section 16.1

The regulations set forth in this Article, or set forth elsewhere in this ordinance, when referred to in this Article, are the district regulations in the Heavy Industrial Districts.

Section 16.2 - Use Regulations

Within any Heavy Industrial District, no building, structure or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

1. Any use permitted in the Light Industrial District.
2. Where all operations are carried on in such a manner to eliminate or minimize gas fumes, odors, dust, smoke, noise, vibration, waste materials, explosive and fire hazards, and other similar hazards or nuisances, the following uses are also permitted in the Heavy Industrial District:
  - (1) Acid Manufacture.
  - (2) Alcohol Manufacture.
  - (3) Ammonia, chlorine, bleaching powder manufacture.
  - (4) Animal reduction plant.
  - (5) Arsenals.
  - (6) Asphalt Manufacture or refining.
  - (7) Auto wrecking yard, if surrounded by a screen as required in Item 4, Section 15.2.
  - (8) Bag cleaning.
  - (9) Blast furnace.
  - (10) Boiler works.
  - (11) Breweries.

- (12) Brick, tile or terra cotta manufacture.
- (13) Cement, lime or gypsum or plaster of paris manufacture
- (14) Cheese manufacture.
- (15) Coke ovens.
- (16) Creosote manufacture or treatment.
- (17) Disinfectant manufacture.
- (18) Distillation of bones, coal or wood.
- (19) Distilleries.
- (20) Domestic garbage and refuse incinerators or reduction works.
- (21) Dyestuff manufacture.
- (22) Explosive or fireworks manufacture or storage.
- (23) Agriculture, but not including the disposal or feeding of garbage.
- (24) Fat rendering.
- (25) Fertilizer manufacture.
- (26) Food manufacturing plants.
- (27) Forge plants and foundries.
- (28) Garbage disposal, provided that the location and method of disposal shall be approved by the Zoning Enforcing Officer.
- (29) Gas manufacture and storage.
- (30) Glue, size or gelatine manufacture.
- (31) Iron, steel, brass, or copper foundry or fabrication plants.
- (32) Junk, iron, or rag storage or baling.
- (33) Oil cloth or linoleum manufacture.
- (34) Oiled rubber goods manufacture.
- (35) Ore reduction.
- (36) Paint, oil, shellac, turpentine or varnish manufacture
- (37) Paper or pulp manufacture.
- (38) Parking lot.
- (39) Planing mills.

- (40) Railroad yards, shops and roundhouses.
- (41) Rock Crushers.
- (42) Rolling mills.
- (43) Rubber or gutta-percha manufacture or treatment.
- (44) Sewage treatment works.
- (45) Shoe polish manufacture.
- (46) Smelting of tin, copper, zinc or iron ores.
- (47) Stockyards or slaughter of animals or fowls.
- (48) Tanning, curing or storage of raw hides or skins.
- (49) Tar distillation or waterproofing manufacture.
- (50) Any operation or process similar to those enumerated herein.

#### Section 16.3

Applications for permits shall be accompanied by evidence indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odor, dust, smoke, noise, vibration, waste materials, explosive and fire hazards, and other similar hazards or nuisances.

#### Section 16.4

Application for permits referred to in the preceding Section shall be approved by the Enforcing Officer only in the event that the evidence accompanying the application indicates that the operation of said uses will not be obnoxious or offensive. In the event of the denial of such permit by the Enforcing Officer, the applicant shall have the right of appeal to the Zoning Board of Appeals in accordance with the procedure hereinafter set forth in this ordinance.

#### Section 16.5 - Area Regulations

The area regulations shall be the same as those in Section 15.4, Light Industrial Districts.

#### Section 16.6 - Parking Regulations

The parking regulations are the same as in the Light Industrial Districts, Section 15.5.

### ARTICLE 17

#### PLANNED UNIT DEVELOPMENT \*

#### Section 17.1

The owner or owners of any tract of land comprising an area of not less than 30 acres may submit to the County Board a development plan for all of the tract of land for residential and allied purposes. The development plan shall be referred to the Board of Appeals for study and report and for public hearing to be held with 30 days after the plan is received and after public notice in a newspaper having

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SUPPLEMENTARY

county-wide circulation. The recommendations of the Board of Appeals shall be accompanied by a report to the County Board within 60 days, stating reasons and findings of facts, showing whether or not the proposed community unit plan meets the following conditions; \*

1. That property adjacent to the area included in the plan will not be adversely affected.

2. That the plan is consistent with the intent and purposes of this ordinance to promote public health, safety, morals and general welfare.

3. That the buildings shall be used only for country homes, single family dwellings, two family dwellings, or multiple dwellings, and the usual accessory uses such as garages, storage space, or communi activities, including churches and adequate local commercial areas.

If the County Board, acting in its discretion, approved a Planned Unit Development as a special use in any district, permits may be issued even though the use of the land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located, provided that the permitted commercial uses shall be limited to those uses allowed in a C-1 District and that they shall not occupy more than 10 percent of the gross land area of the development, and further provided that side and rear yards, and lot area is not reduced by more than 10 percent. \*

## ARTICLE 18

### SPECIAL EXCEPTIONS

#### Section 18.1

Special Use Permits are granted at the discretion of the County Board after public hearing by the Board of Appeals and subject to such protective restrictions that it deems necessary, authorize the location extension or structural alterations of any of the following buildings or uses in any district from which they are prohibited by this ordinance within 30 days after application for the special permit a notice of public hearing shall be published in a newspaper having county-wide circulation. \*

1. Any public building erected and used by a department of a municipal, county, state or federal government.

2. Hospitals, clinics and institutions, except institutions for criminals and those for persons that are insane or have contagious diseases; provided, however, that such buildings may occupy not over 50 percent of the total area of the lot or tract and will not have any serious and depreciating effect upon the value of the surrounding property, and provided further, that the buildings shall be set back from all minimum yard lines heretofore established an additional distance of not less than two feet for each foot of building height. Specific requirements for these buildings in any district regulations shall take precedence over the above regulations.

3. Airport, landing field, or land strip.

4. Extraction of gravel, sand, or other raw materials.

5. Parking lots on land not more than 300 feet from the boundary of any commercial, business or industrial district under such conditions as will protect the character of surrounding property.

6. Broadcasting towers, transmitting and relay stations.

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

## ARTICLE 19

### EXCEPTIONS AND VARIATIONS OF THE HEIGHT, AREA AND PARKING REGULATIONS

#### Section 19.1

The district regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

1. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district may be erected to a height not to exceed 60 feet, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

2. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers, or necessary mechanical appurtenances, may be erected to any lawful and safe height.

3. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises, when such use is permitted in the district.

4. Every part of a required yard shall be open to the sky, unobstructed, except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not to exceed one-half the distance of the required side and rear yards.

5. For the purpose of the yard regulations, a two family, a group house, or a multiple dwelling shall be considered as one building occupying one lot.

#### Section 19.2

Off-street parking shall be provided as follows:

1. Hotels, including clubs, lodging houses, resorts and cabins, boarding and rooming houses, dormitories, sororities, fraternities, and all other similar places offering overnight accommodations - at least one off-street parking space for each two guest rooms.

2. Hospitals, including sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirm, institutions of a charitable or philanthropic nature and all other similar institutions - at least one off-street parking space for each two patient beds, plus at least one additional off-street parking space for each staff and visiting doctor, plus at least one additional off-street parking space for each three employees (including nurses.)

3. Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, town halls, convention halls, auditoriums, skating rinks, dance halls, bowling alleys, athletic fields, sports arenas, stadiums, gymnasiums, amusement parks, race tracks, fair grounds, circus grounds, churches, funeral homes, morgues, mortuaries, mausoleums, crematories, community buildings, libraries, museums, and all other similar places of relatively infrequent public assembly - at least one off-street parking space for each 5 seats provided for patrons' use, or at least one off-street parking space for each 200 square feet of gross floor area used or intended to be used for service to the public as customers, patrons, students or clients, whichever requires the greater number of parking spaces.

4. Schools, in addition to the requirements of Section 19.2, paragraph 3, including academies, colleges, universities, elementary schools, junior high schools, high schools, and all other similar institutions of learning - nunneries, religious retreats, fire and police stations, cemeteries, experimental and proving grounds, grain storage, public utility stations, saw mills, seed processing plant, sewage treatment plant, waterworks - at least one off-street parking space for each three employees, including administrators, teachers and building maintenance personnel.

5. Airports and landing fields, golf courses and golf driving ranges, greenhouses, gun clubs, fish and game preserves, boat liveries, kennels, public parks, picnic grounds, television and radio stations, riding academy or commercial stable, veterinary establishment, truck gardening, home occupations, and all other places of similar use - at least one off-street parking space for each two patrons, clients, or members using the facility. The number of parking spaces shall be determined by the greatest number of patrons, clients or members to use the facility at the time of its peak use.

#### Section 19.3 - Off-Street Loading Required

Whenever the expression "off-street loading space" is herein referred to, it shall mean on-the-property space for the standing, loading and unloading of vehicles to avoid undue interference with the public use of streets and alleys. Such space shall not be less than 10 feet width, 14 feet in height and 45 feet in length, exclusive of access aisles and maneuvering upon which shall be 37 feet in length.

In the use of land for residential, commercial, industrial, or any other purpose, no residential, commercial, industrial, or any other building or structure shall be erected and no major repairs made to an existing residential, commercial, industrial, or any other building or structure, unless there already be in existence upon the lot, or unless provision is made for the location on the lot, con-

currently with such erection or major repairs, off-street loading space on the basis of the following minimum requirements:

1. Every department store, freight terminal or railroad yard, hospital or sanitarium, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment, which has an aggregate gross floor area of 6,000 square feet or more arranged, intended or designed for such use, shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Aggregate Gross Floor Area Devoted to Such Use Base figure up to and including 1.6 X base figure	Required Number of Berths
	1
1.6 X base figure up to and including 4.0 X base figure	2
4.0 X base figure up to and including 6.4 X base figure	3
6.4 X base figure up to and including 9.6 X base figure	4
9.4 X base figure up to and including 12.8 X base figure	5
12.8 X base figure up to and including 16.0 X base figure	6
16.0 X base figure up to and including 19.6 X base figure	7
For each additional 3.6 base figure	1 add'l

Any of the above establishments having a gross floor area less than 6,000 square feet shall provide service access off the public right-of-way.

2. Every auditorium, convention hall, exhibition hall, funeral home, hotel, office building, restaurant, sports arena, or welfare institution, which has an aggregate gross floor area of 25,000 square feet or more arranged, intended or designed for such use, shall provide off-street truck loading or unloading berths in accordance with the following table:

Square feet of Aggregate Gross Floor Area Devoted to Such Use Base figure up to and including 1.5 X base figure	Required Number of Berths
	1
1.5 X base figure up to and including 4.0 X base figure	2
4.0 X base figure up to and including 6.6 X base figure	3
6.6 X base figure up to and including 9.7 X base figure	4

9.7 X base figure up to and including 13.0 X base figure	5
13.0 X base figure up to and including 16.3 X base figure	6
16.3 X base figure up to and including 19.6 base figure	7
19.6 X base figure up to and including 23.0 X base figure	8
For each additional 3.5 X base figure	1 add'l

Any of the above establishments having a gross floor area less than 25,000 square feet shall provide service access off the public right-of-way.

In the case of a use not specifically mentioned, the requirements for off-street loading facilities for a use which is so mentioned and to which said use is similar shall apply.

Nothing in this ordinance shall be construed to prevent the joint use of off-street loading space for two or more buildings or uses if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the preceding sections.

In case of mixed uses the total requirement for off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in the preceding sections, and the off-street loading space for one use shall not be considered as providing the required off-street loading space for any other use.

## ARTICLE 20

### SETBACK REGULATIONS

#### Section 20.1

No building, structure, concrete or masonry wall, no fence which cannot be viewed through, or other improvement shall be erected or structurally altered so that any part thereof is nearer than 100 feet to the centerline of a State or Federal Highway Route, or nearer than 75 feet to the centerline of a State Aid Route, or nearer than 60 feet to the centerline of a Township Road. If there is conflict between the setback regulations and the front yard regulations, the setback regulations shall govern.

Locations for advertising signs and billboards must be approved for line of sight safety by the County Superintendent of Highways. If compliance with the setback regulations is not originally required, a waiver shall be given stating that if the necessity for compliance arises, the company constructing the sign will move it without expense to the county.

#### Section 20.2

This regulation shall not be interpreted to reduce the buildable width or depth of a lot in single ownership subdivided and recorded



by law at the time of the passage of this ordinance to less than 35 feet. In locations where the building line restrictions set forth herein will create an undue hardship or in locations wherein the majority of existing buildings are not in conformity with these restrictions, appeals may be made for a variation in which the setback regulations may be modified.

## ARTICLE 21

### WATER AND SEWAGE DISPOSAL REGULATIONS

#### Section 21.1

Every residence, building, business, trade, or industry hereafter established and requiring water supply and sewage disposal facilities shall provide such facilities conforming to the standards of the Illinois Department of Public Health, and any new water supply and sewage disposal facilities, or alterations to existing facilities shall also conform to such standards.

Soil percolation tests as specified by the Illinois Department of Public Health will be required for all buildings to be inhabited by humans to determine the requirements for a sub-surface seepage field or sand filter when such buildings are not connected to public sewer systems. Reference is made to the Illinois Department of Public Health Technical Releas 20-15, Sewage Treatment Criteria, State-Federal Impoundment Reservoirs for the area in the vicinity of Shelbyville Reservoir.

## ARTICLE 22

### NON-CONFORMING USES

#### Section 22.1

Any lawful building or structure or lawful use of a building, structure or land existing at the time of adoption of this ordinance, or a later amendment, which does not conform to the regulations of the district in which it is located may be continued and kept in ordinary repair and maintenance, including replacement of roof covering, or changed to a conforming use.

#### Section 22.2

Except for dwelling structures, no building, structure, land, advertising sign or billboard which is used or eligible for use in a non-conforming manner shall be:

1. Enlarged, extended, reconstructed or structurally altered, including the veneering of outer walls or other work tending to extend appreciably the normal life of the structure, unless required by law or ordinance, or to convert for a conforming use; or
2. (Except for advertising signs or billboards), restored, except in conformity with the regulations of this ordinance, if damaged by Act of God, fire, explosion or the public enemy to the extent of more than fifty percent of the value; or
3. Re-established for use not in conformity with these regulations if such use is discontinued or its normal operation stopped for a period of one year.

ARTICLE 23

BOARD OF APPEALS

Section 23.1 - Creation and Membership

A Zoning Board of Appeals, hereinafter referred to by the term "Zoning Board", is hereby authorized to be established. Such Zoning Board shall consist of five members appointed by the Chairman and confirmed by the members of the Moultrie County Board. The five members of the first Zoning Board appointed shall serve terms of one, two, three, four, and five years respectively. \*

Thereafter, as terms expire, each appointment shall be for five years. Vacancies shall be filled by the Chairman of the County Board for the unexpired terms only, subject to confirmation by the County Board at its next meeting. The County Board shall have the power to remove any member of the Zoning Board for cause, after a public hearing upon giving ten days notice thereof. At the time of appointment to the Zoning Board, not more than one of the members shall be resident within the limits of any one township.

The Chairman of the County Board shall make one of the members of the Zoning Board of Appeals as Chairman upon his appointment, and in case of vacancy shall name the Chairman. Regular meetings of the Zoning Board shall be held at such time and place within the County as the Zoning Board may determine. Notice shall be given as required by the Illinois Open Meeting Act.\*

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

Section 23.2 - Meetings

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. Four members of the Zoning Board shall constitute a quorum and the concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Enforcing Officer in any matter upon which it is required to pass under this ordinance or to recommend or amend or decide in the favor of the applicant. In the performance of its duties the Zoning Board may incur such expenditures as shall be authorized by the County Board. The Zoning Board shall adopt its own rules of procedure not in conflict with the Statute or this ordinance. \*

Section 23.3 - Appeals

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.

Such appeal shall be made within 60 days from the date of the action appealed from, by filing with the Enforcing Officer and the Zoning Board, a notice of appeal specifying the grounds thereof. The Enforcing Officer shall forthwith transmit to the Zoning Board all papers constituting the record upon which the action appealed from was taken. \*

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 certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board, or by a court of record on application, on notice to the Enforcing Officer and on due cause shown.

The Zoning Board shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person by agent, or by attorney. The Zoning Board may reverse or affirm wholly or partly, or may modify the use, requirement, decision or determination as in its opinion ought to be made in the premises.

#### Section 23.4 - Jurisdiction

The Zoning Board of Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Enforcing Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

The 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 Board may decide to be fitting and proper in the premises, and to that end the Board shall also have all the powers of the officer from whom the appeal is taken.

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 hardship, then the 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 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:

1. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
2. To permit the reconstruction of a non-conforming building which has been destroyed or damaged to an extent of more than 50 percent of its value, by fire or Act of God, or the public enemy, where the Board shall find some compelling public necessity requiring a continuance of the non-conforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.
3. To make a variance, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions, when the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the

owner of such property and amount to a practical confiscation of property, as distinguished from a mere inconvenience to such owner; provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

4. To make a variation of the parking requirements in the business or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience. \*

5. To permit a building to be erected, reconstructed, or altered or enlarged so that the building lines will extend beyond the distance specified in this ordinance into side yards or into front yards, provided that such variance may not be granted (a) unless there is a building in the block which extends beyond the distance from the front street line specified in this ordinance, in which case the building line may be permitted to extend as near to the front street line as such non-conforming building, or (b) unless the lot is irregular in shape, topography or size, or (c) unless the street line of the lot is directly opposite the street line of a lot which is irregular in shape, topography or size.

Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the District Map; such power and authority being reserved to the County Board. \*

The Board of Appeals may impose such conditions and restrictions upon the use of the premises benefited by a variance as it may deem necessary.

#### Section 23.5 - Notice

No variation of the terms of this ordinance shall be granted by the Board unless an application for a permit has been made to the Enforcing Officer and a duly advertised public hearing has been held by the Board as prescribed by Statute. The notice of hearing shall contain the address or location of the property for which the variation, or other ruling by the Board is sought, as well as a brief description of the nature of the appeal.

#### Section 23.6 - Appeals to Court

Final administrative decisions of the Board of Appeals rendered under the terms of this ordinance shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act" approved May 8, 1945; and all amendments and modifications thereof, and the rules adopted pursuant thereto. \*

### ARTICLE 24

#### PERMITS

#### Section 24.1

Applications for permits shall be filed in written form with the Enforcing Officer, shall state the legal description of the property, the name and address of the owner, the applicant and the contractor,

the estimated costs and shall describe the uses to be established or expanded, and shall give such information as may be required by this ordinance for its proper enforcement.

#### Section 24.2

All applications shall be accompanied by a dimensioned drawing of the building plot showing the location of buildings and structures, lot areas to be used, auto parking areas, and water supply and sewage disposal facilities.

#### Section 24.3

Concrete, stone, wood, masonry, or other fences in a required front yard, exceeding 48 inches in height, and which cannot be viewed through, shall require permits. The Enforcing Officer shall require permits for any fences or other structures within the sight triangle established by the center of intersection and two points 75 feet from it, each point being on the centerline of an intersection road, and shall deny permits for those which could obstruct vision in said sight triangle.

#### Section 24.4

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

#### Section 24.5

Any work or change in use authorized by permit but not substantially started within 6 months shall require a new permit. A permit shall be revoked by the Enforcing 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.\*

#### Section 24.6

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.

#### Section 24.7

To partially defray expenses of administering the ordinance, a fee shall be charged for each permit and collected by the Enforcing Officer who shall account for the same to the County of Moultrie. Such fees shall be established by the County Board from time to time.\*

#### Section 24.8

No permit shall be required for:

1. Routine maintenance or repair of buildings, structures, or equipment, such as repainting or reroofing a building, relining a blast furnace, or reballasting a railroad track.
2. Alterations of existing buildings costing less than \$300.00.
3. Construction of a service connection to a municipally owned and operated utility.

4. Any agricultural use.

ARTICLE 25

ENFORCEMENT AND PENALTIES

Section 25.1

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

Section 25.2

Proper authorities of the County or any person affected may institute any appropriate action or proceedings against a violator as provided by Statute.

Section 25.3

Any persons, firms or corporations, or agents, employees or contractors of such, who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of any of the provisions of this ordinance shall be subject to a fine of not more than \$200.00 or imprisonment for not more than six months, or both, for each offense, and each day a violation continues shall constitute a separate offense.

ARTICLE 26

AMENDMENTS

Section 26.1

The County Board of Moultrie County may from time to time amend, supplement, or change by ordinance the boundaries of districts or regulations herein established. Any amendment, supplement or change shall first be submitted to the Zoning Board of Appeals for its recommendations and report. No such ordinance shall be adopted until after a duly advertised public hearing held by the Zoning Board of Appeals, as prescribed by Statute. The notice of hearing on an amendment to be held in each township affected, in addition to publication in a newspaper as required by law, shall be posted on the road or street frontage of property proposed to be reclassified, and shall be mailed to each municipality within one and one-half miles thereof 15 days in advance of the hearing. Within a reasonable time after the hearing, the Zoning Board shall make a report to the County Board. The favorable vote of at least three-fourths of all of the members of the County Board shall be necessary to pass an amendment in the following instances:

1. When a written protest against the proposed amendment is filed with the County Clerk, signed and acknowledged by the owners of 20 percent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered, or

2. When a land affected by a proposed amendment lies within one and one-half miles of the limits of a zoned municipality and a written protest against the proposed amendment is passed by the City Council

or President and Board of Trustees of the zoned municipality with the limits nearest adjacent, and filed with the County Clerk.

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

In the case of general amendments to the text of the County Zoning Ordinance, the Hearings may be held in the County Court House. Within a reasonable time after the hearing, the Zoning Board of Appeals shall make a report to the County Board. \*

#### Section 26.2

Petitions by interested persons to rezone or reclassify any property and the reasons in support thereof, shall be filed with the Enforcing Officer, along with a fee, such fee shall be established by the County Board from time to time to partially defray the expense of investigation and consideration, which fee shall be collected by the Enforcing Officer who shall account for the same to the County. The petition shall then be transmitted to the County Board, which shall then follow the procedure in Section 26.1.

### ARTICLE 27

#### VALIDITY

#### Section 27.1

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

### ARTICLE 28

#### INTERPRETATION, PURPOSE AND CONFLICTS

#### Section 28.1

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare.

#### Section 28.2

It is not intended by this ordinance to interfere with, abrogate or annul any easements, covenants, or other agreements between parties provided, however, that wherever this ordinance imposes greater restrictions upon the use of buildings, structures, or land, or requires more restrictive building lines, then the provisions of this ordinance shall control.

### ARTICLE 29

#### Section 29.1 - Replacement of Prior Ordinances

This ordinance upon being adopted shall replace and supercede any and all prior zoning laws of Moultrie County, Illinois, except

that any and all violations of the Zoning Ordinance of Moultrie County passed and adopted June 6, 1960, occurring or arising during the period said ordinance was in effect may be prosecuted by the proper authorities and all plans filed and approved pursuant to Article 17 of the Zoning Ordinance of Moultrie County passed and adopted June 6, 1960 shall be deemed to have been filed and approved pursuant to Article 17 of this ordinance and are hereby made a part of this ordinance.

ARTICLE 30

EFFECTIVE DATE

Section 30.1

This ordinance shall be in full force and effect upon its due passage.

PASSED AND ADOPTED THIS 14<sup>th</sup> DAY OF June, 1977  
BY THE COUNTY BOARD OF MOULTRIE COUNTY, ILLINOIS.

Wilbur E. Donnell  
CHAIRMAN

ATTEST  Evelyn L. Kidwell   
CLERK

\* indicates specific changes in sections.

COUNTY BOARD  
SUPPLEMENTARY

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State of Illinois        )  
                                  ) SS  
County of Moultrie    )

Ordinance  
No. 22-07  
of the County Board of  
Moultrie County, Illinois

**ORDINANCE OF THE COUNTY BOARD OF MOULTRIE COUNTY, ILLINOIS TO  
PROHIBIT THE CONSTRUCTION, IMPLEMENTATION, AND USE OF WIND  
ENERGY CONVERSION SYSTEMS IN MOULTRIE COUNTY, ILLINOIS**

**WHEREAS**, the Illinois Compiled Statutes at 55 ILCS 5-12020 addresses wind farms, electric-generating wind devices, and commercial wind energy facilities, and grants to the individual Illinois counties the permissive authority to establish standards for wind farms and electric-generating wind devices; and

**WHEREAS**, the legislative grant of authority to the Illinois counties is permissive and not mandatory; and

**WHEREAS**, the Moultrie County Board has conducted a series of public hearings, during which the public was given notice that the Moultrie County Board was considering revisions of the Ordinance pertaining to Wind Energy Conversion Systems;

**WHEREAS**, the meetings were attended by members of the public and the majority opinion at each session was that the citizens of Moultrie County did not wish to support commercial Wind Energy Conversion Systems being constructed, implemented, and used in Moultrie County, Illinois; and

**WHEREAS**, the Moultrie County Board members having heard the concern of the public, herein make the following findings:

1. That at the present time, it is not possible for Wind Energy Conversion Systems to function without producing some level of noise; and
2. That at the present time, it is not possible to ensure the safety and well-being of birds and the natural habitats of local species in energy where wind turbines are constructed; and
3. That at the present time, wind turbine's effectiveness in generating electricity depends on the weather and it is difficult to predict how much electricity a wind turbine will generate over time, particularly on days when wind speeds are low; and
4. That at the present times, wind turbines need to be built high enough to capture the wind and interrupt otherwise scenic landscapes; and

5. That at the present time, it is not possible to ensure that land property values will not be negatively impacted by the construction of wind energy conversion systems; and
6. That at the present time, it is not possible to ensure the preservation and safety of water supplies, drainage tiles, and farm ground during the construction, operation, and removal of wind turbines; and
7. That at the present time, it is not possible to ensure the safety of children and staff present at non-public schools, of which there are several in Moultrie County, should wind turbines be erected near school locations.


**NOW, THEREFORE, BE IT RESOLVED** by the Moultrie County Board that beginning on May 12, 2022, a ban will be imposed, and the construction, implementation, and use of Wind Energy Conversion Systems in Moultrie County, Illinois, is **PROHIBITED**, until and unless the above-related concerns may be addressed to the satisfaction of the Moultrie County Board.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Moultrie County Board that this ordinance supersedes Moultrie County Zoning Ordinance 77-1, Article 18, Section 18.1, Paragraph 7 (18.1(7)) effective immediately.


Approved and adopted at a regular meeting of the County Board of Moultrie County this

12<sup>th</sup> day of May, 2022.

Vote: Yea: 8  
 Nay: 0  
 Abstain: 0  
 Absent: 1

  
 \_\_\_\_\_  
 Billy Voyles  
 Board Chairman

ATTEST:

  
 Georgia C. England  
 Clerk of the County Board.  
 County Clerk

RESOLUTION NO. 04-19

A RESOLUTION PROVIDING FOR  
CERTAIN FEES TO BE CHARGED  
FOR ZONING ORDINANCE MATTERS

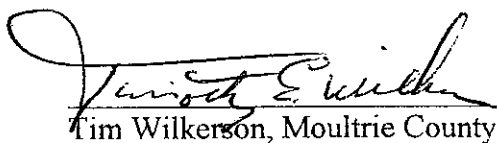
WHEREAS, the Zoning Ordinance of Moultrie County, provides for the setting, from time to time, of certain fees to be charged and paid to the County for various zoning appeals and applications or petitions;

NOW, THEREFORE, be it resolved by the Moultrie County Board as follows:

The fees to be charged at the time of the request of the following matters are as follows:

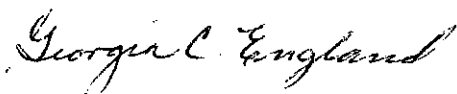
1. A wind energy conversion system as defined in Article 18, Section 18.1 #7 of the Moultrie County Zoning Ordinance shall be \$25.00 per foot of tower height. A separate fee will be charged for each tower.
2. The effective date of this resolution shall be in full force and effect immediately upon its passage and adoption.
3. An annual inspection fee of \$100.00 (one hundred dollars) per tower. For purposes of this resolution the WECS tower height means the support structure to which the nacelle and rotor are attached.

Duly presented, adopted and passed this 17 day of August, 2004



Tim Wilkerson, Moultrie County Board Chairman

ATTEST:



Georgia England, Moultrie County Clerk  
Ex Officio Secretary of the Moultrie County Board

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Article 18 Special Exceptions. Section 18.1

7. Wind Energy System Standards

DEFINITIONS

- A. "Applicant" means the entity or person who submits to the county an application for the siting of any Wind Energy Conversion System (hereinafter referred to as WECS) or Substation.
- B. "Financial Assurance" means reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.
- C. "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.
- D. "Owner" means the entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless 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.
- E. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in any state in the United States. Proof of said registration shall be provided to the Moultrie County Zoning office within 7 days of a request for same by said zoning office.
- F. "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool housed, unattached garages and barns.
- G. "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.
- H. "Wind Energy Conversion System" ("WECS") means all necessary devices that together convert wind into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS

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BOOK 4 PAGE 132

foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).

- I. "WECS Project" means the collection of WECS and Substations as specified in the siting approval application of this Ordinance.
- J. "WECS Tower" means the support structure to which the nacelle and rotor are attached.
- K. "WECS Tower Height" means the distance from the rotor blade at its highest point to the top surface of the WECS concrete base..

#### Construction of Wind Energy Systems

- a. No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.  
For purposes of this Section, WECS refers solely to each combined wind turbine and tower. All WECS equipment shall be in compliance with all applicable state and federal regulatory standards including, but not limited to, the Uniform Building Code as adopted by the State of Illinois, the National Electrical Code as adopted by the State of Illinois, FAA requirements, EPA regulations (hazardous waste, construction, storm water; etc) and any other statutory or regulatory requirements.
- b. Facility equipment shall conform to applicable industry standards including the American Wind Energy Association standards for wind turbine design and related standards adopted by the American Standards Institute (ANSI). Applicants shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

#### Permits Required

- a. A WECS permit shall be obtained from the Zoning Administrator for the construction of all WECS. Said permit will be required to follow the rules and procedures provided in this Section, for the granting of a Special Use Permit.
- b. A building Permit shall be obtained to allow construction of WECS.

#### Application Requirements

An application for a permit to build a wind energy system shall include the following:

- a. A WECS Project summary, including, to the extent available: (1) a general

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description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), number of WECS(s), and name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner, and Operator, including their respective business structures.

- 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. Petitioner will provide a graphic Site Plan Exhibit including the easement boundaries final site location and legal descriptions for each site to the Zoning Administrator for approval before construction begins. Petitioner will furnish the Zoning Administrator with certified "as built" site plans and easement descriptions drawings showing the location of wind turbines, roads, transmission lines and all other improvements. A topographic map of the project site shall include the project site and the surrounding area.
- d. Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.
- e. Location of all underground utility lines on the WECS site.
- f. Dimensional representation of the structural components of the tower construction including the base and footings.
- g. Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
- h. Manufacturer's specifications and installation and operation instructions or specific WECS design information.
- i. Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by BOCA.
- j. All turbines shall be new equipment commercially available; no used, experimental or proto-type equipment still in testing shall be approved by the Zoning Officer or the Zoning Board of Appeals.

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### Setback Requirements

- a. No WECS shall be constructed in any setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the landowner, township and county.
- b. Installation of any WECS may not be nearer that three hundred fifty (350) feet or 1.1 times the tower height, as defined herein, of the WECS, whichever is greatest, to any property lines, dedicated roadway, railroad right-of-way for overhead electrical transmission or distribution lines. Distance shall be measured from the foundation at the base of the turbine. New structures built adjacent to wind power facilities shall maintain these same minimum setback requirements.
- c. Except as provided herein the setback distance for turbines with a rated capacity of 1.0 MW or less shall be 1,000 feet or more from any existing or occupied residence and turbines with a greater rated capacity shall be set back 1,400 feet or more from any existing or occupied residence or from the boundary of any to which as of the date of approval of the Special Use is in a platted subdivision and shall be setback from a property line 1.1 times the height of the turbine with the blade tip at its highest point. Distance shall be measured at the time of application for building permit from the foundation at the base of the turbine. A turbine may be placed as near as 600 feet from an occupied residence with the prior written approval of the owner. The setback distance will be followed except in specific instances allowed in the special use permit by the Zoning Board of Appeals.
- d. The setback distance for the turbines will be 1500 feet from any platted community which enforces its own government. Distance shall be measured from the foundation at the base of the turbine to the closest Corporate Limit boundary line. (Moultrie County will reference the most current Zoning Map on file with the Zoning office).
- e. Participating landowners within the area comprising the wind energy conversion system may waive property line setbacks with written approval from all landowners sharing such property line.

### Safety Requirements

- a. Blade Clearance The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

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- b. Climbing Towers. Tower Access Access to lattice towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Fences will not be required for tubular towers with an internal ladder and locked door. Existing local regulations shall cover wind systems as well.
- c. SIGNAGE. Signage regulations are to be consistent with ANSI and AWEA standards. Signs warning of high voltage shall be posted at least at the entrances to each WECS tower.
- d. NOISE and VIBRATION. Noise and vibration levels shall be in compliance with all Illinois Pollution Control Agency (IPCA) regulations.
- e. ELECTRICAL COLLECTION CABLES. All WECS electrical collection cables between each WECS shall be located underground unless they are located on public or utility rights-of-way or with prior County approval. All communication lines that are buried should be at a depth consistent with local utility and telecommunication underground lines standards until the same reach the property line or a substation adjacent to the property line.
- f. TOWER CONSTRUCTION. Tower construction shall be in accordance with all applicable sections of the Illinois Statutes, if any.
- g. UTILITY INTERCONNECTION. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS.
- h. WASTE MANAGEMENT. All SOLID WASTE whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All HAZARDOUS WASTE generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall be handled in a manner consistent with all local, state and federal rules and regulations.
- i. LIGHTING. Projects shall utilize minimal lighting. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA.

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Public Services

- a. Roads. Any proposed access roads that will be used for construction purposes shall be identified and approved by the Township Road Commissioner and the County Engineer prior to issuance of the building permit. Township Road Commissioner and County Engineer shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
- b. Any road damage repairs caused by the transport of the facility's equipment, the installation of same, or the removal of same, must be completed to the satisfaction, at the cost of the WECS owner, 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 oversized load permits. Further, a corporate surety bond in an amount to be fixed by the Township Road Commissioner or the County Engineer may be required by the Township Road Commissioner or the County Engineer to insure the township or the county that future repairs are completed to the satisfaction of the unit of local government.
- c. Dust Control Reasonable dust control measures will be required by the County during construction of the WECS.
- d. Sewer and Water Any facility shall comply with existing septic and well regulation as required by the Moultrie County Health Department and the State of Illinois Department of Public Health.
- e. Drainage Repair All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the WECS, must be completely repaired to near original condition, at the cost of the WECS owner.

Engineer's Certificate

The engineer's certificate shall be completed by a structural engineer registered in the State of Illinois and shall certify that the tower and foundation are compatible with and appropriate for the turbine to be installed and that the specific soils at the site can support the apparatus. All wind turbines, installed for commercial purposes, must utilize self-supporting tubular towers.

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to agree on an arbitrator, then each such party shall choose an independent arbitrator and their respective choices shall then choose an arbitrator. This condition shall not bind an aggrieved party, other than the County or petitioner, to submit to arbitration.

Further application after completion of project construction.

Construction of the wind farm shall begin within 12 months from the date the Special Use Permit is granted by the final authority. After construction is complete, the "as built" drawing showing the location of wind turbines, roads, transmission lines and all other improvements related to the wind turbine installation shall be recorded in the County Clerks Office. Only the land utilized for these wind turbines and related improvements shall be designated for the area of special exception permit. Upon completion of construction the surrounding area will be again zoned as originally designated prior to the application for Special Exception as if the Special Exception had never been granted. Additional wind turbines to be placed on that same parcel of land shall require another petition for recommendation by the planning commission and approval from the Zoning Board of Appeals.

RESOLUTION: 04-19  
BOOK 4 PAGE 140

State of Illinois )  
 ) SS  
County of Moultrie )

Ordinance  
No. 22-07  
of the County Board of  
Moultrie County, Illinois

**ORDINANCE OF THE COUNTY BOARD OF MOULTRIE COUNTY, ILLINOIS TO  
PROHIBIT THE CONSTRUCTION, IMPLEMENTATION, AND USE OF WIND  
ENERGY CONVERSION SYSTEMS IN MOULTRIE COUNTY, ILLINOIS**

**WHEREAS**, the Illinois Compiled Statutes at 55 ILCS 5-12020 addresses wind farms, electric-generating wind devices, and commercial wind energy facilities, and grants to the individual Illinois counties the permissive authority to establish standards for wind farms and electric-generating wind devices; and

**WHEREAS**, the legislative grant of authority to the Illinois counties is permissive and not mandatory; and

**WHEREAS**, the Moultrie County Board has conducted a series of public hearings, during which the public was given notice that the Moultrie County Board was considering revisions of the Ordinance pertaining to Wind Energy Conversion Systems;

**WHEREAS**, the meetings were attended by members of the public and the majority opinion at each session was that the citizens of Moultrie County did not wish to support commercial Wind Energy Conversion Systems being constructed, implemented, and used in Moultrie County, Illinois; and

**WHEREAS**, the Moultrie County Board members having heard the concern of the public, herein make the following findings:

1. That at the present time, it is not possible for Wind Energy Conversion Systems to function without producing some level of noise; and
2. That at the present time, it is not possible to ensure the safety and well-being of birds and the natural habitats of local species in energy where wind turbines are constructed; and
3. That at the present time, wind turbine's effectiveness in generating electricity depends on the weather and it is difficult to predict how much electricity a wind turbine will generate over time, particularly on days when wind speeds are low; and
4. That at the present times, wind turbines need to be built high enough to capture the wind and interrupt otherwise scenic landscapes; and

5. That at the present time, it is not possible to ensure that land property values will not be negatively impacted by the construction of wind energy conversion systems; and
6. That at the present time, it is not possible to ensure the preservation and safety of water supplies, drainage tiles, and farm ground during the construction, operation, and removal of wind turbines; and
7. That at the present time, it is not possible to ensure the safety of children and staff present at non-public schools, of which there are several in Moultrie County, should wind turbines be erected near school locations.


**NOW, THEREFORE, BE IT RESOLVED** by the Moultrie County Board that beginning on May 12, 2022, a ban will be imposed, and the construction, implementation, and use of Wind Energy Conversion Systems in Moultrie County, Illinois, is PROHIBITED, until and unless the above-related concerns may be addressed to the satisfaction of the Moultrie County Board.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Moultrie County Board that this ordinance supersedes Moultrie County Zoning Ordinance 77-1, Article 18, Section 18.1, Paragraph 7 (18.1(7)) effective immediately.


Approved and adopted at a regular meeting of the County Board of Moultrie County this

12<sup>th</sup> day of May, 2022.

Vote: Yea: 8  
 Nay: 0  
 Abstain: 0  
 Absent: 1

  
 \_\_\_\_\_  
 Billy Voyles  
 Board Chairman

ATTEST:

  
 Georgia C. England  
 Clerk of the County Board.  
 County Clerk

State of Illinois )  
 ) SS  
County of Moultrie )

Ordinance  
No. 22-07  
of the County Board of  
Moultrie County, Illinois

**ORDINANCE OF THE COUNTY BOARD OF MOULTRIE COUNTY, ILLINOIS TO  
PROHIBIT THE CONSTRUCTION, IMPLEMENTATION, AND USE OF WIND  
ENERGY CONVERSION SYSTEMS IN MOULTRIE COUNTY, ILLINOIS**

**WHEREAS**, the Illinois Compiled Statutes at 55 ILCS 5-12020 addresses wind farms, electric-generating wind devices, and commercial wind energy facilities, and grants to the individual Illinois counties the permissive authority to establish standards for wind farms and electric-generating wind devices; and

**WHEREAS**, the legislative grant of authority to the Illinois counties is permissive and not mandatory; and

**WHEREAS**, the Moultrie County Board has conducted a series of public hearings, during which the public was given notice that the Moultrie County Board was considering revisions of the Ordinance pertaining to Wind Energy Conversion Systems;

**WHEREAS**, the meetings were attended by members of the public and the majority opinion at each session was that the citizens of Moultrie County did not wish to support commercial Wind Energy Conversion Systems being constructed, implemented, and used in Moultrie County, Illinois; and

**WHEREAS**, the Moultrie County Board members having heard the concern of the public, herein make the following findings:

1. That at the present time, it is not possible for Wind Energy Conversion Systems to function without producing some level of noise; and
2. That at the present time, it is not possible to ensure the safety and well-being of birds and the natural habitats of local species in energy where wind turbines are constructed; and
3. That at the present time, wind turbine's effectiveness in generating electricity depends on the weather and it is difficult to predict how much electricity a wind turbine will generate over time, particularly on days when wind speeds are low; and
4. That at the present times, wind turbines need to be built high enough to capture the wind and interrupt otherwise scenic landscapes; and



5. That at the present time, it is not possible to ensure that land property values will not be negatively impacted by the construction of wind energy conversion systems; and
6. That at the present time, it is not possible to ensure the preservation and safety of water supplies, drainage tiles, and farm ground during the construction, operation, and removal of wind turbines; and
7. That at the present time, it is not possible to ensure the safety of children and staff present at non-public schools, of which there are several in Moultrie County, should wind turbines be erected near school locations.


**NOW, THEREFORE, BE IT RESOLVED** by the Moultrie County Board that beginning on May 12, 2022, a ban will be imposed, and the construction, implementation, and use of Wind Energy Conversion Systems in Moultrie County, Illinois, is PROHIBITED, until and unless the above-related concerns may be addressed to the satisfaction of the Moultrie County Board.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Moultrie County Board that this ordinance supersedes Moultrie County Zoning Ordinance 77-1, Article 18, Section 18.1, Paragraph 7 (18.1(7)) effective immediately.


Approved and adopted at a regular meeting of the County Board of Moultrie County this

12<sup>th</sup> day of May, 2022.

Vote: Yea: 8  
 Nay: 0  
 Abstain: 0  
 Absent: 1

  
 \_\_\_\_\_  
 Billy Voyles  
 Board Chairman

ATTEST:

  
 Georgia C. England  
 Clerk of the County Board.  
 County Clerk