

# OGLE COUNTY, ILLINOIS

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## *AMENDATORY ZONING ORDINANCE* *Chapter 16 of the Ogle County Code*

**Ogle County Planning & Zoning Department**  
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First Zoning Ordinance Adopted March 9, 1965  
Major Amendments Thereafter: March 24, 1992 and September 17, 1996  
Recent Amendments: 3/18/98, 5/19/98, 1/19/99, 9/19/00, 12/18/01, 5/20/03,  
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*AMENDATORY ZONING ORDINANCE*  
OGLE COUNTY, ILLINOIS

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**ABBREVIATED SCHEDULE OF ZONING REGULATIONS - OGLE COUNTY, ILLINOIS**

ZONING DISTRICT	LOT AREA REQUIRED	LOT WIDTH REQUIRED	MAXIMUM PRINCIPAL BUILDING HEIGHT	REQUIRED FRONT YARD	REQUIRED SIDE YARD	REQUIRED CORNER SIDE YARD	REQUIRED REAR YARD	MAXIMUM ALLOWABLE LOT COVERAGE
AG-1 Agricultural	40.00 acres	300'	Not Required	*	25'	(0)	50'	Not Required
IA Intermediate Agricultural	10.00 acres	500'	35'	*	25'	(0)	50'	10%
R-1 Rural Residential	3.00 acres	300'	35'	*	25'	(0)	50'	10%
R-2 Single-Family Residential	2.00 acres**	130***	35'	*	25'/	(0)	30'	30%
R-3 Mobile Home Subdivision	1.00 acre (43,560 square feet)**	130***	24'	*	25'/	(0)	30'	25%
R-4 Mobile Home Park	#	#	24'	*	15' or 10% of lot width, whichever is less.	(0)	30'	25%
B-1 Business	1.00 acre	100'	2 stories or 35', whichever is less	*	5\'	(0)	25'	\
B-2 Business Recreation	1.00 acre	100'	2 stories or 35', whichever is less	*	5\'	(0)	25'	\
B-3 Restricted Interstate Highway Area Business	1.00 acre	100' (also, a maximum lot depth of 125' is required)	2 stories or 35', whichever is less	*	5\'	(0)	25'	RZO (Section 5.09)
I-1 Industrial	1.00 acre	100'	2 stories or 35', whichever is less	*	10% of lot width or 25', whichever is less	(0)	25'	Landscaped surface area ratio no less than 0.40
PD Planned Development	<b>RZO</b>	<b>RZO</b>	<b>RZO</b>	*	<b>RZO</b>	<b>RZO</b>	<b>RZO</b>	<b>RZO</b>

- \* Every building hereafter erected or enlarged in any zoning district shall provide and maintain a front yard in accordance with the following requirements except as otherwise provided:
  - a. Adjacent to tollways, freeways and limited access highways, all buildings shall be set back not less than sixty (60) feet from the property line adjoining a tollway, freeway, or limited access highway.
  - b. Adjacent to federal or state highways not less than eighty (80) feet from the front property line (rights-of-way line) adjoining such highway.
  - c. Adjacent to a county highway not less than sixty (60) feet from the front property line (rights-of-way line) adjoining such highway.
  - d. Adjacent to a township road, or any other road or street not less than forty (40) feet from the front property line (rights-of-way line) adjoining such road or street.
- (0) Same as required front yard.
- \*\* Lot size may be reduce with the provision of public services (public/community sewer and/or water) and/or when lots are developed as part of an open space subdivision (refer to *Ogle County Land Subdivision Regulations*).
- / Lots served by either public (community) water or sewer shall maintain side yards of 15' or 10% of the lot width, whichever is less; lots of record 100' in width or less shall maintain side yards of 10% of the lot width.
- # Determined by Zoning Administrator upon recommendation from Health Administrator.
- \ Hotels and motels shall maintain side yards of 25'. Where a rear yard or side yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than that established above for front yards. Where a rear yard or side yard abuts a residential district, the rear yard or side yard requirement shall be not less than the rear yard or side yard requirement of said adjoining residence district.
- \ \ Refer to "Development Limitations".
- RZO** Refer to Ssection 5.10 of the *Ogle County Amendatory Zoning Ordinance* (Planned Development District)

**Ogle County Amendatory Zoning Ordinance  
Chapter 16 of the Ogle County Code**

**DIVISION 1  
TITLE, PURPOSE AND INTENT**

- 16-1-1 Title: This Ordinance, including the zoning district maps, made a part hereof, shall be known and may be cited and referred to hereinafter as the *OGLE COUNTY AMENDATORY ZONING ORDINANCE* (Ord., 9-17-1996)
- 16-1-2 Repeal of Previous Ordinance(s): The Ogle County Amendatory Zoning Ordinance adopted March 9, 1965, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance. (Ord., 9-17-1996)
- 16-1-3 Purpose: The purpose of this Ordinance is to regulate and control the zoning of land and the use of land and buildings within Ogle County in order to promote public safety, health and general welfare of the citizens.
- A. These regulations are specifically designed to:
1. Secure adequate natural light, pure air and safety from fire and other dangers;
  2. Lessen or avoid congestion in the public streets and highways;
  3. Lessen or avoid the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters;
  4. Conserve the value of land or buildings throughout the County;
  5. Preserve and enhance aesthetic values throughout the County;
  6. Protect, strengthen and maintain the economic base that agricultural pursuits provide the County;
  7. Prevent scattered, haphazard or premature urbanization by guiding growth in an orderly fashion;
  8. Prevent an unfair shifting to agricultural and existing land owners of construction and service costs;
  9. Maintain and enhance rural community values; and
  10. Promote the public health, safety, morals, comfort and general welfare.
- B. To these ends this Ordinance is intended to establish certain standards and accomplish certain objectives to assure the orderly growth in the undeveloped areas of Ogle County of agriculture, residential, business, commercial, industrial and complementary developments by providing that:
1. Lands best suited for agricultural purposes be protected from the encroachment of urban-type residential and business developments in order to promote more efficient use of the increasingly reduced area of land in agricultural uses as the result of expanding urbanization.

2. Development within the County occurs in such a fashion as to minimize conflict between farming and other land uses and the enforcement of any rule, regulation or ordinance is consistent with the "Farm Nuisance Suit Act", *Illinois Compiled Statutes, Chapter 740, par. 70/0.01 et seq.*
3. Existing residential areas and areas designated for expansion of residential development be suitably located in relationship to business, commercial and manufacturing areas and be protected against intrusion which will interfere with the public health, welfare and safety of the residential community.
4. Existing business and commercial areas be protected against the encroachment of incompatible uses; that business areas be used only for those retail trade establishments engaged in serving a large volume of daily shoppers where service business and commercial establishments are not permitted to encroach upon the continuity of such shopper type business places; that commercial areas be used for those specialized service business and commercial establishments, as well as for those uses permitted only in the business area and that adequate space be provided for off-street parking of vehicles of employees and customers using the business and commercial areas.
5. Existing manufacturing areas be given adequate protection; additional land be designated and regulated for future manufacturing development so that present industry may expand, and that a wide range of sites for new industry be provided, having access to transportation facilities and other features, enabling industry in Ogle County to compete successfully with industry elsewhere in the national and world-wide markets.
6. Areas containing significant natural features such as native vegetation, rivers, streams, wetlands, etc. or areas with significant historical and cultural values be preserved and protected, with special attention to dedicated nature preserves and habitats containing threatened or endangered natural plant or animal species.
7. Areas containing underground deposits of mineral resources be given adequate protection so that these natural resources will be preserved for future uses.
8. Land necessary for open space is adequately preserved and properly utilized.
9. Where land and structures adjoin incorporated communities and it is evident that such land could ultimately be annexed to the community, the uses of such land and buildings be related to the existing and planned land use pattern of the adjacent communities. (Ord., 9-17-1996)



**DIVISION 2  
RULES AND DEFINITIONS**

16-2-1 Rules of Construction: The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. Words used in the present tense shall include the future; and words used in the singular numbers shall include the plural number, and the plural, the singular, unless the context clearly indicates the contrary.
- B. The word “shall” and “must” are mandatory and not discretionary; the words “may” or “should” are permissive.
- C. The word “lot” shall include the words “plot”, “piece” and “parcel”.
- D. The phrase “used for” shall include the phrase “arranged for”, “intended for”, “designed for”, “maintained for” and “occupied for”.
- E. The word “County” means Ogle County, Illinois.
- F. The word “Board” means the Ogle County Zoning Board of Appeals.
- G. “HEW Committee” means the Health, Education and Welfare/Solid Waste Committee of the Ogle County Board.
- H. All measured distances shall be to the nearest integral foot. If a fraction is one-half (½) foot or more, the integral foot next above shall be taken.

16-2-2 Definitions: The following words and terms shall have the meaning set forth except where otherwise specifically indicated, and shall apply in interpretation and enforcement of this Ordinance. Words and terms not defined shall have the meaning indicated by common dictionary definition.

**ABANDONMENT**: An action to give up one’s right or interest in property.

**ACCESSORY BUILDING OR USE**: A use, building or structure subordinate to the principal use, building or structure and which is located on the same zoning lot serving a purpose customarily incidental to the principal use, building or structure. Accessory uses may be a part of or separate from the main building, structure or use and shall be located on the same lot as the principal use, building or structure, except as otherwise specified.

**ACCESSORY POLLUTION CONTROL FACILITY USES**: A use which (a) is subordinate to and serves a Pollution Control Facility; (b) is subordinate in area, extent or purpose to the Pollution Control Facility served; (c) contributes to the comfort, convenience or necessity of the Pollution Control Facility served; whether or not it is located on the same zoning lot with the use served. Said Accessory Pollution Control Facility Uses include but are not limited to all necessary or required drainage and detention facilities, vehicle and equipment storage areas, borrow pits and stock piles, etc.

**ACREAGE**: Any tract or parcel of land having an acreage of one or more which has not been subdivided by metes and bounds or platted.

**ADJACENT**: Adjoining, abutting, bordering, touching, or contiguous.

**ADULT USES**: The definition of “adult uses” specifies the following types of establishments:

*Adult Arcade:* An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. (See the end of the list of adult-use establishments for the ordinance's definition of "specified sexual activities" or "specified anatomical areas".)

*Adult Bookstore:* An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

*Adult Cabaret:* A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

*Adult Motion Picture Theater:* An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

*Adult Theater:* A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

*Massage Parlor:* An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

*Specified Anatomical Areas:* As used herein, specified anatomical areas means and includes any of the following: 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified Sexual Activities:* As herein, specified sexual activities means and includes any of the following: 1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3, above.

**AGRIBUSINESS:** Agriculturally related business such as, but not limited to, anhydrous ammonia facilities; bulk fertilizer facilities, grain elevators, grain storage, sale and repair of farm implements; liquid petroleum products; animal feed storage; seed research and production; sale of seed, wholesale and retail; preparation, grinding and mixing, wholesale and retail; livestock depots and buying or sale yards, provided sufficient evidence accompanies the application that adjoining or neighboring properties will not be adversely affected by the pollution of air or water.

**AGRICULTURAL LABOR HOUSING:** One or more buildings, tents, trailers, together with the land appertaining thereto, established, operated or used as living quarters for six (6) or more seasonal or temporary workers engaged exclusively in agricultural activities, including, for the purpose of this definition, related food processing.

**AGRICULTURE:** Land, or land and buildings, the principal use of which includes one of the following: the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, dairying, floriculture, horticulture, nurseries, pasturage, viticulture, greenhouses, and accessory uses customarily incidental to agricultural activities including but not limited to, farm dwellings. (May 16, 2006)

**AIRCRAFT HANGARS/TIEDOWNS:** An area used for the temporary storage of aircraft, either enclosed or unenclosed.

**AIRCRAFT REPAIR AND SERVICE:** General repair, rebuilding or reconditioning of aircraft.

**AIRPORT OR AIRCRAFT LANDING FIELD:** Any landing area, runway or other facility (including heliports), designed, used or intended to be used either publicly or privately by any person or persons for the landing or taking off of aircraft and hang gliders, including all necessary taxiway, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces.

**ALLEY:** A public way, not more than thirty feet (30') wide, which affords only a secondary means of access to abutting property.

**ALTERATION:** Alteration means any change in size, shape, character, occupancy, or use of a building or structure.

**AMENDMENT, MAP:** An amendment to the Zoning District Maps of this Ordinance, which affects an individual parcel or parcels of land.

**AMENDMENT, TEXT:** An amendment to the text of this Ordinance which affects the whole County.

**ANIMAL HOSPITAL:** Any building or portion thereof designed or used for the care, observation or treatment of domestic animals or pets.

**APARTMENT:** A room or suite of rooms in a multiple-family building, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities permanently installed shall always be included for each apartment. (See also, "Dwelling, Multi-Family").

**ARTICLES OF RULES AND PROCEDURES:** The Articles of Rules and Procedures, Regional Pollution Control Facility Committee, enacted by the County Board with respect to the siting of Regional Pollution Control Facilities pursuant to the "Environmental Protection Act", *Illinois Compiled Statutes, Chapter 415, Paragraph 5/1 et seq.*

**AUDITORIUM:** A room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

**AUTOMOBILE LAUNDRY (CAR WASH):** A drive-in or drive-through facility where motor vehicles are washed with the use of a conveyor and blower, or other cleaning devices, or a facility providing space, water and equipment for the hand washing of motor vehicles, whether by customer or the operator.

**AUTOMOBILE REPAIR, MAJOR:** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair and painting of vehicles.

**AUTOMOBILE REPAIR, MINOR:** Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under “Automobile Repair, Major”.

**AUTOMOBILE SERVICE STATION OR FILLING STATION:** A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease, for operation of automobiles, is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, and including minor automobile repairs. Automobile service stations shall not include sale or storage of automobiles or trailers (new or used).

**AUTOMOBILE AND TRAILER SALES AREA:** An open area, other than a street, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

**AUTOMOBILE WRECKING YARD:** Any place where inoperable motor vehicles or the parts thereof, or any other inoperable machinery or 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 motor vehicles or machinery, or the parts thereof. The presence on any lot or parcel of land of two or more inoperable motor vehicles or pieces of machinery which, for a period of fifteen (15) days, have not been capable of operating under their own power and from which parts have been or are to be removed shall constitute prima-facie evidence of an automobile wrecking yard.

**AWNING:** An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a thoroughfare when the same is so erected as to permit its being raised to a position flat against the building when not in use.

**BANK AND FINANCIAL INSTITUTIONS:** Commercial banks, currency exchanges, saving and loan associations, brokerage offices and other similar financial institutions, but not including loan offices, financial companies and pawn shops.

**BANQUET FACILITY:** An establishment that is rented by individuals or groups and is intended and designed to accommodate private (invitation only) functions including, but not limited to banquets, weddings, anniversaries, conferences, business meetings and other similar events. Such a use may include kitchen facilities for preparation of food to be consumed on the premises, and outdoor gardens or reception facilities. (9/19/17)

**BASEMENT:** A story partly or wholly underground. Where more than one-half (½) of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purposes of height measurement.

**BED AND BREAKFAST ESTABLISHMENT:** An owner-occupied single-family dwelling where not more than five (5) short term (less than 30 days) lodging rooms, with or without breakfast, are provided for compensation. Any “bed and breakfast establishment” shall comply with all requirements of the Illinois Bed and Breakfast Act (50 ILCS 820/).

**BLOCK:** A tract of land bounded by streets, or, in lieu of a street or streets, by public parks, cemeteries railroad right-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

**BOARDING HOUSE:** A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units; or, a single-family dwelling provided for rental by one or more persons but not exceeding ten persons, for a period of less than 30 days. A boarding house is designed to be occupied by short term (less than 30 days) guests. (9/19/17)

**BOAT LANDING:** Any ramp, dock, mechanism or device by means of which a boat, whether powered or not, can be transferred from a trailer to the water.

**BOAT LANDING, COMMERCIAL:** Any boat landing which is open to the public, or to members of any club or organization upon the payment of the fee or charge to the owner, lessee or occupant of the land on which the boat landing is located.

**BORROW PIT:** Any place or premises where dirt, soil, sand, gravel or other material is removed, by excavation or otherwise, below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or to building, construction or operation of the premises.

**BUILDING:** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels. Any structure with interior areas not normally accessible for human use such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.

**BUILDING, ACCESSORY:** See “Accessory Building, Structure or Use.”

**BUILDING AREA:** The area remaining on a building lot after all minimum yard requirement of this chapter have been complied with.

**BUILDING COVERAGE:** The area on a zoning lot occupied by buildings and structures, including accessory buildings.

**BUILDING, DETACHED:** A building surrounded by open space on the same zoning lot.

**BUILDING, HEIGHT OF:** The vertical distance from grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, spires, elevator penthouses, cooling towers and similar projections other than signs shall not be included in calculating building height.

**BUILDING, PRINCIPAL:** A non-accessory building in which the principal use of the zoning lot on which it is located is conducted.

**BUILDING LINE:** The line nearest the front of and across a zoning lot, establishing the minimum open space to provide between the front line of a building or structure and the street right-of-way.

**BUILDING, TEMPORARY:** Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

**BUILDING WRECKING YARD:** An open area where collapsed buildings, or the material(s) remaining after building demolition, including mobile homes and recreational vehicles, are being stored in the open and are not being restored to a useable and/or safe condition; or, any land, building or structure used for the wrecking/demolition of buildings and mobile homes and/or recreational vehicles.

**BULK:** The term used to indicate the size and setbacks of buildings or structures and location of the same with respect to one another and including the following:

1. Size and height of buildings;
2. Location of exterior walls at all levels in relation to lot lines, streets or other buildings;
3. Gross floor area of buildings in relation to lot area (floor area ratio);
4. All open spaces allocated to the buildings;

5. Amount of lot area per dwelling unit;
6. Required parking areas.

**BUSINESS ESTABLISHMENT:** A building, structure or land use in whole or in part as a place of business, the ownership, or management of which is separate and distinct from the ownership or management of any other place of business located on the same or other lot.

**BUSINESS OR SERVICE:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

**BUS LOT:** Any lot or land area used for the storage or layover of public passenger buses or motor coaches.

**CAMPER:** A recreational motor vehicle converted or equipped and primarily used for living quarters or for human habitation, rather than for the transportation of freight, goods, wares and merchandise and not used as a commercial vehicle.

**CAMPGROUND:** Any parcel or tract of land under the control of any person(s), organization, private entity or governmental entity upon which 3 or more tents, cabins, recreational vehicles or other permanent or non-permanent type shelters are erected and maintained for camping or where space is provided for camping, temporary parking of recreational vehicles or placing of such tents, cabins, recreational vehicles or other permanent or non-permanent type shelters of any kind for 4 or more camping days during a calendar year. It shall include any structure, tent, vehicle, enclosure, appurtenances or recreational equipment related to or used or intended for use as a part of such campground. "Camping" means the act of resting or establishing temporary shelter using a tent, cabin, recreational vehicle or other permanent or non-permanent type shelter erected or placed on an area of land. "Camping Day" means any 24 hour period or portion thereof during which the participants remain overnight at the site. (9/19/17)

**CAMPING UNIT:** A tent or other type of portable shelter intended, designed, or used for temporary human occupancy.

**CANOPY:** A canopy shall include any structure, other than an awning, made of cloth or metal with frames attached to a building, projected over a thoroughfare, and carried by a frame supported by the ground or sidewalk.

**C/N RATIO:** The ratio of the amount of carbon to the amount of nitrogen, by weight, that is present in a substance.

**CARPORT:** A roofed automobile shelter with two (2) or more open sides.

**CAR WASH:** (See "Automobile Laundry")

**CEMETERY:** A parcel of land or building dedicated to, and at least a portion of which is being used for the interment of human remains. A cemetery may include crematories, mausoleum and columbarium.

**CEMETERY, PET:** A parcel of land or structure dedicated to, and at least a portion of which is being used for, the interment of small (domestic) animal or pet remains. A pet cemetery may include an administrative building, chapel, crematory and maintenance shop.

**CHILD CARE HOME:** A private residence where care, protection and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider.

**CHILD CARE FACILITY:** A building or structure other than a private residence where care, protection and supervision are provided, on a regular schedule, at least twice a week to children, including children of the adult provider.

**CLINIC, MEDICAL OR DENTAL:** A medical center or medical clinic is an establishment where three (3) or more licensed physicians, surgeons, or dentists engage in the practice of medicine or dentistry, operating on a group basis with pooled facilities, such as coordinated laboratory, X-ray and allied departments, and the diagnosis and treatment of humans, which need not, but may include a drug prescription center (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of said physicians, surgeons and dentists.

**CLUB OR LODGE, PRIVATE:** A non-profit association or persons who are bonafide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises, to members and then guests, provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of food and alcoholic beverages is in compliance with the applicable federal, state, county and municipal laws.

**COMMUNITY CENTER:** A place, structure, or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community and not operated for profit.

**COMMUNITY CENTER, THEATRICAL:** A building or portion thereof, used for a not-for-profit organization chartered by the State of Illinois, or local political jurisdiction, which has as its purpose(s) the promotion, instruction, study and production of theater art forms.

**COMMUNITY RECREATIONAL FACILITY:** A facility that includes swim and/or other racquet sport facilities, not operated for profit. Membership shall be restricted to people living in a specific geographical area and shall not be based upon any other criteria.

**COMMUNITY SEWER AND/OR WATER SYSTEM:** Any system, other than an individual septic tank or individual well, operated by a municipality or a public utility for the disposal of wastes and the furnishing of water, or either, to residential, industrial and/or commercial users, or any privately operated systems for the distribution of water from a single well, or a system of wells, and/or the collection and disposal of wastes in a central septic tank, or system of central septic tanks; provided, that such privately operated water and/or sewer system shall comply with all applicable Statues of the State of Illinois, and all applicable regulations and ordinances of all departments, commission, agencies and political subdivisions of the State of Illinois.

**COMPOST:** The humus-like product of the process of composting waste, which may be used as a soil conditioner.

**COMPOSTING:** The biological treatment process by which micro organisms decompose the organic fraction of waste, producing compost.

**COMPOSTING AREA:** Any area of a composting facility where waste, composting material or compost is unloaded, stored, staged, stockpiled, treated or otherwise managed.

**COMPOSTING MATERIAL:** Solid wastes which are in the process of being composted.

**CONTIGUOUS:** See "Adjacent".

**CONFORMING BUILDING OR STRUCTURE:** Any building or structure which (a) complies with all the regulations of this Ordinance or of any amendment thereof governing bulk of the district in which said building or structure is located; or (b) is designed or intended for a permitted use or conditional permitted use as herein allowed in the district in which it is located.

**CONFORMING USE:** Any use of a building or land which conforms with the regulations of the district in which the building or land is situated. If the use is a permitted use, but does not conform with the intensity of use regulations of the district in which it is situated, then the use shall not be deemed to be a conforming use.

**CONSERVATION EASEMENT:** A non-possessory interest in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic or open space values of real property, assuring its availability for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the natural, historical, architectural, archaeological or cultural aspects of real property.

**CONVENIENCE STORE:** A retail establishment having a gross floor area of 5,000 square feet or less, primarily selling foods as well as other household goods customarily sold in larger food markets and supermarkets.

**CONVENTIONALLY DESIGNED SUBDIVISION:** Residential developments where all the land is divided into house lots and streets, with the only open space typically being undevelopable wetlands, steep slopes, flood plains and storm water management areas.

**DEDICATION:** Intentional transfer by the developer to the public of ownership of or an interest in land for a public purpose. Dedication may be effected by formal conveyance, or by any other method recognized by the laws of the State of Illinois.

**DENSITY:** The number of dwelling units per acre of gross land area.

**DEVELOPER:** Any person, persons, corporation, or government agency undertaking any development as defined in this Ordinance. The term “developer” includes such commonly used references as “subdivider”, “owner”, and “proprietor”.

**DEVELOPMENT:** Any subdivision of land as defined in the *Ogle County Land Subdivision Regulations Ordinance*, or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

**DEVELOPMENTALLY DISABLED PERSON:** A person suffering from a developmentally disabling disease or condition including, but not limited to, mental retardation, epilepsy, autism, cerebral palsy or dyslexia.

**DISTRICT:** A section or part of the unincorporated portion of the County wherein this Ordinance is in force, within which certain uniform regulations and requirements or various combinations there apply under the provisions of this Ordinance.

**DRIVEWAY:** A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

**DWELLING:** A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

**DWELLING, ATTACHED:** A dwelling which is joined to another dwelling at one or more sites by a party wall or walls.

**DWELLING, DETACHED:** A dwelling which is entirely surrounded by open space and is not connected to any other dwelling unit by roof, walls or porches on the same lot.



**DWELLING, GROUP:** A residential building providing a common kitchen and/or bathroom facilities for five (5) or more unrelated persons. Examples of group dwellings include rooming houses, boarding houses, fraternities, sororities, and dormitories.

**DWELLING, MODULAR:** A building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilation and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation. "Permanent foundation" means a closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below frost level.  
(December 22, 2008)

**DWELLING, MULTIPLE FAMILY:** A multiple-family dwelling unit is a building or portion thereof, consisting of three (3) or more dwelling units with varying arrangements of entrance and party walls. The definition of multiple-family dwelling unit may include, but shall not be limited to the following terms: apartment, condominium cooperative, quadrominium, three-flat and triplex.

**DWELLING, ROW (PARTY WALL):** A row of two (2) to six (6) attached one-family party-wall dwelling, not more than two and one-half (2 ½) stories in height nor more than two (2) rooms in depth, measured from the building line.

**DWELLING, SINGLE-FAMILY:** A detached dwelling unit designed exclusively for use and occupancy by one (1) family.

**DWELLING, TWO-FAMILY:** A two family dwelling unit is a building consisting of two (2) dwelling units which may be either attached, side-by-side, or one (1) above the other, with each dwelling unit having a separate or combined entrance or entrances.

**DWELLING UNIT:** One (1) or more rooms in a residential building which are arranged, designed, used or intended for use by one family, for living or sleeping purposes and which includes complete kitchen facilities permanently installed, shall be included in each dwelling unit.

**DWELLING UNIT, EFFICIENCY:** A dwelling unit consisting of one (1) principal room for living, sleeping, and eating plus facilities for cooking and completed bath and toilet facilities.

**DWELLING UNIT, FARM:** A single-family dwelling unit located on a farm which is used or intended for use by the farm's owner, or person employed thereon. Only one farm dwelling shall be permitted on each farm.

**DWELLING UNIT, NON-FARM:** A single-family dwelling unit which is not a farm dwelling unit and which is designed for occupancy by a single family.

**EASEMENT:** A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

**FAIRGROUNDS:** A public or private facility open to the public during certain periods and on which permitted activities may include, but are not limited to: livestock exhibition; art, crafts and other material exhibits; equestrian activities; temporary sales of goods, services and miscellaneous concessions; and dwellings for watchmen or caretakers.

**FAMILY:** A family is one (1) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons not so related maintaining a common household in a dwelling unit.

**FAMILY CARE HOME FOR THE DEVELOPMENTALLY DISABLED:** A dwelling for fifteen (15) or fewer developmentally disabled persons, in which the program size and content are structured to meet the individual social habilitative, and respite needs of the persons residing therein, in a residential community setting. Prior to admitting residents, this dwelling shall comply with applicable licensing standards of the appropriate Federal, State, or local agencies, and may in addition, house such minimum staff persons as may be received to meet the standards of the licensing agencies.

**FARM:** Real property comprising at least forty (40) contiguous acres, in one ownership, that is used primarily for the commercial, soil-dependent cultivation of agricultural crop production and/or for the raising of livestock. The term “one ownership” shall include an individual, corporation, business trust, estate, trust, partnership, association, or two or more persons having a joint or common interest in the land. For purposes of this Ordinance, “farm” does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use. (5/20/03)

**FENCE:** Any artificially constructed barrier, other than a building, of any material or combination of materials erected to close or screen areas of land.

**FINANCIAL ASSURANCE:** Reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit. (9/03)

**FIREARM RANGE:** A rifle, pistol, silhouette, skeet, trap, black powder, or other similar range used for discharging firearms in a sporting event, for practice or instruction in the use of a firearm including qualifying for a Concealed Carry License, or for the testing of a firearm. This definition shall not include the lawful discharge of firearms in the course of hunting activities, or the lawful discharge of firearms on private property by the owner of said property. (9/19/17)

**FIREARM RANGE, INDOOR:** A rifle, pistol, silhouette, skeet, trap, black powder, or other similar range that is within a fully enclosed building or part of a fully enclosed building, such building being specifically designed for discharging firearms in a sporting event, for practice or instruction in the use of a firearm including qualifying for a Concealed Carry License, or for the testing of firearms. This definition shall not include the lawful discharge of firearms on private property by the owner of said property. (9/19/17)

**FLEA MARKET:** An occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

**FLOOD DAMAGE PREVENTION ORDINANCE:** The ordinance regulating development within the floodplain areas of the county (see Division 10 of this Chapter).

**FLOOD PLAIN:** Flood plains are those land areas subject to flooding. A flood occurs when heavy rains or snow melt send more water downstream than the carrying channel can handle. Flood plain development is regulated in the unincorporated areas of the County by the *Special Flood Hazard Areas Ordinance*.

**FREEWAY:** A major highway having no intersections at grade and having fully controlled access, hence “free” from conflicts and interruptions.

**FREIGHT FORWARDING:** Establishments primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire transportation route, and in turn, making use of the services of other transportation establishments as instrumentalities in effecting delivery.

**FREIGHT TERMINAL:** A building, structure, parcel of land or portion thereof in which (a) freight is shipped by airplane, motor truck or railroad; or (b) freight is received, assembled, sorted and/or rerouted for local, intrastate or interstate shipment. (see definition of Freight Forwarding) Stored freight shall not be interpreted as operating a warehouse.

**FRONTAGE:** The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in this (definitions) Section.

**GARAGE, COMMUNITY:** A building or portion thereof, other than a public or repair garage, providing storage for motor vehicles but no other services, such garage to be in lieu of private garages within a block or portion of a block.

**GARAGE, PRIVATE:** A private garage is an accessory building or an accessory portion of the principal building or both which is intended and used to store motor vehicles.

**GOLF COURSE (PUBLIC, SEMI-PUBLIC OR PRIVATE):** Grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto and consisting of not less than sixty (60) acres for each standard nine-hole course, and thirty (30) acres for each nine-hole "par-3" course.

**GOLF, MINIATURE:** A commercial recreational facility, resembling golf, containing short "holes", the majority of which are under one hundred feet (100') in length, and primarily utilizing putting irons.

**GRADE:** A reference plane representing the average finished ground level adjoining the building the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest point (s) within the area between the building and the lot line or, when the lot line is more than six feet (6') from the building between the building, and a point located six feet (6') from the building.

**GROSS FLOOR AREA (for the purposes of determining requirements for off-street parking and loading):** The floor area shall mean the sum of the gross horizontal area of the several floors of the buildings or portion thereof, devoted to such use, including accessory storage area located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

However, floor area for the purpose of measurement of off-street parking spaces shall not include floor area devoted primarily to storage purposes. The following areas shall not be included for the purpose of measurement off-street parking spaces:

- a. Floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space.
- b. Basement floor area other than area devoted to retaining or service activities or the production or processing of goods, or to business or professional offices.

**GROUP QUARTERS:** A dwelling that houses unrelated individuals (fraternities, sororities, dormitories and the like).

**GROUND FLOOR AREA:** The lot area covered by a principal building measured at grade from the exterior walls but excluding open porches or terraces, garages or carports.

**GUEST, PERMANENT:** A permanent guest is a person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his/her domicile and place a permanent residence.

**GYMNASIUM:** A building or portion thereof used for athletic training or sports activities, including accessory seating for spectators.

**HALFWAY HOUSE:** A home for not more than nine (9) persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or anti-social or criminal conduct, together with not more than two persons providing supervision and other services to such persons, eleven of whom live together as a single housekeeping unit.

**HAZARDOUS WASTE:** As defined in the Illinois Environmental Protection Act.

**HAZARDOUS WASTE DISPOSAL SITE:** A site at which hazardous waste is disposed.

**HOME OCCUPATION:** An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**HOME SHARE LODGING ESTABLISHMENT:** An owner-occupied single-family dwelling where not more than one (1) short term (less than 30 days) lodging room is provided for compensation. (9/19/17)

**HOTEL, APARTMENT:** A hotel in which at least ninety percent (90%) of the hotel accommodations are for occupancy by permanent guests. An apartment hotel having not less than fifty (50) guest rooms, may have a dining room open to the public which is accessible only from an inner lobby or corridor.

**HOTEL OR MOTOR HOTEL (MOTEL):** A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

**HOUSEHOLD PET:** Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds and rodents.

**JUNK:** Includes, but is not limited to old, dilapidated scrap or abandoned metal, paper, cardboard, building and construction material and equipment (including, but not limited to wood, lumber, concrete, etc.), bottles, glass, tin cans, appliances, furniture, beds and bedding, rags, rubber, boats, tires, inoperable motor vehicles, machinery parts, and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned) where such object(s), due to its/their present condition and/or visibility, may reasonably be construed to be unsightly, dangerous or unsanitary.

**JUNKYARD:** An open area where junk, as defined herein, is bought, sold, exchanged, stored, baled, packed, disassembled, or handled including automobile and building wrecking yards. (May 16, 2006)

**KENNEL, PRIVATE:** Any building or buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal use, kept for the purposes of show, hunting, or as pets.

**KENNEL, COMMERCIAL:** A facility, either State licensed or not, housing dogs, cats or other household pets where grooming, breeding, boarding, training or selling of animals is conducted as a business.

**LABORATORY, COMMERCIAL:** A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly, or packaging of products is not included within this definition.

**LANDSCAPED SURFACE AREA RATIO (LSAR):** The area of land devoted to pervious landscaping divided by the site area in accordance with the following formula:

LSR	=	$1 - [(ba + pa + oa)/s]$ ; where,
LSR	=	landscape surface ratio
ba	=	building area, the area covered by buildings from the maximum outside dimensions
pa	=	parking areas, all areas used for parking or loading, or access to those areas, that is otherwise not landscaped
oa	=	other area, all other paved areas, including patios, walks, entryways, etc.
s	=	site area, the actual area of the site, minus all existing road right-of-way

**LANDSCAPE WASTE:** All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

**LANDSCAPE WASTE COMPOSTING FACILITY:** An establishment for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines and trees. However, property on which the principal use is residential and on which composting of such materials, accumulated exclusively on-site, is conducted, shall not be considered a landscape waste composting facility.

**LAUNDROMAT:** A business that provides coin-operated self-service type washing, drying, dry-cleaning and ironing facilities; providing that a) not more than four (4) persons, including owners, are employed on the premises; and, b) no pick-up or delivery service is maintained.

**LIVESTOCK:** Cattle, horses, sheep, goats, swine, poultry or any other domestic animals or fowl which are raised for use or sale.

**LIVESTOCK MANAGEMENT FACILITY:** An enclosure designed or used for the purpose of concentrated feeding or fattening of livestock or management of livestock for marketing or production.

**LOADING SPACE:** A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

**LODGING HOUSE:** See "Boarding House".

**LOT:** A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

**LOT AREA:** The area of horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

**LOT, ASSESSOR'S:** A lot identified on an assessor's plat. An assessor's lot may or may not coincide with a lot of record or a zoning lot.

**LOT, CORNER:** A lot of which at least two (2) adjacent sides abut for their full length upon streets, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees.

**LOT COVERAGE:** Lot coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and include all projections other than open porches, fire escapes, or the first three feet (3') of roof over-hang. Roads, driveways, parking lots and swimming pools shall not be included in the maximum lot coverage requirement.

**LOT DEPTH:** The average horizontal distance between the front and rear lot lines.

**LOT, INTERIOR:** A lot other than a corner.

**LOT, KEY:** A lot that meets the minimum size and width for the zoning district in which it is located that is between a reserve (flag) lot and the public road on which the reserve (flag) lot and the key lot front. (05/20/03)

**LOT LINE(S):** The lines bounding a lot as defined herein.

**LOT LINE, FRONT:** That boundary between a lot and the street right-of-way on which it fronts.

**LOT LINE, REAR:** The lot line most nearly parallel to, and most distant from, the front line; on corner lots the rear lot line shall be opposite the front of the structure, except that in the case of uncertainty the Zoning Administrator shall determine the rear lot line. If the rear lot line is less than ten feet (10') in length, such rear lot line shall be determined to be a line which is not less than ten feet (10') in length, which line shall be parallel to, and at the maximum distance from, the front lot line.

**LOT LINES, SIDE:** Lot lines which are not front or rear lot lines.

**LOT OF RECORD:** A lot that is part of a subdivision, the plat of which has been duly recorded in the office of the Ogle County Recorder, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the Ogle County Recorder, provided such lot was of a size that met the minimum dimensions for lots in the district in which it was located at the time of recording, was recorded prior to the effective date of the *Ogle County Zoning Ordinance* (March 9, 1965), or has been otherwise approved.

**LOT, RESERVE (FLAG LOT):** A lot where access is obtained by way of a narrow strip of land (reserve strip) from a dedicated street only, where each lot shall contain the minimum amount of land required for the zoning district in which it is located exclusive of the portion of the lot used as a reserve strip. Reserve (Flag) Lots are allowed only in accordance with the provisions of Section 16-6-5 of this Chapter. (05/20/03)

**LOT, THROUGH (DOUBLE FRONTAGE):** A lot that has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. Through or double frontage lots are not permitted, except where lots back upon a major street, upon a body of water in separate or individual ownership, or in manufacturing and business subdivisions.

**LOT WIDTH:** The horizontal distance between the side lot lines, measured within the lot boundaries at the front building line.

**LOT, ZONING:** A single tract of land, which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control and which meets all requirements of this Ordinance. The division of a zoning lot may or may not result in the creation of two or more zoning lots and a zoning lot or lots may or may not coincide with a lot of record.

**MANUFACTURED HOME:** A structure, transportable in one (1) or more sections, which is to be used as a single-family dwelling and which complies with all of the required conditions of Section 16-6-18 of this Chapter.

**MAP AMENDMENT:** See "Amendment, Map".

**MARQUEE:** A marquee shall include any hood or awning of permanent construction projecting from the wall of a building above an entrance and/or extending over a thoroughfare.

**MINI-WAREHOUSE:** See "Self-Service Storage Facility".

**MOBILE HOME:** A structure for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the

occupancy thereof as a dwelling place for one or more persons. A mobile home does not include dependent mobile home, camper, house trailer, recreational vehicle, private living coach, house car or any other sports or camping trailers not identified.

**MOBILE HOME SUBDIVISION:** Any area or subdivision developed primarily for the installation of mobile homes but from which single-family houses are not restricted. All installations and structures in any case shall conform to the provisions of the Ogle County Subdivision Ordinance. Not included are sales lot on which unoccupied mobile homes or trailers, whether new or used, are parked for purposes of inspections and sale.

**MOBILE HOME PARK:** Any area or premises on which are parked two (2) or more mobile homes or any premises on which space for parking of mobile homes is rented, or held out for rent, or on which free occupancy or camping is permitted to the owner or users of mobile homes for the purpose of securing their trade. The term “mobile home park” does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of inspection and sale.

**MOBILE OFFICE:** A structure for office use only and so constructed as to permit its transport on wheels, temporarily (or permanently) attached to its frame, from place of its construction to the location, or subsequent locations, at which it is intended to be an office and designed to permit the occupancy thereof as an office place for one or more persons.

**MOTEL:** See “Hotel”.

**MOTOR CARRIER FACILITY, CLASS I:** A property upon which a person or company that provides transportation of freight or passengers using commercial motor vehicles keeps, parks or stores said commercial motor vehicles where the total combined number of trucks and trailers shall not exceed eight (8) and provided vehicle maintenance is conducted only on vehicles owned and operated by the owner of the property upon which the motor carrier facility is conducted. The temporary and/or periodic keeping, parking or storing of one (1) truck and/or one (1) trailer shall not constitute a “Motor carrier facility, Class I”. Commercial motor vehicles kept, parked or stored on a farm as defined herein shall not constitute a “Motor carrier facility, Class I” when the principal use of said commercial motor vehicles is directly related to the agricultural activities on the farm upon which they are kept, parked or stored. (December 22, 2008)

**MOTOR CARRIER FACILITY, CLASS II:** A property upon which a person or company that provides transportation of freight or passengers using commercial motor vehicles keeps, parks or stores said commercial motor vehicles where the total combined number of trucks and trailers exceeds eight (8), and provided vehicle maintenance is conducted only on vehicles owned and operated by the owner of the property upon which the motor carrier facility is conducted. Commercial motor vehicles kept, parked or stored on a farm as defined herein shall not constitute a “Motor carrier facility, Class I” when the principal use of said commercial motor vehicles is directly related to the agricultural activities on the farm upon which they are kept, parked or stored. (December 22, 2008)

**MOTOR FREIGHT TERMINAL:** See “Freight Terminal”.

**MOTOR VEHICLE, INOPERABLE:** Any motor vehicle from which, for a period of at least fifteen (15) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven properly and safely under its own power. “Inoperable Motor Vehicle” shall not include any motor vehicle kept within a completely enclosed building when not in use, any motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations, or to any vehicle on the premises of a place of business engaged in the lawful wrecking or junking of motor vehicles.

**NON-CONFORMING BUILDING OR STRUCTURE:** Any building or structure lawfully established which (a) does not comply with all the regulations of this Ordinance or of any amendment hereto governing bulk of the district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.

**NON-CONFORMING USE:** Any building or structure and the use thereof or the use of land that does not conform with the regulations of this Ordinance or any amendment hereto governing use in the district in which it is located, but conformed with all of the codes, ordinances and other legal requirements applicable at the time such building or structure was erected, enlarged or altered, and the use thereof or the use of land was established.

**NURSERY, PLANT:** A farm, garden, or other cultivated land together with accessory structures designed and intended to be used only for the cultivation and sale of live vegetation.

**NURSING HOME:** A building intended for use as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care, licensed by the State of Illinois.

**OCCUPANCY CERTIFICATE:** A certificate issued by the Zoning Administrator stating the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Ordinance.

**OFFICE:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**OPEN SALES LOT:** A parcel of land used or occupied for the purpose of buying, selling or trading of all goods and commodities and including the storage of same prior to sale or exchange.

**OPEN SPACE:** Permanently preserved common land areas within a residential development or otherwise to be used for recreation, conservation, agricultural uses, or preserved in an undeveloped state and/or natural condition. In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

**OPEN SPACE, COMMON:** Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

**OPEN SPACE SUBDIVISION:** Residential developments in which dwellings are grouped together on part or parts of a parcel, with the remaining acreage preserved as open space. Open Space Subdivisions emphasize the preservation of natural resources and features as a basis for grouping of dwellings.

Homes are separated from adjacent property or other groupings of dwellings by the substantial open space that is permanently protected from development.

**OPEN STORAGE:** The keeping, in an area not within a completely enclosed building, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. (May 16, 2006)

**ORDINANCE:** Reference to "Ordinance" shall be construed as the *Ogle County Amendatory Zoning Ordinance*.

**PARCEL (TRACT) OF LAND:** A separately designated area of land delineated by identifiable legally recorded boundary lines, which may or may not be a lot of record.

**PARK:** Any public or private land available for recreational, educational, cultural, or aesthetic use.



**PARKING AREA, PRIVATE:** An open , hard-surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, for occupants of the building or buildings for which the parking area is or buildings for which the parking area is accessory thereto. Parking area private, shall comply with requirements of Article 7 (Off-Street Parking and Loading Requirements) of this Ordinance.

**PARKING AREA, PUBLIC:** Parking area, public is an open, hard-surfaced area, other than a street, intended to be used for the temporary, daily off-street parking of passenger automobiles and commercial vehicle and available to the public whether for compensation, fee, or as an accommodation to clients or customers. Commercial vehicles shall be limited to those displaying Class “B” license plates and shall not include any combination of a trailer or a semi-trailer.

**PARKING SPACE:** An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle.

**PARKING AREA, TRUCK:** A truck parking area is any land used or intended to be used for the storage and parking of trucks, trailers, tractors which includes commercial vehicles, while not loading or unloading, which displays Class “B” & “C” license plates.

**PARTICULATE MATTER:** Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

**PERFORMANCE STANDARD:** Criteria established to control smoke and particulate matter, noise, odorous matter, toxic matter, vibration, fire and explosive hazards, glare and radiation hazards generated by or inherent in uses of land or buildings.

**PLANNED DEVELOPMENT:** Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings.

A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

**PLANNING COMMISSION:** The Ogle County Regional Planning Commission.

**PLAN OF RECLAMATION:** A graphic and written proposal detailing the manner in which a site that is presently being, or will be used for an extractive use (quarrying and/or mining of raw materials from the earth) will be used once the said extractive use has been depleted.

**POLLUTION CONTROL FACILITY:** Any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility or waste incinerator, within the meanings ascribed to these terms pursuant to the Illinois Environmental Protection Act.

**PORCH:** A roofed-over structure, projecting out from the wall or walls of a main building and commonly open to the weather in part.

**PRIVATE SEWER:** A sewer privately owned and directly controlled by the County Health Department, State of Illinois and Illinois EPA.

**RAILROAD RIGHT-OF-WAY:** A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

**RECREATION VEHICLE:** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicle more specifically includes:

*Camping Trailer:* A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

*Fifth Wheel Trailer:* A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, that is of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed 400 ft<sup>2</sup> in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

*Motor Home:* A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

*Park Trailer:* A recreational vehicle that meets the following criteria: (a) built on a single chassis mounted on wheels; (b) having a gross trailer area not exceeding 400 ft<sup>2</sup> in the set-up mode; and, (c) certified by the manufacturer as complying with ANSI A119.5, Standard for Park Trailers.

*Travel Trailer:* A vehicular unit, mounted on wheels, that is designed to provide temporary living quarters for recreational, camping, or travel use, that is of such size or weight as not to require special highway movement permit(s) when towed by a motorized vehicle and that has a gross trailer area not less than 320 ft<sup>2</sup>.

*Truck Camper:* A portable unit constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

**REDUCED BUILDING ENVELOPE (RBE):** That portion of a lot that delineates the most suitable area of a lot for development to occur. Areas beyond the reduced building envelope areas are restricted against development in order to preserve the most suitable soils for treating sewage, and to protect unique natural areas, steep slopes, wetlands, flood plains and other similar areas from development encroachment. Reduced building envelopes are generally more restrictive than the typical building setback and yard area requirements pursuant to the *Ogle County Amendatory Zoning Ordinance*.

**RESERVOIR PARKING SPACES:** Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrances to a particular establishment.

**RESTAURANT:** A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**RESTAURANT, DRIVE-IN:** An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**RESTAURANT, FAST-FOOD:** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

**RETAIL:** Retail refers to the sale of commodities directly to customers when such commodities are used or consumed by the customer and not purchased primarily for the purpose of resale.

**RETREAT:** An area with picnic facilities, space for camping with tents or recreational vehicles, cabins, meeting hall, swimming pool or fishing pond; all for providing recreational and study activities.

**RIGHT-OF-WAY:** The land opened, reserved, or dedicated for a street, sewer, water, walk, drainage course or other public use.

**ROADSIDE STAND:** A structure for the display and sale of agricultural products which are raised or grown on the property where such structure is located.

**ROADWAY:** That portion of a right-of-way, or public or private vehicular easement which is used or intended to be used for the travel of motor vehicles.

**ROOMING HOUSE:** See "Boarding House".

**SCHOOL:** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

**SCHOOL, TRADE OR VOCATIONAL:** A school which offers instruction in skilled subjects such as typing shorthand, business machines, carpentry, drafting, automobile and aircraft mechanics.

**SCREENING:** Fencing, beams or plantings maintained for the purpose of concealing from view the area behind such fencing, beams or plantings. When a use is required to be separated from an adjoining lot or district by screening, such screening shall be of sufficient size and design to completely conceal such use when viewed from the adjoining lot or district; provided, however, that no screening shall exceed the height of eight feet (8').

**SELF-SERVICE STORAGE FACILITY:** A building consisting of individual, self-contained, compartmentalized, and controlled access units of varying sizes that are leased or owned for the storage of customer's goods or wares.

**SETBACK (BUILDING LINE):** The required minimum distance from a road right-of-way or lot line that establishes the area within which a structure cannot be erected or placed, except as may be permitted elsewhere in this Ordinance.

**SHOPPING CENTER:** A group of retail stores, planned and developed for the site upon which they are built, owned and managed as a unit with off-street parking provided on the property.

**SIDEWALL HEIGHT, BUILDING:** The vertical distance from the average elevation of the adjacent finished grade to the bottom of the eave or rafters/roof trusses. (December 22, 2008)

**SIGHT DISTANCE TRIANGLE:** The triangle area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines forty feet (40') from the intersection of the property lines.

**SMALL RURAL BUSINESS:** A commercial enterprise conducted in a rural area within the AG-1 Agricultural District that is small in scale, subordinate at all times to established agricultural and/or residential uses, and is owned and operated by a land owner that also resides on the premises where the business is conducted. A SRB would typically (shall): 1) employ two or fewer persons (other than members of the immediate family residing on the premises); 2) be conducted from an accessory building; 3) provide a service to the area or an attraction for tourists and travelers; and, 4) supplement the County tax base. When a SRB grows to become the dominant use on a zoning lot and is no longer subordinate to established residential and/or agricultural uses, the owner/operator shall take action to either re-zone the site to an appropriate zoning classification or re-locate the business to an area that is properly zoned for the use conducted. (05/20/03)

**SOLAR COLLECTOR:** A device, structure or part of a device or structure (i.e. array, panel, etc.) installed for the purpose of transforming solar energy into thermal, mechanical, chemical or electrical energy. (9/19/17)

**SOLAR ENERGY:** Radiant energy received from the sun that is collected in the form of heat or light by a solar collector. (9/19/17)

**SOLAR FARM:** A use of land where a series of solar collectors are placed in an area for the purpose of converting solar energy into electrical power for interconnection with the power grid primarily for off-site energy consumption. The term includes any associated cabling, devices, equipment, and structures located on site that are associated with the operation of a solar farm. The use of solar collectors for residential or business consumption that occurs on-site is not considered a solar farm. (9/19/17)

**SPECIAL USE:** See "Use, Special".

**STACKING REQUIREMENTS:** For the purposes herein, stacking requirements are the number of cars that shall be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Any portion of a story exceeding fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof.

**STABLE, PRIVATE:** An accessory building in which equine are kept for private use and not remuneration, hire, or sale.

**STABLE, PUBLIC:** A building or land where equine are kept for remuneration, hire, sale, boarding, riding, or show.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if it is used for business or dwelling purposes and/or if more than one-half (½) of its height is above curb level, or grade level where no curb exists.

**STORY, HALF:** A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this ordinance. In the case of multiple family dwellings three or more stories in height, a half story shall be counted as a story. (9/19/17)

**STREET:** A general term denoting a public or private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which normally are found within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court, or other such terms but shall not include pedestrian way or alley.

**STRUCTURAL ALTERATION:** Any change, other than incidental repairs, which would prolong the life of the supporting members of a building such as the addition, removal or alteration of bearing walls, columns, beams, girders or foundations.

**STRUCTURE:** Anything constructed or erected which requires location on the ground or is attached to something having location on the ground excluding a fence or free standing wall.

**STRUCTURE, ATTACHED:** A structure having a party wall or common wall with another structure.

**STRUCTURE, DETACHED:** A detached structure having no party wall or common wall with another structure. Bridges, tunnels, breezeways, and other similar means of connecting one (1) structure to another shall not, for the purpose of this chapter, be considered to constitute a party wall or common wall.

**STRUCTURE, TEMPORARY:** Except as hereinafter provided a temporary structure is a structure designed for a limited period of time or tenure on a zoning lot. A sign, billboard or other advertising device detached or projecting shall not be construed to be a temporary structure.

**SUBSTANTIAL CONSTRUCTION, DEVELOPMENT OR WORK:** 1. In a project involving structures, the completion of excavation for footings and foundations; 2. In a project involving no structures or insignificant structures, the completion of grading; 3. In a subdivision, the completion of roads and storm sewers.

**SWIMMING POOL, PRIVATE:** A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained by an individual for the sole use of a family and guests, without charge for admission, and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

**SWIMMING POOL, PUBLIC:** A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a municipality or other units of government for the general public, whether or not an admission fee is charged.

**TARGET RANGE, OUTDOOR:** See "Gun Club".

**TAVERN OR LOUNGE:** A building or part thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

**TERMINAL:** A depot building or area specifically designated for the storage or transfer of persons or material, or temporary storage and service of operable vehicles used in the transport of persons, goods or materials.

**TEXT AMENDMENT:** See "Amendment, Text".

**TRAILER:** Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**TRAILER SALES AREA:** See "Automobile and Trailer Sales Area".

**USE:** The purpose or activity for which the land, buildings and structures thereon, is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner or performance of such activity with respect to the performance standards of this ordinance.

**USE, LAWFUL:** The use of any building, structure or land that conforms with all of the regulations of this ordinance or any amendment hereto, and which conforms with all codes, ordinances and other legal requirements, as existing at the time of the enactment of this Ordinance or any amendment hereto, for the structure or land that is being considered.

**USE, PERMITTED:** Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations, of this Ordinance for the district in which such use is located.

**USE, PRINCIPAL:** The main use of land or buildings as distinguished from a subordinate or accessory use.

**USE, SPECIAL:** A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

**VALUE-ADDED AGRICULTURAL ACTIVITY:** Any activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage. Value-added may include bagging, packaging, bundling, pre-cutting, etc.

**VARIANCE:** A relaxation of the terms of the Ordinance where such variances will not be contrary to the public interest and where, due to conditions peculiar to the property and not the results of the actions of the owner, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of a building or structure or size of yards and open spaces. Establishment or expansion of a use, otherwise prohibited, shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

**VETERINARY HOSPITAL:** A hospital rendering surgical and medical treatment to animals, and having no limitation on overnight accommodations of such animals. Crematory facilities shall not be allowed in a veterinary hospital unless approved by the Illinois Environmental Protection Agency. For the purpose of this Ordinance where a veterinary hospital is permitted, a veterinary clinic shall also be permitted.

**WAREHOUSE:** A warehouse is a building, structure, or part thereof used principally for the storage of any goods, materials or merchandise, and not for retail sale of such goods, materials or merchandise.

**WIND ENERGY CONVERSION SYSTEM (WECS), COMMERCIAL:** All necessary devices that together convert wind energy into electricity to be sold to wholesale or retail markets, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s). (9/03)

**WIND ENERGY CONVERSION SYSTEM (WECS), PRIVATE:** All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to any Substation(s), where the aggregate generating capacity is 3 megawatts (MW) or less, and the WECS is located on private property for the exclusive use of the owner of the property on which the WECS is to be located. (9/03)

**WECS PROJECT:** The collection of WECS and Substations as specified in a Special Use Permit application pursuant to this Ordinance. (9/03)

**WECS TOWER:** The support structure to which the nacelle and rotor are attached. (9/03)

**WECS TOWER HEIGHT:** The distance from the rotor blade at its highest point to the top surface of the WECS foundation. (9/03)

**WHOLESALE ESTABLISHMENT:** Any building, wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale or merchandise to institutional, commercial and industrial consumers and not for resale of such goods and merchandise.

**YARD:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. 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 least horizontal distance between the lot line and the building shall be used. Where lots abut a street, all yards abutting said street shall be measured from the street right-of-way.

**YARD, FRONT:** A yard extending along the full width of the front lot line between side lot lines and from the front lot line to the front building line in depth.

**YARD, REAR:** A yard between the rear lot line and the rear setback line.

**YARD, SIDE:** A yard between the minimum side setback line and the adjacent side property line of the lot, and extending entirely from the front lot line to the rear lot line.

**ZONING ADMINISTRATOR:** Wherever the term “Zoning Administrator” is used, it shall mean the Zoning Administrator appointed by the County Board and such deputies or assistants as have been or shall be duly appointed. That officer is hereby authorized and it is his or her duty to administer and enforce the provisions of this Ordinance, making such determinations, interpretations and orders as are necessary thereof and requiring such plats, plans and other descriptive material in connection with application for permits as are necessary to judge compliance with the Ordinance.

**ZONING BOARD:** The Ogle County Zoning Board of Appeals

**ZONING DISTRICTS:** The districts into which the unincorporated area of Ogle County, Illinois, has been divided as set forth on the Zoning District Maps by townships in atlas form, for the purpose of zoning regulations and requirements.

**ZONING MAP:** The Township Zoning Map Atlas incorporated herein as a part hereof, designating zoning districts.

**ZONING ORDINANCE:** The duly approved and amended Ordinance which controls and regulates zoning in Ogle County.

## DIVISION 3

### GENERAL PROVISIONS

16-3-1 Establishment of Districts: For the purpose of this Ordinance, that part of Ogle County outside of incorporated cities, towns and villages is divided into the following districts:

AG-1	Agricultural District
IA	Intermediate Agricultural District
R-1	Rural Residential District
R-2	Single-Family Residential District
R-3	Mobile Home Subdivision District (formerly R-4)
R-4	Mobile Home Park District (formerly R-5)
B-1	Business District (formerly B-1 Local Business District, B-2 Rural Business District and B-3 Highway Service Business District)
B-2	Business Recreation District (formerly B-4 Business Recreation District)
B-3	Restricted Interstate Highway Area Business District (formerly B-5)
I-1	Industrial District (formerly I-1 Light Industrial District and I-2 General Industrial District)
PD	Planned Development District

16-3-2 Zoning District Map: The boundaries of the districts above are hereby established as shown on the “Official Township Zoning District Maps”, as adopted by the Ogle County Board, together with all subsequent amendments thereto. Official copies of said maps shall be maintained in the office of the Ogle County Zoning Administrator and shall be public records. All subsequent amendments to the zoning maps shall be designated on said official copies. The said zoning maps, together with the notations, references and other matters thereon pertaining to zoning district classifications and regulations shall be as much a part of this Ordinance as if such notations, references and other matters were specifically set forth herein.

16-3-3 Interpretation of District Boundaries: The Zoning Administrator shall interpret the provisions of this Ordinance as they pertain to the location of district boundaries where uncertainty exists as to the location of the district boundaries in relation to the “Official Township Zoning District Map(s)”, subject to the right of appeal to the Zoning Board of Appeals. The following rules of interpretation shall apply:

- A. District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter-sections, divisions of sections, tracts or lots, or such lines extended unless otherwise indicated;
- B. In areas not subdivided into lots and blocks, whenever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter-section, or division lines, or center lines of streets, highways, or railroad rights-of-way unless otherwise indicated;



- C. Where a lot held in one ownership on the effective date of this Ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district; provided, that this provision shall not apply if it increases the less restrictive portion of the lot by more than twenty-five (25) percent.

16-3-4 Zoning of Streets, Alleys, Public-Ways, Waterways and Railroad Rights-of-Ways: All streets, alleys, public-ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public-ways, waterways and railroad rights-of-ways. Where the center line of a street, alley, public-way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Land dedicated to street right-of-way shall not be included in computing minimum lot area for the purposes of this Ordinance. However, if through dedication of street right-of-way, the area of any lot already established via the provisions of the *Ogle County Land Subdivision Regulations Ordinance* is decreased below the minimum area required in the applicable zoning district, development rights shall not be denied.

16-3-5 Scope of Regulations: The provisions of this Ordinance shall apply only to buildings, structures and land in the unincorporated area of Ogle County.

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of, or additions to, existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located.

16-3-6 Disconnected Territory: All land which may hereafter be disconnected from any city or village and become part of the unincorporated area of Ogle County shall be classified in the AG-1 Agricultural District pending a public hearing by the Zoning Board of Appeals and action by the County Board as provided in case of amendment in Section 16-9-7 of this Chapter. Such public hearing shall be held within ninety (90) days after the effective date of any such disconnection, and final action thereon shall be taken by the County Board within thirty (30) days after the last adjournment of the said public hearing.

16-3-7 Compliance with the Regulations: The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building shall be erected, converted, placed, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for the purpose and in the manner permitted in the district in which the building or land is located.
- B. No land required for yards, open spaces, or off-street parking or loading spaces about an existing building or any building hereafter erected or structurally altered shall be considered as required yard, open space, off-street parking or loading spaces for more than one building.
- C. Every building hereafter erected or structurally altered shall be located on a zoning lot and in no case shall there be more than one building devoted to the principal use on such zoning lot except as otherwise provided in this Ordinance.
- D. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and welfare. Where provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

- 16-3-8 Private Agreements: This Ordinance is not intended to abrogate any easement, covenant or any other private agreement; provided, that where the provisions of this Ordinance are more restrictive than easements, covenants or other private agreements, the provisions of this Ordinance shall govern.
- 16-3-9 Saving Clause: All rights or remedies of the County are expressly saved as to any and all violations of any previous zoning ordinance or amendments there, at the time of the effective date of the Ordinance and the prosecutions of such violations shall not be abated by the enactment of this Ordinance.
- 16-3-10 Not a Licensing Ordinance: Nothing in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.
- 16-3-11 Cumulative Effect: The provisions of this Ordinance are cumulative and are additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.
- 16-3-12 Land Subdivision Regulations Ordinance: All provisions contained in this Ordinance referring to the *Ogle County Land Subdivision Regulations Ordinance* refer to said Ordinance adopted by the Ogle County Board, and as amended, and the provisions therein are incorporated by reference where specifically mentioned in this Ordinance.
- 16-3-13 Validity and Severability Clause: If any court of competent jurisdiction shall declare any part of this Ordinance invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

- 16-3-14 Authority to Retain Consultants: The Ogle County Regional Planning Commission, Zoning Board of Appeals, and the County Board may utilize the services of professional consultants for research, investigation, and professional opinion, for assistance in arriving at recommendations or decisions. The applicant whose request to either the Regional Planning Commission, Zoning Board of Appeals or County Board requires the use of such professional services, shall reimburse the County the reasonable cost it incurred for the services rendered by its consultants within thirty (30) days after the submission of the bill by the County. The consultant(s) shall bill for their services at the same hourly rate which they normally charge municipal clients. The County consultants shall include, but not be limited to, the persons who provide the County with advice in the fields of engineering, law, planning, traffic, design and finance.
- 16-3-15 Endangered Species Consultation Process: Pursuant to the “Endangered Species Protection Act”, the Zoning Administrator shall initiate a consultation process with the Illinois Department of Natural Resources for:
- A. Any requests for zoning amendment for land currently zoned as agricultural or other “open space” designation to one that would allow development ;
  - B. Any requests for approval of a Planned Development, special use permit, and preliminary and final subdivision plans;

The following are exempt from the Endangered Species Consultation Process:

- A. Any requested amendments for land currently zoned, developed and used in its entirety for commercial, industrial or residential purposes;

- B. The issuance of zoning certificates and other non-discretionary decisions by administrative officials.

16-3-16 Exemptions: The following uses, buildings and structures shall be exempt from the provisions of this Ordinance:

- A. Buildings and structures or land used for agricultural purposes, as defined herein, except that agricultural buildings and structures shall conform to any and all building and setback lines.

In the event that any building, structure or land ceases to be used solely for agricultural purposes, then such building, structure or land shall be subject to the applicable regulations of this Ordinance.

- B. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distributing equipment of a public utility as defined in “The Public Utilities Act”, if the public utility is subject to “The Messages Tax Act”, “The Gas Revenue Act” or “The Public Utilities Revenue Act”, or if such facilities or equipment are located on any rights-of-way and are used for railroad purposes.
- C. The temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction activities when located not less than one thousand feet (1,000') from any building used for residential purposes; provided, that the period of such temporary use shall not exceed the duration of the construction contract.

## DIVISION 4

### NON-CONFORMING BUILDINGS, STRUCTURES AND USES

- 16-4-1 Purpose: The purpose of this Division is to provide for the regulation of non-conforming buildings, structures and uses and to specify those circumstances and conditions under which those non-conforming buildings, structures and uses shall be gradually eliminated upon reaching the end of their respective normal useful life.

Such non-conforming buildings, structures and uses may be incompatible with and detrimental to permitted land uses and structures in the zoning districts in which they are situated; they inhibit present and future development of nearby properties; and they confer upon their owners and users a position of unfair advantage.

- 16-4-2 Non-Conforming Lots of Record: Any lot of record, as defined herein, which does not comply with the requirements of the district in which it is located as to lot area and width, may be used for the erection of a building intended for a use permitted in the district in which the lot is located; provided, that such building will comply with all setback and other applicable requirements of this Ordinance.

- 16-4-3 Non-Conforming Buildings and Structures: A lawfully existing non-conforming building or structure which does not contain any non-conforming use, but which does not comply with the applicable regulations for the zoning district in which it is located, including the applicable lot size requirements or building bulk regulations, may be continued so long as it remains otherwise lawful. Non-conforming buildings and structures shall be subject to the following regulations:

A. **Enlargement, Repair or Alteration:**

1. A non-conforming building or structure may be enlarged, maintained, repaired or structurally altered; provided, that no such enlargement, maintenance, repair or structural alteration shall create either any additional non-conformity or increase the degree of the existing non-conformity of all or any part of such building or structure, except as provided in paragraph A2 of this section. Damaged or destroyed buildings or structures shall be subject to the restrictions contained in paragraph B. of this section.
2. An addition to a lawfully existing non-conforming building or structure that would not meet the strict letter of this Ordinance but would not extend further than the original building or structure into any required setback(s) or yard area(s) of the zoning lot that the original building or structure is located may be permitted. Before issuing a zoning certificate for an addition to be constructed under this provision, a notice of the intent to issue such a zoning certificate shall be sent by certified mail to all adjoining land owners and any affected highway authority. If any adjoining land owner or affected highway authority files a written objection with the Zoning Administrator within fifteen (15) days receipt of such notice, a zoning certificate shall not be issued. The applicant may, however, proceed with an application for a variation as set forth in Section 16-9-6 of this Chapter. (05/20/03)

B. **Damage or Destruction:**

In the event that a non-conforming building or structure is damaged or destroyed by any means, such building or structure may be restored or reconstructed, provided such restoration or reconstruction is on the existing foundation of such building or structure. If such restoration or reconstruction is not on the existing foundation, then such building or structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located.

C. Relocation:

No non-conforming building or structure shall be relocated or moved in whole or in part for any distance whatever to any location on the same or any other lot unless the entire building or structure shall then conform to the regulations for the district in which it is located after being relocated or moved.

16-4-4 Non-Conforming Uses: When the applicable district regulations of this Ordinance do not allow as a permitted use either (a) a lawfully existing use of part or all of a building or other structure, or (b) a lawfully existing use of land not involving a building or structure, such existing use may be continued so long as otherwise lawful. Non-conforming uses shall be subject to the following regulations:

A. Structural Alteration:

No structural alteration shall be made to a building or structure containing a lawfully existing non-conforming use unless the entire building, structure or use thereof shall thereafter conform to the regulations of the district in which it is located.

1. Work may be done for ordinary maintenance and repairs, or on repair and replacement of non-bearing walls, fixtures, wiring or plumbing; provided, however, that this paragraph shall not be deemed to authorize any violation of paragraphs B. through H. of this Division.
2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure (other than a damaged or destroyed building or other structure subject to the provisions of Section 16-4-3 of this Division) in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.

B. Extensions:

A non-conforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activities shall include, without being limited to, the following:

1. Extension of a non-conforming use to any building or structure or land area other than one occupied by such use on the effective date of this Ordinance (or on the effective date of a subsequent amendment or subsequent amendments hereto that causes such use to become non-conforming).
2. Extension of a non-conforming use within a building or structure to any portion of the floor area that was not occupied by such use on the effective date of this Ordinance (or on the effective date of a subsequent amendment or subsequent amendments hereto that causes such use to become non-conforming); provided, however, that a nonconforming use may be extended throughout any part of such a building or structure that was lawfully and manifestly designed or arranged for such use on such effective date.
3. Operation of a non-conforming use in such a manner as to conflict with, or to further conflict with, if already conflicting on the effective date of this Ordinance (or on the effective date of a subsequent amendment or subsequent amendments hereto that results in such use becoming non-conforming), any performance standards established for the zoning district in which the use is located.

C. Enlargement:

No building or structure that is devoted in whole or in part to a non-conforming use shall be enlarged or added to in any manner unless such building or structure and the use thereof shall thereafter conform to the regulations of the zoning district in which it is located.

Moreover, on any lot that is the site of any non-conforming use, no building, or structure shall be constructed, enlarged or added to in any manner unless, after such construction, enlargement or additions, all buildings, structures and uses located on such lot thereafter conform to the regulations of the zoning district in which it is located.

D. Damage or Destruction:

In the event that any building or structure that is devoted in whole or in part to a non-conforming use is damaged or destroyed, by any means, to such an extent that the cost of restoration to the condition in which it was before such damage or destruction exceeds fifty (50) percent of the current replacement cost of the entire building or structure, exclusive of foundations, such building or structure and the use thereof shall thereafter conform to the regulations of the zoning district in which it is located. Moreover, even if such damage is fifty (50) percent or less, no repairs or restoration shall be made unless restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.

E. Relocation:

No building or structure that is devoted on whole or in part to a non-conforming use shall be relocated or moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire building or structure and the use thereof thereafter conform to the regulations of the zoning district in which it is located after being so relocated or moved. Moreover, no non-conforming use of land shall be relocated or moved, in whole or in part for any distance whatever, to any other location on the same or any other lot, unless such use thereafter conforms to the regulations of the zoning district in which it is located after being relocated or moved.

F. Change:

A non-conforming use of a building or structure, all or substantially all of which was originally designed or intended for a use which is permitted in the district in which it is located, shall not be changed to any use other than a use permitted in the district in which the land is located. When a non-conforming use has been changed to a permitted use, it shall not thereafter be changed back to a non-conforming use.

G. Discontinuance of a Non-Conforming Use of Building, Structure or Land:

1. In the event that operation of a non-conforming use of land is discontinued for a period of twelve (12) months or more, such non-conforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the zoning district in which it is located. The intent to resume active operation shall not affect the foregoing restriction.
2. In the event that operation of a non-conforming use of all or part of a building or structure is discontinued for a period of twelve (12) months or more, such non-conforming use shall not thereafter be re-established, and any subsequent use or occupancy of such building or structure shall conform to the regulations of the zoning district in which it is located. The intent to resume active operation shall not affect the foregoing restriction.

H. Non-Conforming Accessory Uses:

No non-conforming accessory uses shall continue after the principal use to which it is necessary has been abolished.

16-4-5 Special Uses: Where a use exists on the date that this Ordinance becomes effective (or on the effective date of a subsequent amendment or subsequent amendments hereto) and is permitted only as a special use in the district in which it is located, such use shall not be deemed a non-conforming use, but shall, without further action, be deemed a lawful special use in such district. No such lawful special use shall be substantially expanded unless a supplementary special use permit is secured in accordance with the provisions for this Ordinance pertaining to special use permits.

## DIVISION 5

### SCHEDULE OF ZONING DISTRICT REGULATIONS

16-5-1 “AG-1” Agricultural District:

A. Purpose and Intent.

The purpose and intent of the AG-1 Agricultural District is to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan. The long-range goal for agricultural land use in the County is to preserve the most valuable of natural resources, that of fertile land, for agricultural pursuits and to protect the land best suited for farming from premature urbanization and the encroachment of incompatible land uses which would hinder farm operations and irretrievably deplete agricultural lands. The agricultural district regulations are, therefore, designed to regulate the use of land and buildings within areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural land uses. It is essential that scattered, indiscriminate urban development within areas best suited for agriculture be precluded and that orderly urban development be facilitated. It hereby declared the legislative intent and purpose of the AG-1 district that land in the County which is productive should remain in productivity until such time as the natural growth of municipalities precludes preservation thereof. (5/18/10)

Other specific purposes for which this district is established include:

1. To preserve woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district and the County as a whole.
2. To provide a basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
3. To prevent the conversion of agricultural land to scattered non-farm development which, when unmanaged, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.

B. Permitted Uses:

The following uses of land are permitted in this district:

Agriculture.

Apiculture (bee keeping).

Areas of natural, historical/cultural, geological, educational or research significance.

Dwelling unit, farm.

Egg production, commercial.

Farm.

Farm buildings.

Farm drainage and irrigation systems.



Forest preserve.

Game refuge.

Governmental buildings, including township, county, state or federal; and also including law enforcement buildings (police station) and fire protection buildings (fire station). (9/19/17)

Grazing and forage.

Greenhouses, wholesale.

Home occupations.

Landscape waste composting facilities located on farms that are not required to have an Illinois Environmental Protection Agency (IEPA) permit, provided such uses are operated in compliance with all IEPA standards pertaining to on-farm landscape composting facilities pursuant to 35 Illinois Administrative Code, Subtitle G, Part 830.

Livestock management facility, provided such use(s) are operated in compliance with all Illinois Environmental Protection Agency rules and regulations pertaining to agricultural related pollution.

Livestock waste handling facility, provided such use(s) are operated in compliance with all Illinois Environmental Protection Agency rules and regulations pertaining to agricultural related pollution.

Nursery, plant.

Single-family dwellings on any parcel less than forty (40) acres in size, which was legally recorded and existing prior to March 24, 1992, having "AG-1" Agricultural District zoning prior to the effective date of this Ordinance, and where no dwelling unit exists thereon.

Sod farms.

Stable, private.

Stable, public, but not including indoor riding arenas (shows), riding instructions and tack shops.

Tree farms.

Value-Added Agricultural Activities. (05/20/03)

Other use(s) determined by the Planning & Zoning Committee of the Ogle County Board, upon recommendation of the Zoning Administrator, to be of the same general character as and compatible with the foregoing uses, but not including any use which does not meet the intent of or may become noxious or offensive in the AG-1 zoning district.

C. Special Uses.

The following uses of land may be allowed by a special use permit:

Accessory pollution control facility uses.

Agricultural labor housing, accessory to a farm dwelling unit, on a farm, with a minimum lot area of forty (40) acres.

Agribusinesses. When applying for a special use permit, the petitioner must show proof that the business is directly and primarily used by those actively engaged in the pursuit of agricultural activities. In addition, the applicant must provide proof, at the time of the hearing, that all local, state and federal regulations will be complied with in the operation of the use applied for.

Aircraft service and repair.

Airport or aircraft landing field.

Animal hospitals, kennels or pounds, provided no building or pen housing any animals shall be located nearer than one-thousand feet (1,000') to any residence district, or to an incorporated area, or to a dwelling other than the dwelling of the lessee or the owner of the site.

Asphalt or concrete batch mix plants.

Banquet facility. (9/19/17)

Bed and breakfast establishments.

Blacksmith and welding shop.

Boarding house. (9/19/17)

Campground. (9/19/17)

Cemeteries, including crematories and mausoleums, provided no building shall be located less than one hundred feet (100') from side and rear property lines.

Churches, temples, synagogues or other places of worship, provided towers and steeples associated with such uses shall not exceed seventy-five feet (75') in height, and the main building shall not exceed thirty-five feet (35') in height. (9/19/17)

Commercial kennels, provided no building or pen housing any animals shall be located nearer than one-thousand feet (1,000') to any residence district, or to an incorporated area, or to a dwelling other than the dwelling of the lessee or the owner of the site. Where a commercial kennel is conducted exclusively from within a completely enclosed building that is designed and constructed (or altered) so as to minimize animal noise escaping from the interior of the structure to the outside, and no outside kennels or animal runs will be provided, then said commercial kennel building may be located not less than five hundred feet (500') to any residence district, or to an incorporated area, or to a dwelling other than the dwelling of the lessee or owner of the site, provided animals are, at all times, kept within said completely enclosed building except when in transit to and/or from the commercial kennel facility, or during brief periods of time for cleaning and/or maintenance of said building. (5/18/10)

Contractor and construction shops.

Conversion of an existing single-family farm dwelling into a two-family dwelling, when not less than one (1) dwelling unit will continue to be occupied by a person and the family thereof, owning, operating or employed full-time in farming operations on the premises.

Essential public service and public utility uses and structures. (9/19/17)

Ethanol and Biodiesel Production Facilities (5/16/06)

Excavation, extraction, screening, mining, crushing, washing or quarrying of raw materials from the earth, provided such operations are not conducted nearer than one thousand feet (1,000') to any school

(public or private), or to any dwelling other than a residence owned and/or occupied by the owner, lessee or operator of the premises on which the activity takes place. The removal of dirt, soil, or sand, when not requiring the use of explosives shall not be nearer than five hundred feet (500') from any residence. The County may, as a condition for granting a special use permit under this paragraph, require such condition or conditions as it deems reasonable under the circumstances, including, but not limited to, a plan of reclamation and/or a bond.

Fairgrounds.

Family care home for the developmentally disabled.

Firearm range, if located not nearer than one thousand feet (1,000') to any residence other than that of the owner or lessee of the site.

Fur bearing animal farms, provided no building or pen housing any animals shall be located nearer than one-thousand feet (1,000') to any residence district or to an incorporated area or to a dwelling other than the dwelling of the lessee or owner of the site.

Greenhouses, retail. (9/19/17)

Golf courses, regulation size, but not including "par 3" golf courses, commercially operated driving ranges, or miniature golf courses.

Indoor riding arenas (shows), riding instructions and tack shops accessory to public stables.

Junk yards, provided screening is provided as defined in Section 16-6-22 of this Chapter.

Landscape waste composting facilities that require an Illinois Environmental Protection Agency permit, on a site not less than 40 acres in area provided such use(s) are in compliance with all Illinois Environmental Protection Agency standards pertaining to landscape waste composting facilities pursuant to 35 Illinois Administrative Code, Subtitle G, Part 830, and such use(s) are not located within one thousand three hundred twenty feet (1,320' or 1/4 mile) of any dwelling other than an on-site dwelling. The application shall include such information as required pursuant to 35 Illinois Administrative Code, Subtitle G, Part 831.

Livestock depots, sales yards and auction barns.

Motor carrier facility, Class I (12/28/08)

Motor carrier facility, Class II (12/28/08)

Pollution control facility, provided that such lots shall conform with the setback requirement set forth in the applicable state and federal laws and regulations (refer to Appendix I of this Ordinance for application procedure and standards for approval).

Radio and television towers, commercial.

Railroad rights-of-way and trackage and railroad spur tracks for the loading of grain and mined minerals but not including classification yards, terminal facilities, piggyback facilities or maintenance facilities.

Recreational camps or retreats, which may include any of the following: dining hall, meeting hall, picnic sites, staff and guest lodging quarters, chapel (religious), areas for tent and recreational vehicle camping.

Sales yards, wholesale or retail, for agricultural products including, but not limited to, fruits, vegetables, flowers (fresh or dried), plants, etc.

Self-service storage facility.

Single-family dwelling, when constructed on a lot divided and set aside from a farm as defined herein. Lot area shall be not less than one (1) acre and the lot width shall be not less than one hundred fifty feet (150'). At least one of the following criteria must be met prior to issuance of a special use permit for a single-family dwelling in an AG-1 Agricultural District:

1. Existence of man-made or natural physical features which serve as barriers to agricultural use on a majority of the property;
2. Tree cover (mature), either covering the majority of the property or the location of which serves as the barrier to agricultural use on the property;
3. Topography and slope uncondusive to agricultural use even under conservation practices;
4. Such single-family dwelling is initially intended for and occupied by a son or daughter, parent or spouse of the owner of the original agricultural tract from which such lot is set aside for residential purposes.

In addition to the above, all applicants requesting a special use permit for a single-family dwelling must certify by affidavit (see Section 16-9-13 "Appendix II; Agricultural Acknowledgment Affidavit" of this Chapter) that they have read the preamble to the AG-1 Agricultural District regulations, and if said application is approved by the County Board, record with the property deed said affidavit. Proof of recordation will be required prior to a zoning certificate being issued by the Zoning Administrator.

Small Rural Business (SRB) (05/20/03)

Solar farm. (9/19/17)

Tack shop including halters, bridles, saddles, harness, wearing apparel and equipment used in the raising and training of horses.

Truck parking areas, the principal use of which is the loading and shipping of farm products, livestock, fertilizer, etc.

Telephone booths.

Oil or gas well drilling, provided such well is or will be located more than two hundred feet (200') from any residence district or to a dwelling other than the dwelling of the lessee or owner of the site.

Other use(s) determined by the Planning & Zoning Committee of the Ogle County Board, upon recommendation of the Zoning Administrator, to be of the same general character as and compatible with the foregoing uses, but not including any use which does not meet the intent of or may become noxious or offensive in the AG-1 zoning district.

Wind Energy Conversion System, Commercial (9/03)

D. Accessory Uses.

1. Those uses customarily accessory to the pursuit of agriculture.
2. Roadside stands for the sale of products grown or produced on or in the immediate area of the premises, but not including live animals; provided, however, that such stand shall contain

not more than six hundred (600) square feet of gross floor area and be set back from the road or street right-of-way not less than the required setback in this district. Each roadside stand shall provide parking for at least five (5) cars for each fifty (50) square feet of structure, and such parking facilities shall be consistent with the requirements of Division 7, "Off-Street Parking and Loading Requirements". Sales shall be permitted from March 15 through November 15.

3. Accessory building or use incidental to the foregoing principal use, including private garages (either attached or detached), a shed or building for private domestic storage, private greenhouse, private boat landing.
4. Private Wind Energy Conversion Systems (WECS) accessory to an established agricultural and/or residential use provided that all private WECS towers shall be setback not less than 1.1 times the tower height from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines. The affected road authority, utility, tower owner/lessee and/or affected adjacent property owner may waive the setback. Said waiver shall be in writing. However, in no instance shall any part of a Private WECS, including guy wires, be located within five feet (5') of any of the aforementioned items. (9/03)
5. Guest house for non-paying guests incidental to the foregoing principal use, subject to the following: (3/18/04)
  - a. The guest house shall be used for the occasional housing of guests of the occupants of the principal building to which the guest house is accessory, and not for permanent occupancy by others as housekeeping units.
  - b. The guest house shall be designed and constructed as one dwelling unit.
  - c. The guest house may not be separated from the zoning lot on which it is constructed unless all resulting lots/parcels are zoning lots meeting the minimum lot size/width required for the zoning district.
  - d. Not more than one guest house shall be allowed per principal dwelling to which it is incidental and accessory.
  - e. A guest house may not exceed 800 square feet of total living area. (December 22, 2008)

E. Lot Area Requirements.

1. Every farm dwelling unit hereafter shall be erected on a tract of land defined as a "farm", pursuant to Section 16-2-2 of this Chapter. The minimum lot width measured at the building line shall be not less than three hundred feet (300').
2. A subdivision, for the purpose of the sale or transfer of ownership of one (1) lot which contains an existing residential building constructed prior to March 24, 1992 and said lot is not less than one (1) acre in area, with a minimum width of one hundred fifty feet (150') measured at the street or road right-of-way line, may be approved by the Plat Officer without the review or approval by the Planning, Assessment and Zoning Committee, but shall be otherwise subject to the provisions of Section 16-6-11 of this Chapter. When an existing residential building is located not less than three hundred feet (300') from the nearest public road right-of-way from which vehicular access is obtained, a reserve (flag) lot may be created provided the lot is not less than one (1) acre in area exclusive of the access strip and said access strip is not less than twenty feet (20') in width. For the purposes of review, a plat of survey shall be required for said division. The Zoning Administrator's and Plat Officer's signature of approval shall be required on the survey prior to recording. A dwelling constructed after March 24, 1992 that replaced for any reason (removal/replacement, damage or destruction/replacement, etc.) a dwelling that existed at the time said dwelling was constructed may also qualify under this provision. (3/18/04)

3. The lot size for a special use permit may be designated in the permit granting the special use unless specified as minimum herein.

F. Yard Area Requirements.

1. Building Setback Line (Front Yard).

Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- a. Adjacent to tollways, freeways and limited access highways, all buildings shall be set back not less than sixty feet (60') from the property line adjoining a tollway, freeway, or limited access highway. The setback shall be measured from the established front property line (rights-of-way line) adjoining such tollway, freeway or limited access highway.
- b. Adjacent to federal or state highways not less than eighty feet (80') from the front property line (rights-of-way line) adjoining such highway.
- c. Adjacent to a county highway not less than sixty feet (60') from the front property line (rights-of-way line) adjoining such highway.
- d. Adjacent to a township road, or any other road or street not less than forty feet (40') from the front property line (rights-of-way line) adjoining such road or street.

2. Side Yard.

All buildings shall have side yards of not less than twenty-five feet (25'). Where a side yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than the established above for front yards.

3. Rear Yard.

All buildings shall have rear yards of not less than fifty feet (50'). Where a rear yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than the established above for front yards.

G. Off-Street Parking and Loading Requirements.

Off-street parking and loading facilities shall be provided as required in Division 7 of this Ordinance.

H. Sign Regulations.

Sign regulations are set forth in Division 8 of this Ordinance.

16-5-2 “IA” Intermediate Agricultural District:

A. Purpose and Intent.

This district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established to preserve the integrity of the “AG-1” district by clearly indicating that, in the “AG-1” district, agriculture is the primary use of the land. Agriculture in the “IA” district, while important, is not regarded as necessarily the primary use. The “IA” district is intended to be an intermediate zoning district between the “AG-1” district and the “R-1” Rural Residential District. (5/18/10)

It is the intent that this district be designed so that land less suited for agricultural use (but which still represents a valuable economic base), that otherwise might remain idle or unused out of “spot zoning” consideration, may be utilized for residential purposes. All activities within this district shall be compatible with surrounding agricultural operations, and shall maintain, preserve and enhance agricultural land. Agricultural activities are allowed in this district; however, the raising of livestock shall be in compliance with the Ogle County Health Code and all Illinois Environmental Protection Agency requirements regarding agriculture related pollution.

B. Permitted Land Uses.

The following uses of land are permitted in this district:

Single-family dwelling (5/18/10)

Any other permitted use listed in the “AG-1” Agricultural District with the exception of “single-family dwellings on any parcel less than forty (40) acres in size, which was legally recorded and existing prior to March 24, 1992, having “AG-1” Agricultural District zoning prior to the effective date of this Ordinance, and where no dwelling unit exists thereon.”

C. Special Uses.

The following uses of land may be allowed by a special use permit:

Any special use listed in the “AG-1” Agricultural District with the exception of the following:

- Conversion of an existing single-family farm dwelling into a two-family dwelling when not less than one (1) dwelling unit will continue to be occupied by a person and the family thereof, owning, operating or employed full-time in farming operations on the premises;
- Single-family dwelling, when constructed on a lot divided and set aside from a tract of land, the principal use of which is agriculture as defined herein. Lot area shall be not less than one (1) acre and the lot width shall be not less than one hundred fifty feet (150’).

D. Accessory Uses.

1. Those uses customarily accessory to the pursuit of agriculture.
2. Accessory building or use incidental to the foregoing principal use, including private garages (either attached or detached), a shed or building for private domestic storage, private greenhouse, private boat landing.
3. Roadside stands for the sale of products grown or produced on or in the immediate area of the premises, but not including live animals; provided, however, that such stand shall contain not more than six hundred (600) square feet of gross floor area and be set back from the road or street right-of-way at not less than the required setback in this district. Each roadside stand shall provide parking for at least five (5) cars for each fifty (50) square feet of structure, and

such parking facilities shall be consistent with the requirements of Division 7, “Off-Street Parking and Loading Requirements”. Sales shall be permitted from March 15 through November 15.

4. Guest house for non-paying guests incidental to the foregoing principal use, subject to the following: <sup>(3/18/04)</sup>
  - a. The guest house shall be used for the occasional housing of guests of the occupants of the principal building to which the guest house is accessory, and not for permanent occupancy by others as housekeeping units.
  - b. The guest house shall be designed and constructed as one dwelling unit.
  - c. The guest house may not be separated from the zoning lot on which it is constructed unless all resulting lots/parcels are zoning lots meeting the minimum lot size/width required for the zoning district.
  - d. Not more than one guest house shall be allowed per principal dwelling to which it is incidental and accessory.
  - e. A guest house may not exceed 800 square feet of total living area. <sup>(12/22/08)</sup>

E. Lot Area Requirements.

1. The minimum lot area for permitted uses shall be ten (10) acres, with a minimum lot width measured at the building line of five hundred feet (500'). <sup>(05/20/03)</sup>
2. The lot size and lot width for a special use permit shall be designated in the permit granting the special use unless specified as minimum herein.

F. Yard Area Requirements.

1. Building Setback Line (Front Yard).

Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- a. Adjacent to tollways, freeways and limited access highways, all buildings shall be set back not less than sixty feet (60') from the property line adjoining a tollway, freeway, or limited access highway. The setback shall be measured from the established front property line (rights-of-way line) adjoining such tollway, freeway or limited access highway.
- b. Adjacent to federal or state highways not less than eighty feet (80') from the front property line (rights-of-way line) adjoining such highway.
- c. Adjacent to a county highway not less than sixty feet (60') from the front property line (rights-of-way line) adjoining such highway.
- d. Adjacent to a township road, or any other road or street not less than forty feet (40') from the front property line (rights-of-way line) adjoining such road or street.



2. Side Yard.

All buildings shall have side yards of not less than twenty-five feet (25'). Where a side yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than the established above for front yards.

3. Rear Yard.

All buildings shall have rear yards of not less than fifty feet (50'). Where a rear yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than that established above for front yards.

G. Height Limitations for Buildings and Structures.

1. Single-family detached dwellings and other non-residential permitted buildings and structures, excepting accessory buildings and structures, shall not exceed thirty-five feet (35') in height. Parapet walls, chimneys, cooling towers, stacks, and necessary mechanical appurtenances may be erected over and above the maximum height of thirty-five feet (35'), provided they are constructed in compliance with any and all other applicable local, state or federal regulations.
2. Church and other places of worship towers and steeples shall not exceed seventy-five feet (75') in height; however, the main building shall not exceed thirty-five feet (35') in height.
3. Maximum height limitations shall be specified with the granting of a special use permit.

H. Lot Coverage Limitations.

No more than ten percent (10%) of the zoning lot may be occupied by buildings and structures, including accessory buildings.

I. Off-Street Parking and Loading Requirements.

Off-street parking and loading facilities shall be provided as required in Division 7 of this Ordinance.

J. Sign Regulations.

Sign regulations are set forth in Division 8 of this Ordinance.

16-5-3 “R-1” Rural Residence District:

A. Purpose and Intent.

The “R-1” district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established for low-density residential uses. It is designed for areas with few or no public improvements and where general conditions are not conducive to other than low-density development. (5/18/10)

B. Permitted Uses.

The following uses of land are permitted in this district:

Agriculture, with the exception of raising livestock for commercial purposes; provided, however, that the density of all hoofed animals maintained on a zoning lot shall not exceed one animal per acre.

Churches, temples, synagogues or other places of worship.

Detached single-family dwelling.

Home occupations.

Open Space Subdivision, subject to the requirements of the *Ogle County Land Subdivision Regulations* (Article V, Open Space Subdivisions).

Private stables.

Public parks, forest preserves, nature preserves and recreational areas.

C. Special Uses.

The following uses of land may be allowed by a special use permit:

Bed and breakfast establishment.

Boarding house.

Cemeteries, including crematories and mausoleums, on a lot not less ten (10) acres in area, provided no building shall be located less than three hundred feet (300') from a lot line.

Child care facility.

Colleges and universities, including dormitories, fraternities, sororities and other accessory buildings, structures and uses when located on the college or university grounds, but not including business colleges and trade schools when operated for profit.

Community center.

Family care home for the developmentally disabled.

Golf courses, regulation size, but not including “par-3” golf courses, commercially operated driving ranges, or miniature golf courses.

Guest house for non-paying guests, providing such facility is used for the occasional housing of guests of the occupants of the principal building to which the guest house is accessory, and not for permanent occupancy by others as housekeeping units.

Nursing homes, hospitals, hospices, developmentally disabled or infirm institutions and half way houses.

Philanthropic institutions.

Private clubs or lodges, except those of the chief activity of which is a service normally carried on as a business.

Private recreational areas or camps.

Private Wind Energy Conversion Systems accessory to an established residential use provided that all private WECS towers shall be setback not less than 1.1 times the tower height from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines. The affected road authority, utility, tower owner/lessee and/or affected adjacent property owner may waive the setback. Said waiver shall be in writing. However, in no instance shall any part of a Private WECS, including guy wires, be located within five feet (5') of any of the aforementioned items. (9/03)

Public service uses:

1. Electric and telephone substations and distribution centers;
2. Gas regulator stations;
3. Police and fire stations;
4. Pumping stations;
5. Other public service/governmental uses.

Radio and television towers, commercial.

Railroad rights-of-way and trackage, but not including classification yards, terminal facilities, piggyback facilities or maintenance facilities.

Schools, day or nursery, public or private.

Schools, public or private - non-boarding elementary, junior high, middle and high.

D. Accessory Uses.

1. Accessory building or use incidental to the foregoing principal use, including private garages (either attached or detached), a shed or building for private domestic storage, private greenhouse, private boat landing.
2. Roadside stands for the sale of products grown or produced on the premises, but not including live animals; provided, however, that such stand shall contain not more than six hundred (600) square feet of gross floor area and be set back from the road or street right-of-way at not less than the required setback in this district. Each roadside stand shall provide

parking for at least five (5) cars for each fifty (50) square feet of structure, and such parking facilities shall be consistent with the requirements of Division 7, "Off-Street Parking and Loading Requirements". Sales shall be permitted from March 15 through November 15.

E. Lot Area Requirements.

1. The minimum lot area for permitted uses shall be three (3) acres, with a minimum lot width measured at the building line of three hundred feet (300') unless located within an "open space subdivision". The lot sizes stipulated for an "open space subdivision" shall then apply.
2. The lot size and lot width for a special use permit may be designated in the permit granting the special use unless specified as minimum herein.
3. Hospitals shall be located on a zoning lot of not less than ten (10) acres.

F. Yard Area Requirements.

1. Building Setback Line (Front Yard).

Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements, unless a reduction is allowed for reduced building envelopes pursuant to the *Land Subdivision Regulations*:

- a. Adjacent to tollways, freeways and limited access highways, all buildings shall be set back not less than sixty feet (60') from the property line adjoining a tollway, freeway, or limited access highway. The setback shall be measured from the established front property line (rights-of-way line) adjoining such tollway, freeway or limited access highway.
- b. Adjacent to federal or state highways not less than eighty feet (80') from the front property line (rights-of-way line) adjoining such highway.
- c. Adjacent to a county highway not less than sixty feet (60') from the front property line (rights-of-way line) adjoining such highway.
- d. Adjacent to a township road, or any other road or street not less than forty feet (40') from the front property line (rights-of-way line) adjoining such road or street.

2. Side Yard.

All buildings shall have side yards of not less than twenty-five feet (25'). Where a side yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than the established above for front yards.

3. Rear Yard.

All buildings shall have rear yards of not less than fifty feet (50'). Where a rear yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than that established above for front yards.

G. Height Limitations for Buildings and Structures.

1. Single-family detached dwellings and other non-residential permitted buildings and structures, excepting accessory buildings and structures, shall not exceed thirty-five feet (35') in height. Parapet walls, chimneys, cooling towers, stacks, and necessary mechanical

appurtenances may be erected over and above the maximum height of thirty-five feet, provided they are constructed in compliance with any and all other applicable local, state or federal regulations.

2. Church and other places of worship towers and steeples shall not exceed seventy-five feet (75') in height; however, the main building shall not exceed thirty-five feet (35') in height.
3. Maximum height limitations shall be specified with the granting of a special use permit.

H. Lot Coverage.

No more than ten percent (10%) of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.

I. Off-Street Parking and Loading Requirements.

Off-street parking and loading facilities shall be provided as required in Division 7 of this Ordinance.

J. Sign Regulations.

Sign regulations are set forth in Division 8 of this Ordinance.

16-5-4 “R-2” Single-Family Residence District:

A. Purpose and Intent. (5/18/10)

This district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established to provide areas in which the principal use of the land is for single-family dwellings. In this district public water supply and sewer facilities, essential to public health, **should** be available **and/or provided for** at the time of development.

Furthermore, it is the intent of this Ordinance that the “R-2” Single-Family Residence District be located within the one and one-half (1.5) mile area surrounding incorporated cities and villages in order that public facilities may be utilized, and on land that is less suitable for agricultural use and better suited for residential use due to factors such as, but not necessarily limited to, the following:

- Suitability of the land for agricultural use (as indicated by the Land Evaluation and Site Assessment [LESA] System);
- Trend(s) of development;
- Need for additional residential land;
- Consistency with County and municipal land use plans;
- Availability of adequate public facilities and infrastructure;
- Impact on existing public facilities and infrastructure.

B. Permitted Uses.

Agriculture, with the exception of raising livestock.

Churches, temples, synagogues or other places of worship.

Detached single-family dwelling.

Home occupations.

Open Space Subdivision, subject to the requirements of the *Ogle County Land Subdivision Regulations* (Article V, Open Space Subdivisions).

Public parks, forest preserves, nature preserves and recreational areas.

C. Special Uses.

The following uses of land may be allowed by a special use permit:

Any special use listed in the “R-1” Rural Residence District with the exception of the following:

- Guest house for non-paying guests;
- Private recreational areas or camps;
- Railroad rights-of-way and trackage.

Two-family dwellings. (12/18/01)

Undertaking establishments, funeral parlors.

Private Wind Energy Conversion Systems accessory to an established residential use provided that all private WECS towers shall be setback not less than 1.1 times the tower height from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines. The affected road authority, utility, tower owner/lessee and/or affected adjacent property owner

may waive the setback. Said waiver shall be in writing. However, in no instance shall any part of a Private WECS, including guy wires, be located within five feet (5') of any of the aforementioned items. (9/03)

D. Accessory Uses.

Accessory building or use incidental to the foregoing principal use, including private garages (either attached or detached), a shed or building for private domestic storage, private greenhouse, private boat landing.

E. Lot Area Requirements.

1. When residence lots are not served by public sewer and sewerage treatment facilities and public (community) water, the minimum lot area, unless otherwise specified, shall be two (2) acres, with a minimum lot width measured at the building line of one hundred fifty feet (150'), except as otherwise required or unless a larger parcel is required by the Zoning Administrator at the recommendation of the Health Administrator to accommodate a drain field for a septic system or adequate separation between septic wastes and well water. When residence lots are served by public sewer and sewerage treatment facilities and public water, the minimum lot area, unless otherwise specified, shall be not less than twenty thousand (20,000) square feet (0.46 acre) with a minimum lot width of not less than one hundred feet (100') measured at the building line.

When residence lots are served only with public or community water, the minimum lot area, unless otherwise specified, shall be not less than one (1) acre (43,560 square feet) with a minimum lot width of not less than one hundred thirty feet (130') measured at the building line.

When residence lots are served only by public or community sewers (sewage treatment facilities), the minimum lot area, unless otherwise specified, shall be not less than thirty thousand (30,000) square feet with a minimum lot width of not less than one hundred fifteen feet (115') measured at the building line.

2. Churches, temples, synagogues or other places of worship shall be located on a zoning lot not less than three (3) acres in area.
3. The lot area requirement for two-family dwellings shall be determined by the Zoning Administrator upon the recommendation of the Health Administrator.
4. Nursing homes, hospitals, hospices, handicapped or infirm institutions shall be located on a zoning lot of not less than three (3) acres.

F. Yard Area Requirements.

1. Building Setback Line (Front Yard).

Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements, unless a reduction is allowed for reduced building envelopes pursuant to the *Land Subdivision Regulations*:

- a. Adjacent to tollways, freeways and limited access highways, all buildings shall be set back not less than sixty feet (60') from the property line adjoining a tollway,

freeway, or limited access highway. The setback shall be measured from the established front property line (rights-of-way line) adjoining such tollway, freeway or limited access highway.

- b. Adjacent to federal or state highways not less than eighty feet (80') from the front property line (rights-of-way line) adjoining such highway.
- c. Adjacent to a county highway not less than sixty feet (60') from the front property line (rights-of-way line) adjoining such highway.
- d. Adjacent to a township road, or any other road or street not less than forty feet (40') from the front property line (rights-of-way line) adjoining such road or street.

2. Side Yard.

A side yard on each side of the zoning lot without either public (community) sewer or water shall be not less than twenty-five feet (25'). When a zoning lot is served by either public (community) sewer or water, there shall be a side yard on each side of the zoning lot of not less than fifteen feet (15') or ten percent (10%) of the lot width, whichever is less.

Any lot of record one hundred feet (100') or less in width measured at the front property line shall be required to maintain a side yard on each side of the zoning lot of not less than ten percent (10%) of the lot width. Where a side yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than the established above for front yards.

3. Rear Yard.

All buildings shall have rear yards of not less than thirty feet (30'). Where a rear yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than that established above for front yards.

G. Height Limitations for Buildings and Structures.

- 1. Single-family detached dwellings and other non-residential permitted buildings and structures, excepting accessory buildings and structures, shall not exceed thirty-five feet (35') in height. Parapet walls, chimneys, cooling towers, stacks, and necessary mechanical appurtenances may be erected over and above the maximum height of thirty-five feet (35'), provided they are constructed in compliance with any and all other applicable local, state or federal regulations.
- 2. Church and other places of worship towers and steeples shall not exceed seventy-five feet (75') in height; however, the main building shall not exceed thirty-five (35') in height.
- 3. Maximum height limitations shall be specified with the granting of a special use permit.

H. Lot Coverage.

No more than thirty percent (30%) of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.

I. Off-Street Parking and Loading Requirements.

Off-street parking and loading facilities shall be provided as required in Division 7 of this Ordinance.



J. Sign Regulations.

Sign regulations are set forth in Division 8 of this Ordinance.

16-5-5 "R-3" Mobile Home Subdivision District:

A. Purpose and Intent.

This district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established for permanent mobile homes located in a residence setting providing for open space and other amenities conducive to other low-density development. (5/18/10)

B. Permitted Uses.

The following uses of land are permitted in this district:

Detached single-family dwelling.

Home occupations.

Mobile homes, excluding trailers and recreational vehicles as a residence.

Manufactured homes.

C. Prohibited Uses.

Operation of a mobile home park shall be prohibited in this district.

D. Special Uses.

The following uses of land shall be allowed by a special use permit:

Private Wind Energy Conversion Systems accessory to an established residential use provided that all private WECS towers shall be setback not less than 1.1 times the tower height from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines. The affected road authority, utility, tower owner/lessee and/or affected adjacent property owner may waive the setback. Said waiver shall be in writing. However, in no instance shall any part of a Private WECS, including guy wires, be located within five feet (5') of any of the aforementioned items.

Public service uses:

1. Electric and telephone substations and distribution centers;
2. Gas regulator stations;
3. Police and fire stations;
4. Pumping stations;
5. Other public service/governmental uses.

E. Accessory Uses.

Accessory building or use incidental to the foregoing principal use, including private garages (either attached or detached), a shed or building for private domestic storage, private greenhouse, private boat landing.

F. Lot area requirements.

When residence lots are not served by public sewer and sewerage treatment facilities and public (community) water, the minimum lot area for all permitted and special uses shall be one (1) acre, with a minimum lot width measured at the building line of one hundred thirty feet (130'), except as otherwise required or unless a larger parcel is required by the Zoning Administrator at the recommendation of the Health Administrator to accommodate a drain field for a septic system or adequate separation between septic wastes and well water.

When residence lots are served by public sewer and sewerage treatment facilities and public water, the minimum lot area shall be not less than ten thousand (10,000) square feet with a minimum lot width of not less than eighty feet (80') measured at the building line.

When residence lots are served only with public or community water, the minimum lot area shall be not less than twenty-one thousand (21,000) square feet with a minimum lot width of not less than one hundred feet (100') measured at the building line.

When residence lots are served only by public or community sewers (sewage treatment facilities), the minimum lot area shall be not less than fifteen thousand (15,000) square feet with a minimum lot width of not less than ninety feet (90') measured at the building line.

G. Yard Area Requirements.

1. Building Setback Line (Front Yard).

Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- a. Adjacent to tollways, freeways and limited access highways, all buildings shall be set back not less than sixty feet (60') from the property line adjoining a tollway, freeway, or limited access highway. The setback shall be measured from the established front property line (rights-of-way line) adjoining such tollway, freeway or limited access highway.
- b. Adjacent to federal or state highways not less than eighty feet (80') from the front property line (rights-of-way line) adjoining such highway.
- c. Adjacent to a county highway not less than sixty feet (60') from the front property line (rights-of-way line) adjoining such highway.
- d. Adjacent to a township road, or any other road or street not less than forty feet (40') from the front property line (rights-of-way line) adjoining such road or street.

2. Side Yard.

A side yard on each side of the zoning lot without either public (community) sewer or water shall be not less than twenty-five feet (25'). When a zoning lot is served by either public (community) sewer or water, there shall be a side yard on each side of the zoning lot of not less than fifteen feet or ten percent (10%) of the lot width, whichever is less.

Any lot of record one hundred feet (100') or less in width measured at the front property line shall be required to maintain a side yard on each side of the zoning lot of not less than ten percent (10%) of the lot width.

Where a side yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than the established above for front yards.

3. Rear Yard.

All buildings shall have rear yards of not less than thirty feet (30'). Where a rear yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than that established above for front yards.

H. Lot Coverage.

Not more than twenty-five percent (25%) of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.

I. Height Limitations for Buildings and Structures.

No building or structure shall be erected or structurally altered to exceed twenty-four feet (24') in height above the averaged finished ground elevation at the perimeter of such structure.

J. Off-Street Parking and Loading Requirements.

Off-street parking and loading facilities shall be provided as required in Division 7 of this Ordinance.

K. Sign Regulations.

Sign regulations are set forth in Division 8 of this Ordinance.

L. Required Conditions.

All installations and structures shall conform to the provisions of the *Ogle County Land Subdivision Regulations Ordinance*.

16-5-6 "R-4" Mobile Home Park District:

A. Purpose and Intent.

This district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established to provide a location for the long-term parking of mobile homes in an area where service and facilities and open space is provided in a residential setting. (5/18/10)

B. Permitted Uses.

The following uses of land are permitted in this district:

Mobile home parks, provided they comply with the standards set out in Paragraph K. of this Section.

Mobile homes, excluding trailers and recreational vehicles as a residence.

C. Special Uses.

The following uses of land may be allowed by a special use permit:

Public service uses:

1. Electric and telephone substations and distribution centers;
2. Gas regulator stations;
3. Police and fire stations;
4. Pumping stations;
5. Other public service/governmental uses.

D. Accessory Uses.

Accessory building or use incidental to the foregoing principal use, including private garages (either attached or detached), a shed or building for private domestic storage, private greenhouse, private boat landing.

E. Lot Area Requirements.

The minimum lot area shall be determined by the Zoning Administrator upon the recommendation of the Health Administrator.

F. Yard Area Requirements.

1. Building Setback Line (Front Yard).

Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- a. Adjacent to tollways, freeways and limited access highways, all buildings shall be set back not less than sixty feet (60') from the property line adjoining a tollway,

freeway, or limited access highway. The setback shall be measured from the established front property line (rights-of-way line) adjoining such tollway, freeway or limited access highway.

- b. Adjacent to federal or state highways not less than eighty feet (80') from the front property line (rights-of-way line) adjoining such highway.
- c. Adjacent to a county highway not less than sixty feet (60') from the front property line (rights-of-way line) adjoining such highway.
- d. Adjacent to a township road, or any other road or street not less than forty feet (40') from the front property line (rights-of-way line) adjoining such road or street.

2. Side Yards:

Two side yards, each not less than fifteen feet (15') or ten percent (10%) of the lot width, whichever is less, shall be provided.

Where a side yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than the established above for front yards.

3. Rear Yard:

All buildings shall have rear yards of not less than thirty feet (30'). Where a rear yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than that established above for front yards.

G. Height Limitations for Buildings and Structures.

No building or structure shall be erected or structurally altered to exceed twenty-four feet (24') in height above the averaged finished ground elevation at the perimeter of such structure.

H. Lot Coverage.

Not more than twenty-five percent (25%) of the lot area may be occupied by buildings and structures, including accessory buildings.

I. Off-Street Parking and Loading Requirements.

Off-street parking and loading facilities shall be provided as required in Division 7 of this Ordinance.

J. Sign Regulations.

Sign regulations are set forth in Division 8 of this Ordinance.

K. Required Conditions.

- 1. The park shall be located on a well-drained site, properly graded to insure rapid drainage and free from stagnant pools of water.
- 2. Public or community sewer and water facilities, as defined in this Ordinance, shall be provided for each mobile home.
- 3. Each park shall provide mobile home spaces, and each space shall be clearly defined or delineated. The average area of all such mobile home spaces shall be not less than four

thousand six hundred (4,600) square feet, the average width of all spaces shall be not less than forty feet (40'), and no single space shall be less than three thousand six hundred (3,600) square feet in area nor less than thirty feet (30') in width.

4. Mobile homes shall be so located on each space that there shall be not less than fifteen feet (15') clearance between mobile homes; provide, however, that with respect to mobile homes parked end-to-end, clearance may be less than fifteen feet (15'), but shall not be less than ten feet (10').
5. No mobile home shall be located closer than forty feet (40') to any community building, including workroom, toilet or laundry facilities provided in said mobile home park.
6. Each mobile home park shall devote not less than twenty-five percent (25%) of its total area to open space provided for the use of the occupants of the mobile home park.
7. Wherever a mobile home park abuts upon an "R-1" or "R-2" residence district or a business or industrial use, screening, as defined in this Ordinance and in accordance with Section 16-6-22 of this Chapter, shall be provided along each lot line which abuts such residence district.
8. A buffer strip not less than twenty feet (20') wide for the purpose of creating a screening as defined in this Ordinance shall be established and maintained between a mobile home park and any public park, forest and/or nature preserve.
9. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any residence or any property located in a residence district or upon any public street or park.
10. All roads within mobile home parks shall meet the minimum standards for street design and construction pursuant to the *Land Subdivision Regulations*.
11. In all other respects, mobile home parks shall comply with all applicable Statutes of the State of Illinois, and all applicable regulations of all departments, commissions and agencies of the State of Illinois and the County of Ogle.

16-5-7 "B-1" Business District:

A. Purpose and Intent.

The "B-1" Local Business District is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is intended to provide areas for general retail, service and repair businesses which serve the surrounding area. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads. To these ends, certain uses which would interfere with the operation of these business activities and the purpose of this district, have been excluded. (5/18/10)

B. Permitted Uses.

The following uses of land are permitted in this district:

Animal hospitals and veterinary clinics not including open kennels and exercise yards.

Automobile repair facility, minor.

Child care facilities.

Churches, temples, synagogues and other places of worship.

Clubs, lodges and meeting rooms.

Convenience stores, no motor fuel sales.

Financial institutions.

Hospitals, hospices and nursing homes.

Hotel/motel.

Libraries and reading rooms.

Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, be:

1. Adequately screened with landscaping, fencing or walls, or any combination thereof; or,
2. Placed underground; or,
3. Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

Medical, dental and chiropractic offices.

Mortuaries.

Offices or office buildings.



Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.

Police, fire and postal stations.

Public schools and government buildings.

Radio and television broadcast studios, excluding transmission towers which exceed thirty feet (30') in height.

Recreational establishments: bowling alleys, gymnasiums, health clubs/spas, skating rinks and other similar recreational establishments.

Restaurants, including fast-food restaurants, except those which provide drive-through service.

Sale, lease and/or rental of automobile, motor bikes or motor scooters, trailers, recreational vehicles, agricultural and/or lawn maintenance equipment, outdoor furniture, lawn ornaments, waste receptacles and other material customarily intended for outdoor use. Outdoor display of said products, new or used, is permitted but not more than 75% of the zoning lot shall be used for such purpose, and the zoning lot shall be kept free from inoperable and/or dilapidated motor vehicles and/or machinery.  
(9/19/17)

Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.

Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are offered for sale or hire to the general public on the premises.

Trucking, not including freight terminals, provided no major motor vehicle maintenance or major engine overhauling is conducted.

Other use(s) determined by the Planning & Zoning Committee of the Ogle County Board, upon recommendation of the Zoning Administrator, to be of the same general character as and compatible with the foregoing uses, but not including any use which does not meet the intent of or may become noxious or offensive in the B-1 zoning district.

C. Special Uses.

The following uses of land may be allowed by a special use permit:

All permitted land uses set forth above, which exceed two (2) stories or thirty-five feet (35') in height, whichever is less, including rooftop mechanical equipment attached to a structure.

Animal hospitals and veterinary clinics, including open kennels and exercise yards.

Car washes for automobiles.

Filling stations for automobiles.

Major automobile repair facility.

Restaurants, fast food, which have drive-through facilities.

Sewage treatment facilities, not including individual sewage treatment facilities permitted as an accessory use.

Taverns.

Other use(s) determined by the Planning & Zoning Committee of the Ogle County Board, upon recommendation of the Zoning Administrator, to be of the same general character as and compatible with the foregoing uses, but not including any use which does not meet the intent of or may become noxious or offensive in the B-1 zoning district.

D. Accessory Land Uses.

Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a special land use when such accessory building or structure is customarily found in conjunction with the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Associated work and storage area required by any business, firm or service to carry on business operations.
2. Devices for the generation of energy, such as solar panels, private wind energy conversion systems, and similar devices. All private WECS towers shall be setback not less than 1.1 times the tower height from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines. The affected road authority, utility, tower owner/lessee and/or affected adjacent property owner may waive the setback. Said waiver shall be in writing. However, in no instance shall any part of a Private WECS, including guy wires, be located within five feet (5') of any of the aforementioned items. (9/03)
3. Dwelling or lodging units, only for watchmen, caretakers, or other personnel whose residence on the premises is essential to the operation of a permitted or special use or uses.
4. Individual sewage treatment facilities serving an individual building or use, as approved by the appropriate regulatory agency.
5. Single-family dwelling unit above the first floor of a building devoted to a permitted use(s), provided no business/commercial uses are conducted above first floor. For purposes of this section, the "first floor" of the building is the building entrance opening to ground level, and shall not include a basement or floor below grade. There can be only one first floor per building. Not more than one single-family dwelling unit pursuant to this provision shall be allowed per building. (2/17/15)

E. Height Limitations for Buildings and Structures.

The maximum height of buildings and structures in this District shall be as follows:

1. The total height of any structure, including rooftop mechanical equipment attached to such structure, shall not exceed two (2) stories or thirty-five feet (35') in height, whichever is less, above the averaged finished ground elevation at the perimeter of such structure unless authorized by Special Use Permit.
2. Total height of any structure authorized by Special Use Permit shall be authorized by specific condition(s) of the permit.

3. Parapet walls, chimneys, cooling towers, stacks, and necessary mechanical appurtenances may be erected over and above the maximum height of thirty-five feet (35'), provided they are constructed in compliance with any and all other applicable local, state or federal regulations.

F. Minimum Lot Area Requirements.

1. Every lot or tract of land shall have an area comprising not less than 43,560 square feet (1 acre) with a minimum lot width measured at the building line of not less than one hundred feet (100').
2. Hospitals shall be situated on tracts of land at least five (5) acres in area.

G. Development Limitations.

1. The total gross floor area devoted to any one business, firm or service shall not exceed 20,000 square feet.
2. The landscaped surface area ratio (LSAR) shall be no less than 0.35.
3. The capacity of auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly shall not exceed five hundred (500) persons.

H. Yard Requirements.

1. Building Setback Line (Front Yard).

Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- a. Adjacent to tollways, freeways and limited access highways, all buildings shall be set back not less than sixty feet (60') from the property line adjoining a tollway, freeway, or limited access highway.

The setback shall be measured from the established front property line (rights-of-way line) adjoining such tollway, freeway or limited access highway.

- b. Adjacent to federal or state highways not less than eighty feet (80') from the front property line (rights-of-way line) adjoining such highway.
- c. Adjacent to a county highway not less than sixty feet (60') from the front property line (rights-of-way line) adjoining such highway.
- d. Adjacent to a township road, or any other road or street not less than forty feet (40') from the front property line (rights-of-way line) adjoining such road or street.

2. Side Yards:

- a. Two side yards, each not less than five feet (5'), except hotels/motels shall maintain side yards of not less than twenty-five feet (25').
- b. Where a lot abuts a residence district, side yard requirements shall not less than twenty-five feet (25').

- c. Where a side yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than the established above for front yards.

3. Rear Yard:

- a. All buildings shall have rear yards of not less than twenty-five feet (25').
- b. Where a rear yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than that established above for front yards.
- c. Where a rear yard abuts a residence district, the rear yard requirement shall be not less than the rear yard requirement of said adjoining residence district.

I. Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Division 7, Off-street Parking and Loading Requirements.

J. Sign Regulations.

Sign regulations are set forth in Division 8, Sign Regulations.

K. Performance Standards.

- 1. Outdoor storage or display of merchandise, materials or equipment is prohibited.
- 2. All goods produced on the premises shall be sold at retail on the premises.
- 3. Exterior lighting fixtures shall be shaded so as to avoid casting direct light upon any property located in a residence district or upon any public street or park.

16-5-8 "B-2" Business Recreation District:

A. Purpose and Intent.

This district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is intended to provide areas for recreational business type of uses. (5/18/10)

B. Permitted Uses.

The following uses of land are permitted in this district:

Areas of natural, historic/cultural, educational, geological, or of research significance.

Amusement establishments, including archery ranges, bowling alleys, gymnasiums, health clubs, health spas, miniature golf course, movie theaters (indoor), shooting galleries (indoor only), swimming pools, skating rinks and other similar amusement establishments.

Clubs and lodges.

Live bait/fishing tackle store.

Motels and Hotels

Restaurants and Snack Shops, including fast-food restaurants except those which provide drive-through service.

Roadside stands for the sale of agricultural products at retail.

Other use(s) determined by the Planning & Zoning Committee of the Ogle County Board, upon recommendation of the Zoning Administrator, to be of the same general character as and compatible with the foregoing uses, but not including any use which does not meet the intent of or may become noxious or offensive in the B-2 zoning district.

C. Special Uses.

The following uses of land may be allowed by a special use permit:

Amusement park.

Campground.

Carnival.

Commercial boat landing.

Drag strip.

Firearm range, indoor. (9/19/17)

Go-kart track.

Golf driving range.

Kiddie park.

Outdoor theaters and similar outdoor amusement facilities.

Public utility facilities.

Race tracks, including, but not necessarily limited to, automobiles, dogs, horses or motorcycles.

Restaurants and Snack Shops which provide drive-through service.

Sewage treatment facilities, not including individual sewage treatment facilities permitted as an accessory use.

Taverns.

Other use(s) determined by the Planning & Zoning Committee of the Ogle County Board, upon recommendation of the Zoning Administrator, to be of the same general character as and compatible with the foregoing uses, but not including any use which does not meet the intent of or may become noxious or offensive in the B-2 zoning district.

D. Accessory Land Uses.

Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a special land use when such accessory building or structure is customarily found in conjunction with the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Associated work and storage area required by any business, firm or service to carry on business operations.
2. Devices for the generation of energy, such as solar panels, private wind energy conversion systems, and similar devices. All private WECS towers shall be setback not less than 1.1 times the tower height from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines. The affected road authority, utility, tower owner/lessee and/or affected adjacent property owner may waive the setback. Said waiver shall be in writing. However, in no instance shall any part of a Private WECS, including guy wires, be located within five feet (5') of any of the aforementioned items. <sup>(9/03)</sup>
3. Dwelling or lodging units, only for watchmen, caretakers, or other personnel whose residence on the premises is essential to the operation of a permitted or special use or uses.
4. Individual sewage treatment facilities serving an individual building or use, as approved by the appropriate regulatory agency.
5. Single-family dwelling unit above the first floor of a building devoted to a permitted use(s), provided no business/commercial uses are conducted above first floor. For purposes of this section, the "first floor" of the building is the building entrance opening to ground level, and shall not include a basement or floor below grade. There can be only one first floor per building. Not more than one single-family dwelling unit pursuant to this provision shall be allowed per building. <sup>(2/17/15)</sup>

E. Height Limitations for Buildings and Structures.

The maximum height of buildings and structures in this District shall be as follows:

1. The total height of any structure, including rooftop mechanical equipment attached to such structure, shall not exceed two (2) stories or thirty-five feet (35') in height, whichever is less, above the averaged finished ground elevation at the perimeter of such structure unless authorized by Special Use Permit.
2. Total height of any structure authorized by Special Use Permit shall be authorized by specific condition(s) of the permit.
3. Parapet walls, chimneys, cooling towers, stacks, and necessary mechanical appurtenances may be erected over and above the maximum height of thirty-five feet (35'), provided they are constructed in compliance with any and all other applicable local, state or federal regulations.

F. Minimum Lot Area Requirements.

Every lot or tract of land shall have an area comprising not less than 43,560 square feet (1 acre) with a minimum lot width measured at the building line of one hundred feet (100').

G. Development Limitations.

1. The total gross floor area devoted to any one business, firm or service shall not exceed 20,000 square feet.
2. The landscaped surface area ratio (LSAR) shall be no less than 0.35.
3. The capacity of auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly shall not exceed five hundred (500) persons.

H. Yard Requirements.

1. Building Setback Line (Front Yard).

Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- a. Adjacent to tollways, freeways and limited access highways, all buildings shall be set back not less than sixty feet (60') from the property line adjoining a tollway, freeway, or limited access highway. The setback shall be measured from the established front property line (rights-of-way line) adjoining such tollway, freeway or limited access highway.
- b. Adjacent to federal or state highways not less than eighty feet (80') from the front property line (rights-of-way line) adjoining such highway.
- c. Adjacent to a county highway not less than sixty feet (60') from the front property line (rights-of-way line) adjoining such highway.
- d. Adjacent to a township road, or any other road or street not less than forty feet (40') from the front property line (rights-of-way line) adjoining such road or street.

2. Side Yards:

- a. Two side yards, each not less than five feet (5'), except hotels/motels shall maintain side yards of not less than twenty-five feet (25').

- b. Where a lot abuts a residence district, side yard requirements shall not less than twenty-five feet (25').
- c. Where a side yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than the established above for front yards.

3. Rear Yard:

- a. All buildings shall have rear yards of not less than twenty-five feet (25').
- b. Where a rear yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than that established above for front yards.
- c. Where a rear yard abuts a residence district, the rear yard requirement shall be not less than the rear yard requirement of said adjoining residence district.

I. Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Division 7, Off-street Parking and Loading Requirements.

J. Sign Regulations.

Sign regulations are set forth in Division 8, Sign Regulations.

K. Performance Standards.

- 1. Outdoor storage or display of merchandise, materials or equipment is prohibited.
- 2. All goods produced on the premises shall be sold at retail on the premises.
- 3. Exterior lighting fixtures shall be shaded so as to avoid casting direct light upon any property located in a residence district or upon any public street or park.



16-5-9 "B-3" Restricted Interstate Highway Area Business District:

A. Purpose and Intent.

This district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established to encourage the most orderly development combining highway oriented uses through advance planning to assure adequate compatibility and prevent any adverse effect upon the living environment, and thus promote the general welfare of the County. In addition, all of the interchanges in the County shall be developed in complete compliance with the *Ogle County Land Subdivision Regulations Ordinance*. (5/18/10)

B. Permitted Uses.

None.

C. Prohibited Uses.

The following uses of land are prohibited in this district:

Animal hospitals and veterinary clinics.

Residential uses.

Industrial uses.

Outdoor theaters and other similar outdoor amusement facilities, go-kart tracks, and carnivals.

Commercial kennels.

Churches and other places of worship.

D. The following uses may be allowed by a special use permit:

Automobile service station, including the servicing of trucks and trailers in combination with an automobile service station.

Automobile and truck parking lots associated with the principal use.

Borrow pits to be reclaimed for recreational use.

Restaurants, fast food, which have drive-in or drive-through facilities.

Other similar interstate business type uses not specifically listed above when found to have economic compatibility with established uses in this district. Any non-listed interstate business type uses to be considered shall in no way have a depreciating effect on adjacent zoning districts.

E. Accessory Land Uses.

Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a special land use when such accessory building or structure is customarily found in conjunction with the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Associated work and storage area required by any business, firm or service to carry on business operations.
2. Devices for the generation of energy, such as solar panels, wind generators, and similar devices.
3. Dwelling or lodging units, only for watchmen, caretakers, or other personnel whose residence on the premises is essential to the operation of a permitted or special use or uses.
4. Individual sewage treatment facilities serving an individual building or use, as approved by the appropriate regulatory agency.

F. Height Limitations for Buildings and Structures.

The maximum height of buildings and structures in this District shall be as follows:

1. The total height of any structure, including rooftop mechanical equipment attached to such structure, shall not exceed two (2) stories or thirty-five feet (35') in height, whichever is less, above the averaged finished ground elevation at the perimeter of such structure unless authorized by Special Use Permit.
2. Total height of any structure authorized by Special Use Permit shall be authorized by specific condition(s) of the permit.
3. Parapet walls, chimneys, cooling towers, stacks, and necessary mechanical appurtenances may be erected over and above the maximum height of thirty-five feet (35'), provided they are constructed in compliance with any and all other applicable local, state or federal regulations.

G. Minimum Lot Area Requirements.

1. Every lot or tract of land shall have an area comprising not less than 43,560 square feet (one [1] acre) with a minimum lot width measured at the building line of not less than one hundred feet (100').
2. Minimum lot depth shall be not less than one hundred twenty-five feet (125').

H. Development Limitations.

1. The total gross floor area devoted to any one business, firm or service shall not exceed 20,000 square feet.
2. All principal buildings servicing land uses in this district shall be located so as not to be visible from an interstate highway or the crossing road. Such principal buildings and uses shall be located not less than fifty feet (50') from any residential district lot line.

I. Yard Requirements.

1. Building Setback Line (Front Yard).

Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- a. Adjacent to tollways, freeways and limited access highways, all buildings shall be set back not less than sixty feet (60') from the property line adjoining a tollway,

freeway, or limited access highway. The setback shall be measured from the established front property line (rights-of-way line) adjoining such tollway, freeway or limited access highway.

- b. Adjacent to federal or state highways not less than eighty feet (80') from the front property line (rights-of-way line) adjoining such highway.
- c. Adjacent to a county highway not less than sixty feet (60') from the front property line (rights-of-way line) adjoining such highway.
- d. Adjacent to a township road, or any other road or street not less than forty feet (40') from the front property line (rights-of-way line) adjoining such road or street.

2. Side Yards:

- a. Two side yards, each not less than five feet (5'), except hotels/motels shall maintain side yards of not less than twenty-five feet (25').
- b. Where a lot abuts a residence district, side yard requirements shall not less than twenty-five feet (25').
- c. Where a side yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than the established above for front yards.

3. Rear Yard:

- a. All buildings shall have rear yards of not less than twenty-five feet (25').
- b. Where a rear yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than that established above for front yards.
- c. Where a rear yard abuts a residence district, the rear yard requirement shall be not less than the rear yard requirement of said adjoining residence district.

J. Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Division 7, Off-street Parking and Loading Requirements.

K. Sign Regulations.

Sign regulations are set forth in Division 8, Sign Regulations.

L. Performance Standards.

- 1. Outdoor storage or display of merchandise, materials, equipment or refuse materials is prohibited.
- 2. All goods produced on the premises shall be sold at retail on the premises.
- 3. Exterior lighting fixtures shall be shaded so as to avoid casting direct light upon any property located in a residence district or upon any public street or park.
- 4. There shall be no manufacturing, processing or treatment of products other than that which is clearly, customarily and essential to the use conducted on the same premises.

Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration and environmental nuisance or other similar causes.

5. Not less than ten percent (10%) of the area of the zoning lot shall be landscaped and shall be maintained as open space.
6. A dense, compact evergreen planting not less than eight feet (8') in height and eight feet (8') in width shall be provided along the rear lot line of lots backing on the intersecting highway or freeway. This planting strip shall be designed as a "no access strip" and maintained in an orderly manner. All service areas shall be screened by fencing or a dense, compact evergreen planting.

M. Limitation of Access.

The Illinois Department of Transportation (I.D.O.T.) has developed access regulations for particular interchanges based on map design and ramp speed. These regulations shall apply only when they are more restrictive than the following restrictions:

Access from abutting property to an intersection highway shall be permitted only at designed access points. Such access shall be located as follows:

1. There shall be no access points located within seven hundred feet (700') (500 feet in urban situations) of the most remote edge of any existing or proposed on or off ramp of an interchange or within seven hundred feet (700') (500 feet in urban situations) of median cross-overs seven hundred feet (700') thereafter.
2. To avoid dangerous off-set intersections, public streets along opposite sides of intersecting highways shall be located either directly opposite a median strip cross-over or that intersections of public streets shall be separated by not less than four hundred forty feet (440') of lateral distance to develop turn lanes and accommodate vehicular storage.

16-5-10 "I-1" Industrial District:

A. Purpose and Intent.

This district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established to provide for industrial uses in areas whose principal use is or ought to be manufacturing, warehousing, and other limited industrial uses. Uses in this district shall create a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive and other hazardous, harmful or obnoxious matter. This district is provided to permit the development of these industrial uses, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads. (5/18/10)

B. Permitted Uses.

The following uses of land are permitted in this district:

Automobile repair facility, major and/or minor.

Business, professional and technical training schools.

Laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.

Manufacturing, fabrication, assembly, processing, or packaging of agricultural produce and any commodity from semi-finished materials, except explosives or flammable gases or liquids.

Offices or office buildings.

Parking areas, including garages.

Police, fire and postal services.

Printing and duplicating services.

Public utility facilities.

Radio, television and communication studios, transmitting or relay towers, antennae, and other such facilities no greater in height than thirty feet (30') above the average finished ground elevation at the perimeter of such structure.

Railroad switching yards.

Research laboratories and facilities.

Sales and renting of equipment and vehicles used by business, industry and agriculture, excluding retail automobile sales.

Signs (billboards)

Terminals for trucks, buses and railroads.

Towed vehicle storage yards, wherein no individual vehicle may be stored for a period for a period exceeding ninety (90) days, and involving no auto repair and no salvage or sale of automobile parts. A ten (10) foot high sight-proof fence shall be provided along all limits of the property.

Trucking, not including freight terminals.

Union halls and hiring halls.

Wholesaling or warehousing of manufactured commodities except live animals, explosives or flammable gases.

Yards for storage of contractors' equipment, materials and supplies, excluding automobile wrecking yards, junk yards and salvage yards.

Other use(s) determined by the Planning & Zoning Committee of the Ogle County Board, upon recommendation of the Zoning Administrator, to be of the same general character as and compatible with the foregoing uses, but not including any use which does not meet the intent of or may become noxious or offensive in the I-1 zoning district.

C. Special Uses.

The following uses of land may be allowed by a special use permit:

All permitted uses which exceed two stories or thirty-five feet (35') in height.

Adult Uses.

Aircraft hangars/tiedowns.

Airport or aircraft landing field.

Aircraft service and repair.

Asphalt or concrete batch mix plants.

Business service establishments.

Excavation, extraction, screening, crushing, washing, mining or quarrying of raw materials from the earth; provided such operations are not conducted nearer than one thousand feet (1,000') to any school (public or private), or to any dwelling other than a residence owned and/or occupied by the owner, lessee or operator of the premises on which the activity takes place. The removal of dirt, soil, or sand, when not requiring the use of explosives, shall not be nearer than five hundred feet (500') from any residence. The County may, as a condition for granting a special use permit, require such condition or conditions as it deems reasonable under the circumstances, including, but not limited to, a plan of reclamation and/or a bond.

Filling stations, including emergency towing and repair services.

Firearm range, indoor.

Firearm range (outdoor).

Freight terminals, if the following conditions are complied with:

1. The freight terminal shall be under unified ownership and control;
2. The zoning lot on which the freight terminal is located shall be located not closer than two hundred feet (200') to any residence or business district;

3. The operation of a freight terminal shall only be between the hours of 6:00 A.M. and 8:00 P.M., Monday through Friday, and between the hours of 8:00 A.M. and 12:00 P.M. (noon) Saturday.
4. Scales, if provided, for weighing trucks shall be located on the same zoning lot as the freight terminal.
5. Parking of vehicles and trucks shall be in compliance with Division 7, Off-Street Parking and Loading Requirements.
6. The number of vehicles with engines operating at any one time shall be restricted reasonably, as to not emit a concentration of noxious fumes to endanger public health and welfare.
7. Exterior lighting shall be controlled so as to shine away from adjacent properties.
8. Landscaping, including, but not limited to, fencing and berming shall be provided to create a buffer to adjacent properties of not less than eighty percent (80%) opacity.
9. There shall be no major motor vehicle maintenance or major engine overhauling on the freight terminal zoning lot.

Incinerators.

Intermodal Container Storage Yard subject to the following special conditions (9/03):

1. Not less than 30% of the site (area set aside for storage) shall remain in a landscaped/pervious state.
2. The setback for storage from the property line shall be no less than 1.1 times the height of the stacked containers.
3. The storage area shall be provided with a suitable base material of aggregate material, concrete or asphalt.
4. Intermodal storage containers shall not be stacked greater than five (5) high or to a height of greater than 50', whichever is less.
5. Containers shall not contain hazardous materials, refuse or garbage.
6. Any storage area shall not be located within a designated Special Flood Hazard Area.

Junkyards.

Landscape waste composting facilities that are required to have an Illinois Environmental Protection Agency permit.

Landscape waste composting facilities that are not required to have an Illinois Environmental Protection Agency permit.

Manufacturing of explosives and flammable gases and liquids.

Pollution control facility, including customary and essential accessory uses, provided that such lots shall conform with the setback requirement set forth in the applicable state and federal laws and regulations (refer to Appendix I of this Ordinance for application procedure and standards for approval).

Radio, television and communication transmitting or relay towers, antennae, and other such facilities exceeding thirty feet (30') in height, but no greater in height than two hundred feet (200') above the average finished ground elevation at the perimeter of such structure.

Restaurants.

Slaughterhouse/packing plant.

Sewage treatment plants/facilities.

Warehousing, storage, or wholesaling of live animals, explosives, or flammable gases and liquids.

Other use(s) determined by the Planning & Zoning Committee of the Ogle County Board, upon recommendation of the Zoning Administrator, to be of the same general character as and compatible with the foregoing uses, but not including any use which does not meet the intent of or may become noxious or offensive in the I-1 zoning district.

D. Accessory Uses.

Subject to compliance with the procedures of this Section, accessory buildings, structures and uses are permitted in conjunction with a permitted land use or (unless restricted by applicable condition) a special land use when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use.

Accessory uses include the following:

1. Devices for the generation of energy, such as solar panels, private wind energy conversion systems, and similar devices. All private WECS towers shall be setback not less than 1.1 times the tower height from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines. The affected road authority, utility, tower owner/lessee and/or affected adjacent property owner may waive the setback. Said waiver shall be in writing. However, in no instance shall any part of a Private WECS, including guy wires, be located within five feet (5') of any of the aforementioned items. (9/03)
2. Dwelling or lodging units, only for watchmen, caretakers, or other personnel whose residence on the premises is essential to the operation of a permitted or special use or uses.
3. Individual sewage treatment facilities serving an individual building or use, as approved by the appropriate regulatory agency.
4. Signs (business, directional and informational).

E. Other Limitations on Uses.

1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the standards set forth herein.
2. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred fifty feet (150') of a



residence district, all storage shall be in completely enclosed buildings or structures and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet (8') high, but in no case lower in height than the enclosed storage, and suitable landscaped; however, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1½) tons capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required.

3. Uses established on the effective date of this Ordinance and by its provisions which are rendered non-conformities shall be permitted to continue, subject to the regulations of Article 4, Non-Conforming Uses, Buildings and Structures.

F. Height Limitations for Buildings and Structures.

The maximum height of buildings and structures in this District shall be as follows:

1. The total height of any structure, including rooftop mechanical equipment attached to such structure, shall not exceed two (2) stories or thirty-five feet (35') in height, whichever is less, above the averaged finished ground elevation at the perimeter of such structure unless authorized by Special Use Permit.
2. Total height of any structure authorized by Special Use Permit shall be authorized by specific condition(s) of the permit.

G. Minimum Lot Area Requirements.

Every lot or tract of land shall have an area comprising not less than 43,560 square feet (1 acre) with a minimum lot width measured at the building line of not less than one hundred feet (100').

H. Development Limitations.

The landscaped surface area ratio (LSAR) shall be no less than 0.40.

I. Yard Requirements.

1. Building Setback Line (Front Yard).

Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- a. Adjacent to tollways, freeways and limited access highways, all buildings shall be set back not less than sixty feet (60') from the property line adjoining a tollway, freeway, or limited access highway. The setback shall be measured from the established front property line (rights-of-way line) adjoining such tollway, freeway or limited access highway.
- b. Adjacent to federal or state highways not less than eighty feet (80') from the front property line (rights-of-way line) adjoining such highway.
- c. Adjacent to a county highway not less than sixty feet (60') from the front property line (rights-of-way line) adjoining such highway.
- d. Adjacent to a township road, or any other road or street not less than forty feet (40') from the front property line (rights-of-way line) adjoining such road or street.

2. Side Yards:
  - a. Two side yards, each not less than ten percent (10%) of the lot width, but not more than twenty-five feet (25').
  - b. Where a lot abuts a residence district, side yard requirements shall not less than twenty-five feet (25').
  - c. Where a side yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than the established above for front yards.

3. Rear Yard:
  - a. All buildings shall have rear yards of not less than twenty-five feet (25').
  - b. Where a rear yard adjoins a road or street, the minimum width of such yard for all buildings shall not be less than that established above for front yards.
  - c. Where a rear yard abuts a residence district, the rear yard requirement shall be not less than the rear yard requirement of said adjoining residence district.

J. Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements and setbacks for parking areas, loading spaces, and internal drives are set forth in Division 7, Off-street Parking and Loading Requirements.

K. Sign Regulations.

Sign regulations are set forth in Division 8, Sign Regulations.

L. Performance Standards.

Any use established in the "I-1" district after the effective date of this Amendatory Zoning Ordinance shall be operated as to comply with performance standards set forth herein. No use lawfully established on the effective date of this Amendatory Zoning Ordinance shall be so altered or modified as to conflict, or further conflict with the performance standards established for the "I-1" district.

1. All uses in the "I-1" district shall conform to the Industrial Performance Standards governing the emission of noise, vibration, smoke and particulate matter, water or other effluent, toxic or noxious matter, fire, glare, heat or radiation, as cited in the "Environmental Protection Act", *Illinois Compiled Statutes, Ch. 415, Paragraph 5/1 et seq. (05/20/03)*
2. Exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any public street or park.

16-5-11 “PD” Planned Development District:

A. Purpose and Intent.

1. The purpose of the Planned Development District is to: provide an opportunity for unique, well-Planned Development on property in unincorporated Ogle County that cannot be annexed to a municipality but is otherwise in accordance with the recommendations of the Ogle County Comprehensive Plan and considered desirable by the County Board; provide a means of achieving greater flexibility in development of land in a manner not possible in conventional zones; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; to retain maximum control over both the structure and future operation of the development.; and, create the possibility of non-agricultural uses occurring only in appropriate locations as designated by the Comprehensive Plan. The Planned Development regulations are intended to encourage imaginative site planning that integrates the development proposal with existing topography and other natural environmental assets of the land while conserving the County’s rural character. Clustering of units is encouraged to provide common open space. Under this procedure, well-planned residential, industrial, commercial and other types of land use, individually or in combination, may be developed in accordance with the standards contained herein. (5/18/10)

The Planned Development District may be used for a planned development wherein individual uses and structures and lot configurations and improvements may, at the discretion of the Zoning Administrator, be exempted wholly or in part from specific requirements set forth in the County Zoning Ordinance and Land Subdivision Regulations provided the proposal:

- a. Meets the conditions of approval in paragraph C of this Section;
  - b. Involves only permitted uses as set forth in Paragraph D of this Section; and
  - c. Promotes the public health, safety, morals, comfort and general welfare and conserves the values of property.
3. The County Board, upon recommendation by the Zoning Board of Appeals, may, by ordinance adopted in the same manner as zoning districts are created, authorize a Planned Development District when the proposed development or use of a specific tract of land or area warrants greater flexibility, control, and density than is afforded under the general regulations of standard zoning districts. However, it should be noted that these planned development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The standards contained in the following provisions must be strictly adhered to by the applicant. The County Board may, upon proper application, approve a planned development to facilitate the use of flexible techniques of land development and site design in order to obtain one or more of the following objectives:
    - a. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
    - b. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
    - c. Functional and beneficial uses of open space areas.
    - d. Preservation of natural features of a development site.

- e. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- f. Rational and economic development in relation to public services.
- g. Efficient and effective traffic circulation, both within and adjacent to the development site.

B. Relationship of Planned Development Districts to Zoning Map.

1. A Mapped District: The PD designation is not intended to be attached to existing use districts as an overlay. The PD designation as detailed in this Section is a separate use district and may be attached to a parcel of land through the process of rezoning and zoning map amendment.
2. Plan Approval Required: It is the intent of this Ordinance that no development or redevelopment of the property encompassed by the PD designation take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this Section.
3. Types of Planned Developments: All areas of the County subject to the PD designation shall be assigned one of the following District classifications which shall be considered a separate use district and subject to the specific restrictions and limitations outlined in this Section.
  - a. Planned Development - Residential (PD-R): Planned developments involving residential uses only.
  - b. Planned Development - Commercial (PD-C): Planned developments involving commercial uses only.
  - c. Planned Development - Manufacturing (PD-M): Planned developments involving manufacturing uses only.
  - d. Mixed Use Developments (MXD): Planned developments involving a mixture of residential and non-residential uses.

C. Procedures for Planned Development Approval.

1. Pre-Application Procedure: Prior to filing any application for Planned Development approval, the prospective applicant shall request a pre-application conference with the Zoning Administrator. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed Planned Development; concept plan showing general lot configuration, land use, road/street configuration, total acreage and acreage by land use; and a list of any professional consultants advising the prospective applicant with respect to the proposed Planned Development. Upon receipt of such request, the Zoning Administrator shall promptly schedule such a conference.
2. Preliminary Development Plan: A preliminary development plan shall be submitted with the application for a planned development. A final development plan, including the requirements of preliminary plan, may be submitted as a single application. The preliminary plan shall contain the following information.

a. Site and landscape plan:

One or a series of maps shall be submitted indicating:

- 1) An out boundary survey plat and legal description of the property.
- 2) Air photo showing site and surrounding area and demarcation of all taxing bodies;
- 3) The location, size and height of all existing and proposed structures on the site;
- 4) The location and general design (dimensions and materials) of all driveways, curb cuts and sidewalks including connections to building entrances;
- 5) The location, area and number of proposed parking spaces;
- 6) Existing and proposed grades at an interval of two feet (2') or less, extended beyond the project site to include adjacent properties and structures;
- 7) The location and general type of all existing trees over six inch (6") caliper and, in addition, an indication of those to be retained;
- 8) The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscaped areas by function, and the general location and description of all proposed outdoor furniture (seating, lighting, telephones, etc.);
- 9) Soils information. The Zoning Administrator may require a detailed soils map (200 foot grid minimum) prepared by a certified soils classifier, showing each soil type boundary location of each soil investigation pit, depth to seasonal high ground water, and limiting conditions of each soil type. The criteria for soils mapping set forth in paragraph 14-3-4B7h of this Code shall be used when a detailed soils map is required.
- 10) Drain tile information;
- 11) The location and approximate size of all proposed plant material by type, such as hardwood/deciduous trees, evergreen trees, flowering trees and shrub masses, and types of ground cover (grass, ivies, etc.). Planting in parking areas should be included;
- 12) The location and details of all retaining walls, fences (including privacy fences, etc.), and earth berms;
- 13) The description and location of all refuse collection facilities including screening to be provided;
- 14) Provisions for both on- and off-site storm water drainage and detention related to the proposed development; and

- 15) The location and approximate size of all utilities, where applicable.

The scale of the drawing or drawings shall be one hundred feet to the inch (1" = 100'), or if the area of the Planned Development is more than two hundred (200) acres in area, two hundred feet to the inch (1" = 200'). The Zoning Administrator shall approve of the use of any other scale that may be more appropriate, either larger or smaller. All drawings shall likewise indicate a project name, the names of adjoining streets, the applicants name, a scale, a north arrow, and the date drawn.

The Applicant may be required to provide, at the applicant's expense, additional clarification and/or further detail of the Site Plan, as deemed necessary by the Zoning Administrator or Zoning Board of Appeals.

- b. Site and building sections:

Schematic or illustrative sections shall be drawn to scale of 1" = 50' or larger, indicating both edge conditions and internal grade changes in relation to principal variations of internal building levels and site line relations to adjacent structures.

- c. Typical elevations:

Typical elevations of proposed buildings shall be provided at a reasonable scale.

- d. Project data:

- 1) Site area (square feet and acres);
- 2) Allocation of site area by building coverage, parking, loading and driveways, and open space areas including total open space, recreation area, landscaped areas and others;
- 3) Total dwelling units and floor area distributed by general type (1 bedroom, 2 bedroom, etc.); and total floor area ratio and residential density distribution;
- 4) Floor area in non-residential use by category and total floor area ratio;
- 5) Calculations of parking spaces and area in relation to dwelling units and commercial floor area.

- e. Project report:

A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and contractual interest in the subject site, and anticipated development schedule. At the discretion of the Zoning Board of Appeals, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, storm water and erosion control, etc., of the proposed development.

- f. Phased Development:

If the Planned Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule shall be submitted indicating:

- 1) The approximate date when construction of the project can be expected to begin;
- 2) The order in which the phases of the project will be built;
- 3) The minimum area and the approximate location of the common open space and public improvements that will be required at each stage;
- 4) If any stage or unit as proposed contains a share of open space or public or private recreation or service facility less than that which in size, number of units or density would otherwise require, a statement shall be submitted setting forth what bond, credit, escrow or other assurance the applicant proposes in order to ensure that the difference between that which would otherwise be required and that which the applicant proposes to provide in the instant stage or unit is ultimately provided; and
- 5) Placement of all temporary structures utilized during construction, i.e., construction offices, siltation control devices, etc.

3. Review Procedure:

- a. An Application, together with a complete Preliminary Development Plan, shall be considered at the first regularly scheduled Public Hearing, and shall follow the procedure(s) established for Amendment in Section 16-9-7 of this Chapter.
- b. An application must also be made to the Ogle County Soil and Water Conservation District for a natural resources report and a land evaluation review for any land to be rezoned from an agricultural use to a non-agricultural use. These applications shall be filed with the Soil and Water Conservation District prior to making application to the Zoning Department. All data generated by the natural resources report and the land evaluation review will become part of the public record, and selected portions will be forwarded to the Zoning Board of Appeals and the County Board.
- c. Staff Review: The Zoning Administrator shall coordinate a review of the application by appropriate County Departments. A written report documenting the review and staff recommendations shall be prepared by the Zoning Administrator and submitted to the Zoning Board of Appeals at the meeting at which the application is first considered.
- d. After consideration of the application and staff report, the Zoning Board of Appeals shall make a report to the County Board regarding the impact of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the general public health, safety and welfare of Ogle County. The findings and recommendation of the Zoning Board of Appeals shall be transmitted to the Planning, Assessment & Zoning Committee. The Zoning Board of Appeals may recommend disapproval, or approval with amendments, conditions or restrictions with respect to the Preliminary Development Plan.

- e. The Planning, Assessment & Zoning Committee may recommend to the County Board disapproval, or approval with amendments, conditions or restrictions with respect to the Preliminary Development Plan.
- f. The County Board shall approve, approve with conditions or disapprove the Preliminary Development Plan within ninety (90) days after it receives the findings and recommendations of the Zoning Board of Appeals.
- g. If the Preliminary Development Plan is approved by the Board, it shall adopt a resolution approving said Preliminary Development Plan with conditions as specified therein and authorizing the preparation of the final development plan.

Simultaneously, with approval of the Preliminary Development Plan, the Board shall adopt an ordinance rezoning the site. Such ordinance shall become effective upon approval of the final development plan.

- 4. Final Development Plan: Within nine (9) months following approval of the Preliminary Development Plan, but at least thirty (30) days before the next regularly scheduled meeting of the Planning, Assessment & Zoning Committee, the petitioner shall submit a Final Development Plan to the Planning, Assessment & Zoning Committee for its review and consideration to determine if said Final Development Plan is in conformance with the approved Preliminary Development Plan and with the imposed conditions of approval. The Final Development Plan shall reflect the entire Planned Development if it is to be completed in one phase. In the event that any proposed final development plan is submitted more than nine (9) months after approval of the Preliminary Development Plan, the matter shall be referred to the Board for reconsideration of the Preliminary Development Plan approval.

The Final Development Plan, in addition to the matters shown on the Preliminary Development Plan, shall include the following.

- a. The landscape plan with the specific location of all plant material, specifying size, species and location (both as to the buffer area around the perimeter as well as that in the parking lot);
- b. Nature of use, including special uses permitted;
- c. All structures, present and future, specifying location, size, and architectural elevation, none of which may deviate substantially from the approved Preliminary Development Plan;
- d. Sidewalks;
- e. Parking spaces, including underground parking and traffic aisles;
- f. Ingress and egress facilities;
- g. Parking facilities for visitors;
- h. Plan for the provision of water and sanitary and storm water drainage facilities;
- i. All easements and dedications;
- j. Any signs, location and size;



- k. Details of lighting of parking lots and outside of buildings, including location, type and intensity;
- l. All other information which the Board may designate.

5. Improvement Plans:

- a. Intent: The improvement plan stage is for the purpose of accurately showing how the improvements will be constructed in order to conform to the layout and design objectives of the Preliminary Development Plan. As such, the improvement plan process is an extension of the Preliminary Development Plan process.

Where conditions so warrant, the County Engineer may require that portions of improvement plans be submitted during the Preliminary Development Plan review process in order to determine the land's suitability for the Preliminary Development Plan design. Any required off-site improvements and engineering studies shall be provided upon request. Where the development is to be constructed in phases, and where soil and/or topographical conditions so warrant, the County Engineer may require that improvement plans for the entire Preliminary Development Plan area be submitted prior to the construction of improvements.

- b. Filing: Prior to the submittal of the Final Development Plan, the applicant shall submit to the County Engineer six (6) complete sets of plans and specifications for the construction.
- c. The plans, which detail the construction and types of materials to be used in conjunction with the development of the site, shall be prepared and sealed by a registered professional engineer. Any alterations of the common land or improvement within the common land will require the submission of detailed improvement plans and will be considered a requirement improvement.
- d. Improvement plans shall be prepared on an exhibit of twenty-four inches by thirty-six inches (24" x 36") and shall contain the following information:
  - 1) Title page, which shall include key map showing the relationship of the site to the surrounding area. In addition, the name, address, and telephone number of the developer and engineering firm, as well as a registered professional engineer's seal, should be indicated.
  - 2) North arrow and graphic scale shall be indicated on each plan sheet.
  - 3) One or more benchmarks, in or near the development, to which the development is referenced. The identity and elevation shall be based on U.S.G.S. datum.
  - 4) List of the standards and specifications followed, citing volume, section, page, or other references.
  - 5) Typical cross sections of any proposed roads.
  - 6) Grading and paving details conforming to Ogle County specifications and requirements.

- 7) Summary of quantities of all items necessary to construct all streets (roads) shown on the Plan.
  - 8) Details of streets including location and width of all proposed public or private rights-of-way and private roadway easements, existing and proposed drainage channels, scales, storm sewers, including adequate natural discharge points, detention facilities, silt control measures and, where applicable, sanitary sewer and water distribution systems.
  - 9) Plans and profiles of streets and sewers, scale not less than one inch equals fifty feet (1"=50') horizontal and one inch equals five feet (1"-5') vertical.
  - 10) Topographical and profile studies must have on their face the signed statement of a Registered Professional Engineer, and the owner of the land or his duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of the proposed planned development, or, that if such surface water drainage will be changed, reasonable provision will be made for collection and diversion of such surface waters into public areas, or drains which the developer has the right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjacent property because of the construction of the planned development.
- e. Approval of the improvement plans by the respective agencies described above shall be valid for a period of two (2) years from the date of approval, or for such longer period as the County Engineer may determine to be advisable if after review by the County Engineer such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public requirements. If the improvements shall not have been completed within the two (2) year period or such longer period as the County Engineer may permit, a re-submission of the improvement plans to the appropriate agencies may be required by the County Engineer.
6. Improvement to Install or Guarantee:
- a. Guarantee for Completion of Improvements: In lieu of constructing the improvements prior to approval of the County Engineer, a construction guarantee in the amount of one hundred twenty percent (120%) of the approved engineer's estimate of the cost of the improvements is required. The cost for each improvement shall be itemized in a list prepared, signed and sealed by the design engineer on his letterhead stationery and approved by the County Engineer. Such guarantee is to:
    - 1) Assure the satisfactory installation of said improvements in accordance with the approved plans and specifications and according to good engineering and construction practices;
    - 2) Assure the satisfactory completion of said improvements within the prescribed time limit.
  - b. Guarantee Format: Such guarantee shall be in one of the following formats and the form, amount and conditions, subject to approval by the County Engineer:

- 1) A certificate of deposit with or an escrow account at a federally insured bank or savings and loan association;
  - 2) An undertaking by the developer guaranteeing completion of the land improvements remaining to be completed, as secured by an irrevocable letter of credit certifying that adequate funds are and will be available at a sound and reputable banking or financial institution authorized to do business in the State of Illinois. Such irrevocable letter of credit shall be in effect for a period of two and one-half (2- ½) years from the date of recording of the final plat, shall run in favor of the County and shall indicate that there are sufficient funds available for one hundred twenty percent (120%) of the estimated cost of all the land improvements remaining to be completed, and that such funds are held for such purposes only and for no other purposes. Such undertaking and irrevocable letter of credit shall be in a form to allow the County to procure the funds to complete the land improvements if construction of said improvements is not completed in accordance with the provisions hereof, and shall otherwise be in a form acceptable to the County;
  - 3) Other good and sufficient security as approved by the appropriate legal authority of the County to guarantee the proper installation of land improvements.
- c. Reduction of Construction Guarantee: A construction guarantee shall be reduced only by authorization of the County Engineer upon:
- 1) Application for payout by the developer in amounts such that funds remaining will always equal one hundred twenty percent (120%) of the value of the uncompleted work, as determined by the County Engineer. No more than ninety percent (90%) of the construction guarantee shall be released prior to the year after the satisfactory completion of the required improvements; or
  - 2) When it is determined that there has occurred unsatisfactory installation of the required improvements. Where the required improvements have not been installed in accordance with the approved improvement Plans, the County may then declare the construction guarantee to be in default and may draw from the guarantee amount for use in matters related to insuring the satisfactory construction of said improvement, including attorney's fees and court costs encumbered in the enforcement of the provisions of this Section.
- d. Release of Construction Guarantee: The County Engineer shall not release a construction guarantee prior to the satisfactory installation of all required improvements, as determined.
- 1) One year after the completion of all improvements required for the approved Final Development Plan;
  - 2) After the submission of the project engineer's certification that the project installation has been observed in the field and completed in substantial compliance with the plans and specifications and with all applicable ordinances and laws;

- 3) After the submission of (1) reproducible print and four (4) copies of record drawings which shall be drawings prepared by the project engineer who shall show improvements, and shall clearly designate any and all changes from the approved plans and specifications;
- 4) After the acceptance of the improvements.
- e. Maintenance of Improvements: The applicant shall be responsible for the maintenance of all improvements until the release of the construction guarantee. Where a development has been improved in phases, the applicant shall be responsible for the proper functioning of drainage improvements for the entire development site. The applicant shall be responsible for the timely removal of snow and ice on roads and the mowing of right-of-way until the final acceptance of the completed road improvements.

7. Review Procedure:

- a. Time Frame: An application with a complete Final Development Plan, meeting all requirements of the Ordinance and in conformance with the preliminary plan as determined by the Zoning Administrator, shall be considered at the first regularly scheduled Planning, Assessment & Zoning Committee meeting, but no sooner than thirty (30) days from the filing of the completed application.
- b. Staff Review: During the time between the filing of the complete Final Development Plan and the next regularly scheduled meeting of the Planning, Assessment & Zoning Committee, the Zoning Administrator shall review the Final Development Plan for compliance with the approved Preliminary Development Plan and conditions contained in the ordinance rezoning the site and shall report to the Planning, Assessment & Zoning Committee the findings of his review. The Zoning Administrator may, at his discretion, retain outside consulting services for the review of plans, all costs for said outside services shall be borne by the developer.
- c. Recommendation of Planning & Zoning Committee: After consideration of the application and staff report, the Planning, Assessment & Zoning Committee shall recommend approval, or disapproval, of the Final Development Plan. The Final Development Plan shall conform to the Preliminary Development Plan and applicable ordinances. If the Final Development Plan does not conform to the Preliminary Development Plan, or if the conditions of the Preliminary Development Plan approval are not adequately met, the Final Development Plan shall not be approved.
- d. Approval: Upon recommendation for approval of the Final Development Plan by the Planning, Assessment & Zoning Committee, the Final Development Plan shall be submitted to the Zoning Administrator for his signature.
- e. Recordation: Following approval of the Final Development Plan, it shall be recorded at the applicant's expense with the County Recorder, and a reproducible mylar of such recorded Plan shall be furnished to the Zoning Department.

D. Permitted Uses: The listing of permitted uses within each PD District shall be as follows:

- 1. Planned Development/Residential: The following land uses and developments are permitted in this District:

- a. Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular Planned Development Residential District; specific uses may include those uses designated as Permitted, Accessory, or Special Uses in any of the "R" Residential Districts.
- b. The following uses may be designated as permitted uses and established as such in the ordinance governing the particular Planned Development Residential District:

- Attached single family dwellings
- Duplexes
- Mobile home parks
- Multiple family dwellings
- Recreational facilities and/or open space
- Package sanitary treatment plants

2. Planned Development/Commercial: The following land uses and developments are permitted in this District:

Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular Planned Development Commercial District; specific uses may only include those uses designated as Permitted, Accessory, or Special Uses in the "B-1" Business District, or other uses of a commercial nature.

3. Planned Development/Manufacturing: The following land uses and developments are permitted in this District:

Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular Planned Manufacturing Districts and those uses in the "B-1" Business District which are specifically related to a particular activity or complex.

4. Mixed Use Development: Permitted land uses and developments:

Permitted land uses and developments shall be established in the conditions of the ordinance governing the particular Development Mixed Use District (MXD); specific uses may include uses designated as Permitted, Accessory or Special Uses in any of the "R" Residential, "B-1" Business, or "M-1" Manufacturing Districts. Each Development Mixed Use District shall include a minimum of twenty percent (20%) of the total gross floor area in residential uses, twenty percent (20%) of the total gross floor area in office or industrial uses. Gross floor area used for parking shall not be included in the above calculations. Gross floor area of hotels may be used for up to fifty percent (50%) of the required floor area for residential uses. Gross floor area devoted to institutional, cultural, entertainment, or recreational uses may be used, on a 1 to 1 basis, to reduce the required minimum floor area of any of the three main use categories up to a maximum twenty-five percent (25%) reduction. In addition to this approach, where residential development in a proposed MXD is greater than sixty-five percent (65%) of the total gross floor area, the remainder of the development may consist of "B-1" Business uses or "M-1" Manufacturing uses or both without limitation as to percentages of gross floor area.

E. Area Regulations and Performance Standards.

1. Exceptions and Additional Requirements: The Approval of the Preliminary Development Plan may provide for such exceptions from regulations and such additional requirements as may be necessary or desirable to achieve the objectives of the proposed planned

development, provided such exceptions are consistent with the standards and criteria contained in this Section have been specifically requested in the application for a planned development; and further, that no modification of the above referenced regulations shall be allowed when such proposed modification would result in:

- a. Inadequate or unsafe access to the planned development:
- b. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;
- c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
- d. A development which will be incompatible with the purposes of this ordinance.
- e. Detrimental impact on surrounding area including, but not limited to, visual pollution.

The burden of proof that the criteria above are not being violated shall rest with the developer and not the Zoning Administrator or the Zoning Board of Appeals.

2. Overall Development Site Size: The minimum site size required for a Planned Development Commercial, Planned Development Manufacturing, or Planned Development Mixed District shall be two and one half (2.5) acres. The minimum overall site size required for a Planned Development Residential District shall be twenty (20) acres.

F. Period of Validity: The period of validity of approval of a Final Development Plan is as follows:

1. No approval of a Final Development Plan shall be valid for a period longer than twelve (12) months from the date of approval unless within such period a zoning certificate is obtained and construction is commenced.
2. The County Board may grant extensions not exceeding six (6) months each upon written request of the original applicant if the application submitted is substantially the same as the initially-approved application. However, the Board has the power in such cases to attach new conditions to approval. At such time as the period of validity of an approved Final Development Plan lapses, the Final Development Plan and all uses, terms, and conditions thereof shall be considered null and void.

No further development of the site shall be permitted except by application in accordance with the procedural requirements of this Section, whereby it shall be considered an entirely new application.

3. Should a request for extension of an approved Final Development Plan contain substantial changes as determined by the Board, the Board shall require the applicant to re-file his application subject to the requirements of this Section as if it were an entirely new application.

G. Properties Zoned Planned Development District by Enactment of this Ordinance and Respective Official County Zoning Map.

1. Properties Developed and/or Subdivided by Recording of Final Plat: Land developments which have been authorized by building permit, final plat approval or other legal means prior to the enactment date of this Article, and exist on properties which, by enactment of the

Official County Zoning Map, have been zoned Planned Development District, are hereby created Planned Developments and all approved characteristics of such developments, such as lot sizes and configurations, setbacks, easements, bulk characteristics, roads, utilities and other improvements, are made a part of the Planned Development District zoning classification as herein defined, whether conforming or legal nonconforming in character.

2. Properties Not Yet Approved for Development: Tracts of land which have not, prior to the date of the enactment of this Article, received County approval for development, whether by building permit, recording or final plat or other legal means, and by County Board enactment of the Official County Zoning Map are zoned Planned Development District shall be subject to Paragraphs C, D and E of this Section.

## DIVISION 6

### SUPPLEMENTARY DISTRICT REGULATIONS

#### 16-6-1 Purpose and Intent:

Unless otherwise stated, the regulations hereafter established shall apply within all districts established by this Ordinance. These general regulations supplement and qualify the district regulations appearing elsewhere in this Ordinance.

#### 16-6-2 Yard and Setback Exceptions:

##### A. Front Yard:

Where forty percent (40%) or more of the frontage on one side of the street between two intersecting streets in areas developed in a "lot and block" configuration is improved with buildings that have observed a front yard line with a variation in depth of not more than ten feet (10'), the average of such front yard lines shall establish the minimum front yard depth for the entire frontage; however, in no case shall a front yard of more than that as stipulated for the applicable classification of road or street in the district in which the property is located be required.

Where a lawfully approved and recorded subdivision plat clearly and graphically indicates a front yard setback that is less than presently required, the setback clearly indicated on the plat shall determine the minimum setback required.

Where lots have a double frontage, a required front yard shall be provided for on both streets, except that the buildable depth of such lot shall not be reduced to less than forty feet (40'), in which latter event the Zoning Administrator may waive this requirement as to the street which will least affect surrounding property values.

##### B. Side Yard and Rear Yard:

Where a lawfully approved and recorded subdivision plat clearly and graphically indicates a side or rear yard area requirement that is less than presently required, the yard area requirement that is clearly and graphically indicated on the plat shall determine the minimum yard area required; however, this provision shall not apply to written subdivision covenants that may delineate less-than-presently allowed yard areas.

##### C. Structural Projections:

Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a minimum yard more than thirty inches (30"). For the purposes of this provision, mechanical units are not considered to be structures. (04/16/13)

##### D. Fire Escapes/Balconies:

An open fire escape may project into a required side yard not more than half the width of such yard, but not more than five feet (5') from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four feet (4') into a required rear yard.



E. Sight Distance Triangle:

On a corner lot in any district, development shall conform to the requirements of the sight distance triangle in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and eight feet (8') above the grades at the back of the curb of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points forty feet (40') from their point of intersection or at equivalent points on private streets, except that the site distance triangle may be increased when deemed necessary for traffic safety by the County Board.

F. Commercial/Manufacturing Rear Yards:

No rear yards shall be required in "B-1", "B-2", "B-3" and "I-1" Districts nor any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway track connection.

G. Through Lots:

A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

16-6-3 Maximum Lot Coverage: In computing the amount of lot coverage, the amount of coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three feet (3') of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in maximum lot coverage requirements.

16-6-4 Access Regulations:

A. Access to Business and Industrial Districts:

No land which is located in a residential district shall be used for a major access route to any land which is located in any business or industrial district; provided, however, that this Section shall not prohibit pedestrian walks and driveway connections between residential districts and neighborhood shops when incorporated as a part of a Mixed Use Development District.

B. Street Access:

All lots shall directly abut a street other than an alley unless a permanent easement of access to a public street was of record prior to the adoption of this Ordinance.

16-6-5 Reserve (Flag) Lots: (05/20/03)

Reserve (flag) lots may be created subject to the following standards:

- A. No more than two (2) reserve (flag) lots may be created to facilitate creation of two but not more than three lots/parcels out of a parcel that has sufficient area but insufficient width to be divided.
- B. A reserve (flag) lot(s) may be used to eliminate access to collector or arterial roads, or when the buildable area of a parcel is restricted due to the presence of a natural resource or irregular property shape.
- C. The access strip of a reserve (flag) lot shall directly access a publicly dedicated street right-of-way.

- D. The access strip of a reserve (flag) lot shall be not less than twenty feet (20') in width at its narrowest point.
- E. The minimum street/road setback on a reserve (flag) lot shall be established at a distance equal to the required street/road setback from the property line that is most parallel to the street/road lot line (road right-of-way line). The lot width at this minimum required setback shall be not less than otherwise required by this Ordinance.
- F. The area within the access strip of a reserve (flag) lot shall not be counted as lot area for the purpose of meeting the minimum lot area requirements of this Ordinance.
- G. If required by the highway authority having jurisdiction over the road on which the reserve (flag) lot(s) will take access, the access strip of the lot, or portion thereof, shall contain an access easement to allow the adjoining lot to share access to the road. In no case shall the access strip of a reserve (flag) lot serve as any access easement for more than three (3) dwelling units.

16-6-6 Accessory Buildings, Structures and Uses:

- A. No accessory building or structure shall be constructed and/or occupied prior to the time of completion of the construction of the principal building to which it is accessory.
- B. No garage or shed, unless it is structurally a part of the principal building, shall be erected or altered, nor moved to a location within ten feet (10') of the nearest wall of the principal building.
- C. No accessory building shall encroach upon the side yard of a corner lot which is adjacent to a road or street, nor upon that side yard of a reversed corner lot which is adjacent to a road or street, nor upon the rear yard of a through (double frontage) lot. (04/16/13)
- D. Accessory building size limitations. (12/22/08; 9/19/17)
  - 1. No accessory building shall have more than one story; however, usable space under a gable, hip or gambrel roof where the interior height from the floor to the underside of the roof does not equal or exceed 7 feet for more than forty percent (40%) of the floor space shall not be considered a second story. The total cumulative area of all accessory buildings, the maximum sidewall height, and the maximum height (see Section 16-2-2 of this Chapter for definition of "Building, Height of") of an accessory building is based on the size of the parcel as indicated in the tables below, except as provided for in paragraph D4 of this Section. When calculating the cumulative area of all accessory buildings or total building height, fractions of 0.5 or less may be disregarded and fractions in excess of 0.5 shall be rounded to the next whole number.

Lot Size (Acres)	Maximum Building Area* (Square Feet)
0-3 acres	3% of parcel size (sq. ft.)
More than 3 acres, but less than 10 acres	3,920 square feet for first three (3) acres and 1.5% per acre (653 sq. ft.) for each additional acre above three (3) acres, provided no individual structure exceeds 6,000 sq. ft.
10 or more acres, but less than 20 acres	No specified limitation, provided no individual structure exceeds 6,000 sq. ft.
20 or more acres	No specified limitation

\*Maximum building area is the cumulative area of all detached accessory building on a zoning lot.

On parcels of 10 acres in area or larger, buildings used exclusively for agricultural purposes shall not be counted in calculating the maximum building area.

<b>Lot Size (Acres)</b>	<b>Maximum Building Sidewall Height</b>	<b>Maximum Building Height</b>
0-.49	10 feet	16 feet
.5-1.5	12 feet	18 feet
More than 1.5 and less than 5	14 feet	18 feet
5 or more	16 feet	20 feet

2. Exceptions. (04/16/13)

- a. The Zoning Board of Appeals may authorize a larger maximum building area and/or sidewall height and/or building height by variation in accordance with Section 16-9-6 of this Chapter if it can be demonstrated that the area of all accessory buildings will be compatible with the neighborhood in design, location and size; and, there is proportionality between the size of the principal building, parcel, street frontage, and the size of the accessory structure(s).
- b. Provided no individual structure exceeds 6,000 square feet in area, the provisions of this Paragraph D regarding maximum accessory building area only (not including maximum building sidewall height and maximum building height requirements) shall not be applicable to parcels having all of the following characteristics:
  - aa. Is less than 10 acres in area; and
  - bb. Is adjacent to or immediately across any street, alley, or public right-of-way from not more than one parcel that is less than 10 acres in area that contains a dwelling; or, is adjacent to or immediately across any street, alley, or public right-of-way from not more than one parcel less than 10 acres that does not contain a dwelling but is eligible, as zoned or without a special use permit, to have a dwelling constructed upon it; and
  - cc. Is not part of a platted subdivision containing three or more lots.

3. Application to Existing Structures. The maximum size limitations shall not apply in respect to the continued use of an existing detached accessory building(s), nor prevent the restoration of such building(s) damaged or destroyed by fire, explosion, act of God, or public enemy provided the following conditions are met:

- a. The original building(s) was/were in compliance with the regulations existing at the time of the original building(s) was/were built;
- b. A variance was granted which allowed for the deviation from the dimensional requirements; and
- c. The building(s) shall comply with the applicable yard requirements at the time of reconstruction unless a variance has been granted or the reconstruction conforms to the provisions of Division 4 (Non-Conforming Buildings, Structures and Uses) herein.

4. Accessory buildings in commercial and industrial districts shall not exceed the maximum height permitted for a principal building in the applicable zoning district unless otherwise authorized.
- E. Attached accessory buildings. In all districts, except as otherwise provided, attached accessory uses and buildings shall be subject to, and must conform to, all regulations applicable to the principal building. (12/22/08)
- F. The maximum height of a flag pole shall not exceed the maximum height allowed for any permitted structure in the zoning district in which it is erected.
- G. Private Swimming Pools: Private swimming pools shall be a permitted residential accessory use, provided it conforms with the regulations of this Ordinance and other applicable ordinance of Ogle County. Any swimming pool with a design capacity of more than 5,000 gallons shall obtain a zoning certificate and shall be provided with a barrier (meaning a fence, a wall, a building wall or a combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool) which complies with the following:
  1. The top of the barrier shall be at least forty eight inches (48") above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be four inches (4") measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (4").
  2. Openings in the barrier shall not allow passage of a four inch (4") diameter sphere.
  3. Solid barriers, which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
  4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty five inches (45"), the horizontal members should be located on the swimming pool side of the fence. Spacing between vertical members should not exceed one and three-fourths inches ( $1\frac{3}{4}$ " ) in width. Where there are decorative cutouts, spacing within the cutouts should not exceed one and three-fourths inches ( $1\frac{3}{4}$ " ) in width.
  5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty five inches (45") or more, spacing between vertical members shall not exceed four inches (4"). Where there are decorative cutouts, spacing within the cutouts shall not exceed one and three-fourths inches ( $1\frac{3}{4}$ " ) in width.
  6. Maximum mesh size for chain link fences shall not exceed one and three-fourths inches ( $1\frac{3}{4}$ " ) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-fourths inches ( $1\frac{3}{4}$ " ) .
  7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-fourths inches ( $1\frac{3}{4}$ " ) .

8. Access gates to the pool shall comply with Paragraphs 1 through 7 above, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward, away from the pool, and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty four inches (54") from the bottom of the gate, (a) the release mechanism shall be located on the pool side of the gate at least three inches (3") below the top of the gate and (b) the gate and barrier shall have no opening greater than one-half inch (1/2") within eighteen inches (18") of the release mechanism.
9. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (a) the ladder to the pool or steps shall be capable of being secured, locked or removed to prevent access, or (b) the ladder or steps shall be surrounded by a barrier which meets Paragraphs 1 through 8 above. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a four inch (4") diameter sphere.

Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers. (5/18/10)

Where swimming pools are equipped with a powered safety cover that complies with ASTM F1346-91, the areas where those swimming pools are located shall not be required to comply with the above barrier requirements. (2/19/19)

- H. No mobile home, recreational vehicle, or trailer shall be used as an accessory storage building or for other than its intended purpose on any land within the AG-1 Agricultural District which the principal use is residential, or any residence district (R-1, R-1, R-3 or R-4). (5/16/06)

I. Permitted Accessory Buildings, Structures and Uses:

The following accessory buildings, structures and uses may be permitted in accordance with the following, but in no case shall any accessory building or structure be located in any required easement, or in a location that would violate the Ogle County Health Code with respect to a well and/or septic system component:

1. Garages, sheds, storage buildings, carports and other similar buildings/structures: A garage, shed, storage building, carport or other similar building/structure may not be located within the required building setback from any road or street. A garage, shed, storage building, carport or other similar building/structure that is greater than 216 square feet in area shall be located not less than fifteen feet (15') from a side or rear lot line, or not less than the required side or rear yard area for the principal building, whichever is less. A garage, shed, storage building, carport or other similar building/structure that is 216 square feet in area or less shall be located not less than five feet (5') from a side or rear lot line.
2. Private swimming pools: Private swimming pools may not be located within the required building setback from any road or street. Private swimming pools shall be located not less than 25' from a side lot line, or not less than the required side yard of the principal building, whichever is less. Private swimming pools shall be located not less than 15' from a rear lot line. Any structure appurtenant or accessory to a swimming pool, such as a deck or patio, whether structurally attached or not, shall be considered part of the swimming pool for the purposes of the above provisions.

3. Decks and patios: Decks/patios may not be located within the required building setback from any road or street. Decks/patios shall be located not less than 25' from a side lot line, or not less than the required side yard of the principal building, whichever is less. Decks/patios shall be located not less than 15' from a rear lot line.
4. Open entrances and entrance porches: Open, unenclosed entrances or entrance porches may project not more than 8' into the required building setback from any road or street, but may not be located closer than 3' to a property line or road right-of-way line. Open, unenclosed entrances or entrance porches shall be located not less than 25' from a side lot line, or not less than the required side yard of the principal building, whichever is less.
5. Entrance stairs, steps and stoops: Open, unenclosed entrance stairs, steps and stoops when necessary for access may project into any required setback or yard area provided: a) the platform/landing is not larger than 6' in width and 4' in depth; b) the platform/landing is not less than 3' to any property line or road right-of-way line; and, c) no part of the steps extends into any adjacent road right-of-way or closer than 3' to any side or rear property line.
6. Accessibility ramps and structures: Ramps and related landing(s) when necessary to allow an "environmentally limited person" (a person with a disability or condition who is restricted in the use of the built environment) to access an existing residential structure at which said environmentally limited person resides may project into any required setback or yard area provided: a) the ramp and related landing(s) is/are not larger than 8' in depth; and, b) the ramp and related landing(s) is/are not less than 3' to any property line or road right-of-way line.
7. Towers: Towers, such as private wind energy conversion system towers, private communications towers and similar structures, shall be located not less than 1.1 times the tower height from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines. When supported with guy-wires, said guy-wires shall not be located less than five feet (5') from any public road right-of-way line, overhead utility transmission lines, communication towers, and adjacent property lines.
8. Awnings or canopies for commercial buildings: Awnings or canopies for commercial buildings shall be allowed within the required building setback (front yard), provided that the awning or canopy is not greater than ten feet (10') in depth (projecting from the building), and no part of any awning or canopy shall project into any public road right-of-way.
9. Gazebos and other similar structures: Gazebos and other similar structures may not be located within the required building setback from any road or street. A gazebo or other similar structure that is greater than 216 square feet in area shall be located not less than fifteen feet (15') from a side or rear lot line, or not less than the required side or rear yard area for the principal building, whichever is less. A gazebo or other similar structure that is 216 square feet in area or less shall be located not less than five feet (5') from a side or rear lot line.

(04/16/13)

16-6-7 Temporary Uses:

A. Temporary Use Permit:

The Zoning Administrator is authorized to issue a permit for a temporary use provided it meets the requirements of this Section. The permit shall be issued for a specified period of time and may contain health, safety and traffic restrictions, and may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances.

B. Temporary Uses Permitted:

1. Christmas Tree Sales: Christmas tree sales for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the applicable yard setback requirements provided that no display will encroach within the required setback for any district by more than fifty percent (50%) and no display or equipment shall be located within the forty (40) foot sight distance triangle of a road or street intersection as defined in this Ordinance.
2. Contractor's Offices: Temporary buildings or trailers may be used as construction offices, field offices or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project development. Temporary buildings or trailers must also be removed from said tract within thirty (30) days after voluntary suspension of work on the project or development or after revocation of building permits, or on order by the Zoning Administrator upon a finding by him that said temporary structure is deemed hazardous to the public health and welfare.
3. Real Estate Offices: Temporary real estate offices of sales offices may be established in a display dwelling unit. Mobile homes shall not be utilized for real estate offices.
4. Amusement Activities: The Zoning Administrator is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within any zoning district. The Zoning Administrator may request a report be submitted with respect to any public health aspect of the proposal and with respect to any traffic or public safety aspect of the proposal if appropriate. For the purpose of this paragraph, "amusement activity" includes a circus, carnival, fair, turkey shoot, art display, trade or animal show, concert, dance, rally, parade, athletic competition, haunted house/barn, corn maze, pumpkin patch and any similar activity not involving the erection of any permanent structure or facility. The permit shall be issued for a specific period of time not exceeding ten (10) days with the exception of a haunted house/barn and/or corn maze, pumpkin patch or similar seasonal activity, which shall be issued for a specific period of time not exceeding sixty (60) days. The permit shall contain such conditions as are necessary for protection of public health, safety and traffic, and the Zoning Administrator may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances.

This permit is in addition to any zoning certificate, air pollution device, construction or operating permit, or other permit or license required by law for any proposed activity or facility. No more than two (2) temporary amusement activity permits shall be issued in any calendar year with regard to any particular property; provided, however, that this limitation with respect to the number of temporary amusement activity permits shall not apply to public property, nor to property not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies. These provisions are applicable to the

period of time and the number of temporary permits for turkey shoots that can be held and shall not apply to turkey shoots conducted on all Saturdays and Sundays falling within the months of October, November and December of each year.

16-6-8 Number of Buildings Permitted Per Lot:

Every singly-family dwelling hereafter erected or structurally altered shall be located on a separate zoning lot. At the discretion of the Zoning Administrator, a survey may be required to prove dimensions and area of said zoning lot before a zoning certificate may be issued. In no case shall there be more than one (1) single-family dwelling on one (1) zoning lot except for accessory buildings or uses, as defined herein. A residential lot must have frontage on a road or street.

16-6-9 Two Uses on a Zoning Lot:

Where two (2) or more permitted or special uses, each requiring a minimum lot area, are provided on the same lot, the required lot area for such uses shall be the sum of the area required for each individual use.

16-6-10 Lot Area and Dimension:

A. Contiguous Parcels:

When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which they are located, are held in one (1) ownership, they shall be used as one (1) zoning lot for such use.

B. Lots or Parcels of Land of Record:

Any single lot or parcel of land, held in one ownership, which was of record at the time of adoption of this Ordinance that does not meet the requirements for minimum lot width and area may be utilized for a permitted use, provided that interior side yards or usable open spaces are not less than seventy-five percent (75%) of the minimum required dimensions of areas.

16-6-11 Division of Zoning Lots:

A. Any tract defined as a zoning lot by this Ordinance, unless otherwise exempted herein, shall not hereafter be divided unless all resulting parcels from such division conform with all applicable yard, lot size and other bulk regulations of the zoning district in which the tract is located and, therefore, by definition, constitute individual zoning lots themselves. Where such division occurs on or after the effective date of this Ordinance, the following shall apply:

1. Person or persons responsible for such action shall be subject to Division 9 of this Ordinance;
2. Any non-conforming lot will be considered such as the result of action by the property owner or other controlling interests and development thereon will be restricted in accordance with this Ordinance; and
3. No permit for the construction of a new residential (including farm dwelling), commercial, manufacturing or other non-agricultural building shall be issued for any lot, whether conforming or non-conforming as described above, created as a result of such division.

B. The Zoning Administrator shall have recorded with the Ogle County Recorder, at such time when a zoning certificate for the construction of a farm or non-farm dwelling is issued for an "AG-1"



Agricultural District or "IA" Intermediate Agricultural District zoning lot, a document indicating that the geographic boundaries of such zoning lot have been defined by said zoning certificate and that any division of such zoning lot shall conform with this Ordinance.

16-6-12 Existing Special Uses:

Where a use is classified as a "special use" and exists at the date of the adoption of this Ordinance, it shall be considered a lawful special use, without further action of the Zoning Administrator, the Planning, Assessment & Zoning Committee, or the Ogle County Board.

16-6-13 Uses Not Specifically Permitted in District:

When a use is not specifically listed in the sections devoted to "permitted uses", it shall be assumed that such uses are hereby expressly prohibited unless by a written recommendation of the Zoning Administrator and approved by the Planning, Assessment & Zoning Committee, it is determined that said uses is similar to and not more objectionable than uses listed. Such uses(s) may then be permitted.

16-6-14 Special Flood Hazard Areas:

Any activity that is located in a Special Flood Hazard Area shall comply with the Ogle County, Illinois, "Flood Damage Prevention Ordinance" ( Chapter 16.0, Division 10 of the *Ogle County Code*).

16-6-15 Sanitary Facilities:

Private sewage disposal systems shall be constructed and located as set forth in the Ogle County Private Sewage Disposal Code (Chapter 10, Division 4 of the *Ogle County Code*).

16-6-16 Home Occupations:

The use of a principal residential building for financial gain or support shall not be conducted unless a home occupation permit has been obtained from the Zoning Administrator. Certain limited home occupations can be useful to both the general community and the resident-proprietor. In attempting to cater to both, reasonable restrictions on business activities conducted in principal residential buildings located in "AG-1", "IA", "R-1", "R-2" and "R3" districts are hereby established to ensure that the business remains incidental to the principal residential use.

A. Permitted Home Occupations.

The following examples of uses are permitted; any use(s) not listed shall require approval of the Zoning Administrator:

Auctioneer (office).

Accounting.

Antique shop.

Architectural service.

Art restoration.

Cement lawn ornaments (resale).

Ceramics (limit 1 kiln up to six [6] cubic feet).

Child care home.

Chimney sweep.

Consulting service.

Contracting - electrical, carpenter, plumbing, heating, painting (limit one [1] vehicle).

Data processing.

Drafting and graphic services.

Dressmaking, sewing, tailoring, contract sewing (one [1] machine).

Electronic assembly (small scale only - no trucks larger than 3/4 ton).

Engineering service.

Financial planning, investment service.

Flower arrangement.

Gardening, landscaping (office) - (equipment limited to 25 h.p.).

Home crafts.

Home share lodging establishment subject to the following:

- 1) The lodging room shall accommodate no more than two (2) persons per night;
- 2) No meals may be provided to guests of the establishment;
- 3) Manual fire extinguishing equipment shall be provided on each floor in accordance with NFPA 10 - Standards for the Installation of Portable Fire Extinguishers;
- 4) All combustibles or flammable liquids shall be stored in approved containers. No combustible storage shall occur in or under stairways;
- 5) All trash containers shall be metal;
- 6) No cooking facilities shall be permitted in guest rooms;
- 7) All hallways and stairways shall be adequately lighted;
- 8) No portable heating devices shall be permitted in guest rooms;
- 9) The owner of the home share lodging establishment shall submit a complete floor plan of the establishment to the local fire department or fire protection district;
- 10) Smoke detectors and carbon monoxide (CO) detectors shall be provided pursuant to the Illinois Smoke Detector Act and Illinois Carbon Monoxide Alarm Detector Act;
- 11) The owner of the home share lodging establishment shall provide proof of adequate liability insurance.
- 12) The Zoning Administrator or his designee shall conduct an inspection of the premises prior to issuance of a Zoning Certificate authorizing the Home Occupation to determine compliance with the above requirements.
- 13) The Zoning Certificate authorizing the Home Occupation shall be valid for a period of twenty-four (24) months, after which a new Zoning Certificate shall be secured in the same manner as the initial Zoning Certificate. (9/19/17)

House cleaning service (limit one [1] vehicle).

Insurance office.

Interior design (office).

Jewelry making or rock polishing.

Locksmith (limit one [1] vehicle).

Pet grooming (dogs and/or cats) - (limit two [2] animals per day).

Real estate office.

Sales representative office.

Security service, security systems, auto security systems (limit one [1] vehicle).

Swimming pool cleaning (limit one [1] vehicle).

Tax preparation.

Telephone answering, switchboard, call forwarding.

Tutoring, music lessons, religious instruction (limit four [4] people or less per day).

Typing, word processing service.

Writing, computer programming.

**B. Prohibited Uses.**

The following examples of uses, and any other uses as determined by the Zoning Administrator, are prohibited as home occupational uses:

Ambulance service.

Appliance repair.

Automobile and machinery repair, parts sales, upholstery or detailing service, washing service including business working at customer's home.

Boarding house, bed and breakfast establishments, time share condominium.

Health salons, gyms, dance studios, aerobic exercise studios, massage parlors.

Limousine service.

Medical, dental, veterinary office.

Palm reading, fortune telling.

**C. Application for Home Occupation Permit.**

An application for a home occupation permit shall be filed with the Zoning Administrator in such form and in such manner as may be required.

**D. Performance Requirements for a Home Occupation Permit.**

All applicants shall certify by affidavit that all of the following performance requirements will be met in conducting the home occupation or profession:

1. No person other than a member of the immediate family residing on the premises shall be employed in connection with the occupation or profession.

2. A sign may be attached to the dwelling with a maximum area of one (1) square foot.
3. There shall be no display that would indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of the dwelling except a sign as allowed above.
4. No material or equipment shall be used that may constitute a hazard, create a nuisance, or interfere with the reception of broadcast signals.
5. All material, equipment, merchandise or work-in-process shall be wholly enclosed within the dwelling or accessory building.
6. The entrance to the space devoted to the home occupation shall be from within the dwelling and the portion of the dwelling devoted to such occupation shall not exceed thirty percent (30%) of the gross floor area of the dwelling.
7. The occupation or profession shall not generate excess traffic or create parking congestion.
8. Home occupations not meeting the above criteria shall not be permitted except as otherwise provided for within a business or industrial district, or as a special use herein.

E. When an application for a home occupation permit has shown that all requirements of this Section will be met, the Zoning Administrator shall, within twenty (20) days receipt of such application, approve and authorize the issuance of a home occupation permit.

F. Enforcement.

1. The Zoning Administrator shall have the power to revoke any home occupation permit for any violation of the above performance requirements, or for any misrepresentation on the application.
2. Upon a decision to revoke a home occupation permit, the Zoning Administrator shall transcribe forthwith a written notice of revocation and thereafter forward it to the permit holder by registered mail to the address listed on the application for said permit. Such notice shall include finding(s) of fact and conclusion(s).

16-6-17 Temporary Model Homes:

Temporary model homes shall be used primarily to offer for sale or rental dwelling units located within the same subdivision or planned development in which the model home is located. The following regulations shall govern the operation of a model home:

- A. Upon request by the Zoning Administrator, the owners of the property upon which the model home is located shall provide information relating to the use of the model home, including but not limited to, a record of sales or rentals made from the model home.
- B. Building materials may be stored within the model home, but not upon the lot on which the model home is situated.
- C. Sales offices, rental offices and construction offices may be contained in a model home; provided, that the appearance of the model home is not substantially different from that of the other dwelling units in the subdivision or planned development.
- D. A temporary off-street parking lot may be permitted if recommended by the Planning, Assessment & Zoning Committee and approved by the County Board.

- E. Exterior floodlights may be used to illuminate the model home; provided, that lights are sufficiently screened so that private dwelling units and traffic are not adversely affected by the floodlights. The exterior floodlights shall be turned off not later than 10:00 P.M.

16-6-18 Modular Dwellings: (12/22/08)

It is the intent of this Ordinance to allow modular dwellings meeting the definition of “Dwelling, Single-Family” as defined herein. There shall be a similarity in exterior appearance between such residentially designed modular dwellings and dwellings which have been constructed under these and other lawful regulations on adjacent lots in the same zoning district.

Modular dwellings shall meet the following required conditions:

- A. Modular dwellings shall not include a mobile home as defined herein.
- B. A modular home shall conform to the requirements of the Illinois Department of Public Health and shall be on the list of Illinois approved manufacturers of modular dwellings.
- C. Recent photographs or brochures showing the front, side and rear of the modular dwelling shall be submitted with filing the application requesting the issuance of a Zoning Certificate that demonstrate compliance with the following appearance standards.
  - 1. The roof of the modular dwelling shall be pitched at a ratio of not less than 3" of rise (vertical distance) in 12" of run (horizontal distance) or greater, and covered with durable material that is residential in appearance, but not limited to, approved wood, asphalt composition shingles, or wood shake shingles, but excluding corrugated aluminum, corrugated fiberglass or metal roof.
  - 2. Exterior siding shall be residential in appearance and cannot have a high-gloss finish including, but not limited to, clapboard, simulated clapboard such as conventional vinyl or metal siding, wood shingles, brick veneer or similar material but excluding smooth, ribbed or corrugated metal or plastic panels.
  - 3. The towing devices, hitches, axles and wheels shall be removed.
  - 4. The modular dwelling shall be located on a permanent, frost-free perimeter foundation. “Permanent, frost-free perimeter foundation” means a closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below frost level.
  - 5. At each door (entrance or exit) of the modular dwelling there shall be provided a permanent stoop that is not less than thirty-six inches by thirty-six inches (36" x 36").
  - 6. The modular dwelling shall be oriented on a zoning lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the dwelling unit is not less than fifty percent (50%) of the dwelling units long dimension.
  - 7. The zoning lot shall be landscaped to ensure compatibility with surrounding properties.
  - 8. The home shall not be less than twenty-four feet (24') in width.
- D. All modular dwellings when located in the unincorporated area of Ogle County in addition to the above shall also be in compliance with all applicable codes and ordinances.

16-6-19 Airports and Surrounding Territory:

Airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and to the following:

- A. Height of buildings or structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the State of Illinois Department of Aeronautics shall be in accordance with the requirements set forth in the approach plan.
- B. Height of buildings or structures, in areas ten thousand (10,000) lineal feet beyond the boundaries of airports that do not have an established approach plan shall be governed by the following:
  1. For an airport having the longest runway less than three thousand nine hundred fifty (3,950) lineal feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen feet (15') in height, and for every two hundred (200) lineal feet of additional distance from the airport boundaries, the height of building structures may be increased by not more than ten feet (10').
  2. For an airport having a runway of three thousand nine hundred fifty (3,950) lineal feet or more in length, buildings or structures just beyond the boundaries of the airport shall not be in excess of fifteen feet (15') in height; and for every two hundred (200) lineal feet of additional distance from the airport boundaries, the height of structures may be increased by not more than five feet (5'); and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four feet (4') in every two hundred (200) lineal feet of additional distance from airport boundaries, for the first ten thousand (10,000) lineal feet, and for the area covered in the next forty thousand (40,000) lineal feet, the height of structures may be increased by not more than five feet (5') in every additional two hundred (200) lineal feet.
  3. Buildings or structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such buildings or structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.
  4. Any developments to be located in Sections 1, 2, 3 and 4 in Scott Township shall be in compliance with the Greater Rockford Airport F.A.R. updated Part 150 Noise Compatibility Study dated May 1994.

16-6-20 Location of New Livestock Management Facilities and New Livestock Waste-Handling Facilities:

New livestock management facilities and new livestock waste handling facilities shall not be located in close proximity to populated areas so as to cause air pollution. Adequate odor control methods and technology shall be practiced by operators of new and existing livestock management and livestock waste handling facilities so as not to cause air pollution (see Title 35: Environmental Protection, Subtitle E: Agriculture Related Pollution, Chapter I: Pollution Control Board, and Chapter II: Environmental Protection Agency, State of Illinois Rules and Regulations as amended).

16-6-21 Mobile Homes, Recreational Vehicles and Mobile Offices:

Recreational vehicles, as defined herein, shall not be occupied for dwelling purposes except in lawfully established commercial campgrounds; mobile homes, as defined herein, shall not be occupied for dwelling purposes except in lawfully established mobile home parks or mobile home subdivision. However, the temporary use of a recreational vehicle or mobile home for dwelling purposes, or a mobile office for temporary office use may be permitted when an application for a permit has been approved by the Planning, Assessment & Zoning Committee and signed by the Zoning Administrator, and one or more of the following conditions have been met:

A. Construction:

When the applicant desires to build a dwelling and said dwelling will not be occupied within a two (2) year period. An extension, if necessary for good cause demonstrated by the applicant, may be granted after review by the Planning, Assessment & Zoning Committee.

B. Recreation:

When the applicant desires to use a recreational vehicle on private property strictly for recreational purposes and not for permanent habitation, and the location of the recreational vehicle does not hinder the use, degrade or affect the value and appearance of adjoining properties, and adequate water supply and sewage disposal facilities are provided and approval obtained from the Ogle County Health Department, said use of a recreational vehicle may be permitted.

C. Mobile Office:

When the applicant desires to use a mobile office, as defined herein, on private property strictly for commercial or industrial office purposes and not for habitation, and the location of the mobile office for more than sixty (60) days does not hinder the use, degrade or affect the value or appearance of adjoining properties, and adequate water supply and sewage disposal facilities are provided and approval obtained from the Ogle County Health Department, said use of a mobile office may be permitted.

- D. In the event of a fire or natural disaster which results in the partial or total demolition of a residence, making it unfit for human habitation, the Zoning Administrator may, upon application from the owner of such residence, issue a temporary emergency shelter permit for the use of a mobile home or recreational vehicle for each family during rehabilitation of the original residence or construction of a new residence. The temporary emergency shelter permit shall be limited to a period of six (6) months. Upon expiration of the six (6) month period, an application may be presented to the Planning, Assessment & Zoning Committee when one (1) or more of the conditions in Paragraph A (above) are met.

All applications for a permit shall be accompanied by an affidavit, stating as follows:

1. Name(s) and address(es) of occupants.
2. Location of proposed use.
3. Description (make, model and year) of mobile home, recreational vehicle or mobile office.
4. Reason for application.
5. Statement that a change in the usage, name or number of occupants, or location will be reported to the Zoning Administrator immediately.

Failure to comply with any of the above or any additional conditions placed on a permit by the Planning, Assessment & Zoning Committee shall be sufficient for the Planning, Assessment & Zoning Committee to revoke the permit.

The mobile home, recreational vehicle or mobile office shall be removed by the permit holder on or before the date of expiration of the permit, unless the permit holder has received an extension as provided above.

16-6-22 Screening:

Screening shall be designed, planted or constructed and maintained in accordance with the following general guidelines:

- A. Permanent screening during all seasons shall be required of business, industrial and residential district uses in the following instances:
  - 1. A screen shall be required for an industrial and/or agribusiness use when it is adjoining a residence or business district.
  - 2. A screen shall be required for a business use when it is adjoining a residential district.
  - 3. A screen shall be required for a residential use when constructed adjacent to a business or industrial use after the effective date of this Ordinance.
- B. No screening shall interfere with sight requirements for safe ingress and egress.
- C. One (1) of the following screening types or a combination of the following screening types shall be used:
  - 1. A dense, compact screen of plantings to be maintained at the dimensions specified within a five (5) year time span.
  - 2. A solid fence (less than fifty percent view through the fence) to be maintained at the dimensions specified.
  - 3. A ground contoured earthen berm to be maintained at the dimensions specified.
- D. Vegetation and grassed earth beams shall be used whenever possible.
- E. Earthen beams shall have a side slope not less than four feet (4') horizontal distance for each one foot (1') of vertical distance.
- F. Screening shall be six feet (6') in height excluding vegetation growth.

16-6-23 Affidavit Requirement for Dwellings to be Constructed Within One Thousand Feet (1,000') of an Active Quarry:

All applicants for a Zoning Certificate to construct a dwelling to be located within one thousand feet (1,000') of an active quarry as measured from the nearest property line of the zoning lot or parcel on which quarrying can lawfully take place on the date the Zoning Certificate for said dwelling is applied for shall certify by affidavit (see Appendix IV) that they are aware of the existing quarry operation and possible noise, dust, odors, vibrations, traffic, etc. associated with a quarry operation, and that if a residential use is established, such use has no additional rights granted to it than are granted to said quarry operation. Said affidavit shall be recorded with the property deed in the Office of the Ogle County Recorder, of which proof of recordation shall be required by the Zoning Administrator prior to issuance of a zoning certificate.

16-6-24 Separation Between New Dwellings and an Active Livestock Management Facility:

No non-farm dwelling constructed after the effective date of this Ordinance shall be located within one-fourth (1/4) mile (1,320 feet) of an active livestock management facility as measured from the nearest pen or enclosure housing any animals at any time within the year prior to the date the Zoning Certificate for said dwelling is applied for.



16-6-25 Regulation of Telecommunications Carrier Facilities and AM Broadcast Towers and Facilities:

Telecommunications facilities and AM broadcast towers and facilities shall be subject to the requirements of 55 ILCS 5/5-12001.1 (*Authority to regulate certain specified facilities of a telecommunications carrier and to regulate, pursuant to subsections (a) through (g), AM broadcast towers and facilities.*).

16-6-26 Open Storage of Junk:

Junk, as herein defined, shall not be stored in an open area. However, this provision shall exclude lawfully established junk yards and other uses engaged in collecting and/or processing of scrap iron or other metals.

## DIVISION 7

### OFF-STREET PARKING AND LOADING REQUIREMENTS

#### 16-7-1 Purpose and Intent:

The purpose of this Section is to alleviate or prevent the congestion of the public streets, and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

#### 16-7-2 Applicability:

For every use, activity or structure permitted by this Ordinance and for all buildings or structures erected in accordance therewith, there shall be provided sufficient space for access and off-street standing, parking, circulation, unloading and loading of motor vehicles that may be expected to transport its occupants, whether as patrons, residents, customers, employees, guests or otherwise, to an establishment, activity or place of residence at any time under normal conditions for any purpose. When a use is expanded, accessory off-street parking and loading shall be provided in accordance with the regulations herein for the area or capacity of such expansion, and including that which would be required for the previously existing uses, structure or activity.

#### 16-7-3 Site Plan Required:

Every zoning certificate application for a new, enlarged, or remodeled building, structure, or use other than a single family residence shall include therewith a parking site and landscape plan. In addition, such parking site and landscape plan requirements shall also apply to new, enlarged, or remodeled parking facilities to service existing buildings, structures, or uses. Approval of such a plan shall include, for review and approval by the Zoning Administrator, any and all existing parking facilities currently serving said buildings, structures and uses for conformity with these regulations as well.

##### A. Parking Plan Requirements:

The plan shall also specifically include the following:

1. Delineation of individual parking and loading spaces.
2. Circulation area necessary to serve spaces.
3. Delineation of fire lanes.
4. Access to streets and property to be served.
5. Driveway and traffic aisle width, location of all curbs and curbing materials.
6. Dimensions, continuity and substance of required screening.
7. Grading, drainage, surfacing and subgrading details.
8. Delineation of obstacles to parking and circulation in finished parking areas.
9. Specification as to signs and bumper guards.
10. Landscaping and screening details (see Section 16-7-5 of this Division for landscaping requirements for parking lots).

11. Lighting, including other pertinent details such as fixture cuts, light spread characteristics, etc.
12. Dimensions indicating setback and parking lot design layout.

16-7-4 Design Requirements:

A. Surface Material:

Areas used for standing and maneuvering of vehicles shall have concrete, asphaltic concrete or compacted aggregate surfaces (with adequate dust treatment) surfaces, and maintained adequately for all-weather use. Agricultural and single-family residential uses are exempt from this provision.

B. Access to Parking Areas:

All off-street parking spaces, except for single-family residential uses, that make it necessary to back out directly onto a public road are prohibited. Also, no driveway or parking areas of an industrial, commercial or multiple-family use that will lie adjacent to a one or two-family use or zoning district shall be located closer than ten feet (10') to the common property line.

C. Access Near Street Corners:

No entrance or exit for any off-street parking area with over four (4) parking spaces or any loading berth shall be located within seventy-five feet (75') of the intersection of any two (2) road or street right-of-way lines.

D. Drainage:

All off-street parking areas shall be drained so as to prevent drainage onto abutting properties or adjacent streets.

E. Lighting:

Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot, institutional premises or adjacent streets.

F. Screening:

Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces a lot with residential zoning by an unpierced wall or screen, or compact evergreen planting not less than four feet (4') in height. Plantings shall be maintained in good condition and not encroach on adjoining property (see Section 16-7-5 of this Division for additional landscaping requirements).

G. Setback:

Except for single-family residential, all required parking spaces may be located in a required front yard, side yard, or rear yard provided that a five foot (5') setback be maintained between the parking space(s) and any property line. However, in no instance shall a parking lot be located in a required transition strip. (See Section 16-7-5 of this Division, Landscaping and Screening Regulations).

Exception: Where the proposed parking area will be located within the side yard or front yard adjacent to a similarly zoned property and where internal access will be provided between the two properties, the five foot (5') setback requirement shall not apply.

H. Minimum Off-Street Parking Space Dimensions:

The regulations of this paragraph shall govern the dimensions of off-street parking spaces, including those provided in developments approved in planned districts or by special procedure.

Except as otherwise provided for in this paragraph, all uses, except for single-family residential, shall comply with the following parking requirements:

1. Parking Table:

A	B	C	D	E	F	G
45	9.0'	19.7'	12.5'	12.7'	51.9'	45.6'
60	9.0'	21.0'	17.5'	10.5'	59.5'	55.0'
90	9.0'	19.0'	22.0'	9.0'	60.0'	---

- A = Parking angle (degrees)
- B = Stall width
- C = 19 foot minimum stall to curb
- D\* = Aisle width
- E = Curb length per car
- F = Curb to curb
- G = Center to center width of double row with aisle between

Note: <sup>1</sup>Additional width may be required where the aisle serves as the principal means of access to on-site buildings or structures.

2. In the event that the desired parking angle is not specified by the above table, the Zoning Administrator may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table.
3. A stall dimension of eight and one-half feet by eighteen feet (8.5' x 18') or equivalent may be utilized for off-street parking stalls provided in excess of the minimum requirements as set forth in this Section when designated for compact car use.
4. On-site parallel parking stalls shall be nine feet by twenty-two feet (9.0' x 22') two-way lane or fifteen feet (15') one-way lane.
5. Loading spaces shall have a minimum dimension of twelve feet by thirty-five feet (12' x 35') and a vertical clearance of at least fourteen feet (14').
6. Handicap Parking:
  - a. Parking spaces for the physically handicapped shall comply with the standards set forth by the State of Illinois.
  - b. In shopping centers, ramps from parking areas or drive aisles for the physically handicapped shall be provided along the sidewalks abutting building frontages at intervals of not more than sixty feet (60').
  - c. The number of spaces that shall be reserved for the physically handicapped shall comply with the standards contained in "Accessibility Standards Illustrated" published by the Capital Development Board, State of Illinois.

7. Curbed islands are required at ends of aisles where necessary for traffic control or drainage.

16-7-5 Screening and Landscaping:

All parking and loading areas shall be properly screened and landscaped as hereinafter set forth. It is the purpose and intent of this Section to require adequate protection for adjacent property against undesirable effects from the creation and operation of parking or loading areas and to protect and preserve the appearance and character of the surrounding neighborhoods through the screening effects and aesthetic qualities of such landscaping.

- A. The landscaping shall include, to the extent necessary to further the intent of this Section, shrubs, bushes, hedges, trees, decorative walls or fencing as set forth below.
- B. The frontage along the entire parking or loading area adjacent to any public or private street shall be landscaped and protected so as to separate and screen any parking area from the adjacent streets, including the provision of deciduous, hardwood street trees at not more than thirty-five feet (35') on center located either within the right-of-way if approved by the appropriate public agency, or parallel to the right-of-way on the subject property.
- C. In addition to any landscaped front, back or side yard areas required by this or any other Section for any parking area containing more than five (5) spaces, a minimum of ten (10) square feet of interior landscaped area shall be provided within the parking lot for each parking space. The landscaping shall be in one or more areas so as to minimize and reduce the apparent size of parking areas.
- D. All interior landscaped areas provided in accordance with the preceding paragraph shall be raised and curbed and shall have a minimum area of fifty (50) square feet and a minimum width of five feet (5'). Each separate interior landscaped area shall include at least one (1) deciduous shade tree of a type and size required herein, and there shall be a minimum of two (2) trees, within and up to, every one hundred (100) linear feet of parking for each parking row. Such trees shall be spaced evenly wherever possible and the ends of parking rows abutting a circulation aisle shall be defined by interior landscaped areas whenever feasible.
- E. Deciduous shade trees shall have a minimum caliper of three inches (3") in the trunk measured one (1) foot above the ground with a clear trunk of at least five feet (5') where provided for screening, buffering or aesthetic effect. Evergreen trees shall be a minimum of six feet (6') in height at planting. All trees shall be properly planted and staked. The number of such trees shall be determined by the application of the above mentioned landscape standards; provided, however, that in no instance shall there be less than two (2) such trees in conjunction with the development of any parking facility or lot.
- F. No landscaped hedge shall be less than two feet (2') in height, and three feet (3') in spread; however, no hedge, wall or berm shall exceed three feet (3') in height within ten feet (10') of any driveway opening. The individual plants used in the development or such a hedge shall be placed so as to be not more than twenty-four inches (24") on center.
- G. The use of earth sculpting or beams may be required provided these are designed in any area of enough size so as to avoid erosion, drainage or maintenance problems.
- H. Interior planting bed areas, which are used for the planting of trees, or which are used for landscaping treatment generally, may be treated with either grass and/or other types of ground cover or paver block on a sand and gravel base located beneath and surrounding trees and shrubs.

- I. All landscaping shall be permanently maintained in good condition, satisfactory to the County, with at least the same quality and quantity of landscaping as initially approved. In the event that landscaping should die, the property owner shall replace same in a timely fashion, taking into consideration the season of the year.
- J. A perimeter landscaped buffer strip shall be provided and maintained at a width of not less than five feet (5') between a parking lot or driveway and the abutting property line at a side or rear yard. Other, more restrictive standards for yards or buffering shall govern where required by this Ordinance.
- K. All landscaped areas in parking areas or adjacent to parking or loading areas, or that can be encroached upon by a motor vehicle, shall be provided with an adequate, permanent curb to restrict the destruction of the landscaped areas by vehicles.

16-7-6 Administrative Requirements:

A. Determination of Required Number of Spaces:

- 1. Fractional Spaces: When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of ½ or less may be disregarded, and a fraction in excess of ½ shall be counted as one parking space.
- 2. Floor Area: When used as a measurement for determining the number of parking spaces, shall mean the gross floor area, except for areas used for storage areas, stairwells, and mechanical equipment rooms.
- 3. Employees: Employees, when used as a measurement for determining the number of parking spaces for a new or established business expanding, shall be based on the number of employees in the largest shift.

B. Parking Exception for Churches:

Off-street parking facilities require for churches may be reduced by fifty percent (50%) where churches are located in non-residential districts and within three hundred feet (300') of useable public or private off-street parking areas.

C. Parking for Multiple Use Buildings:

The number of parking spaces required for land or buildings used for two or more purposes, shall be the sum of the requirements for the various uses, computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except churches.

D. Use of Required Parking Spaces:

Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes or materials or for the parking or trucks used on conducting the business or use.

E. Parking in Residential Districts:

- 1. In residence districts overnight parking shall be limited to: passenger vehicles; recreational vehicles; and not more than one commercial vehicle of the light delivery type, not to exceed one (1) ton in manufacturer's rated hauling capacity per dwelling unit.

2. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance. Required off-street parking spaces stipulated in this Ordinance may not overlap sidewalks or the street right-of-way.

F. Accessory Parking Lots:

All required off-street parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant; provided, however, that where there are, in the judgement of the board, practical difficulties in satisfying the requirement for parking space and/or if the public safety or convenience would be better served by another location, the Board may authorize an alternate location for any portion of the required parking for a nonresidential use which will adequately serve the public interest, subject to the following conditions.

1. Required accessory off-street parking facilities may be provided elsewhere than on the lot on which the principal use served is located, provided that the property occupied as parking is in the same possession, either by deed, by easement, or by long-term lease which has a term equal to or exceeding the projected life or term of lease of the facility occupied by the principal use, and further provided that the owner shall be bound by covenants filed on record in the Office of the County Recorder, requiring the owners, heirs or assigns, to maintain the required number of off-street parking spaces during the existence of such principal use.
2. Pedestrian access shall be available within a walking distance of not more than three hundred feet (300') measured from the nearest point of public access to the building to the nearest part of the accessory parking area.
3. Such separated parking space shall be usable without causing unreasonable traffic congestion, detriment to any residential neighborhood or hazard to pedestrians or vehicular traffic.
4. All accessory parking lots shall be located on property zoned within the same zoning district.

G. Change in Use:

No off-street parking space required under this Ordinance shall be used for any other purpose. Where a change in use creates greater parking requirements than the amount being provided, an occupancy certificate shall not be issued until provision is made for the increased amount of required off-street parking.

H. Additions to Structures, Buildings or Uses:

Where an addition is made to an existing structure, building, or use which does not comply with the parking requirements cited for such structure, building, or use, the parking requirements supplied for the addition shall include those spaces necessary to bring the structure, building, or use as a whole into conformance with the requirements of this Ordinance.

I. Existing Parking:

No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.

J. Maintenance of Parking Facilities:

Any person operating or owning a parking lot shall keep it free, as may be practical, of dust and loose particles and shall promptly remove the snow and ice from the surface of the parking lot. Such persons shall also keep all adjacent sidewalks free from dirt, ice, sleet and snow and shall keep the sidewalks in a safe condition for use by pedestrians. All signs markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise any walls, landscaping, including trees and shrubbery, as well as surfacing and curbing of the parking lot, shall be maintained in good condition throughout its use for parking purposes, and the Board shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed, including the replacement of any landscaping material which may die from time to time, or the failure of the surface drainage system within the parking area.

16-7-7 Schedule of Required Parking and Loading Spaces:

A. Residential and Lodging Uses:

1. Dwellings (one-family, two-family, multi-family)

Two (2) parking spaces per dwelling unit.  
No loading spaces required.

2. Motel/Hotel/Bed and Breakfast

One (1) parking space per guest room plus one (1) space per every two (2) employees.

See Table "B" for loading space requirement.

B. Commercial Uses:

1. Indoor Retail Uses

Five (5) parking spaces for each one thousand (1,000) square feet of floor area, except as otherwise herein noted.

See Table "B" for loading space requirement.

2. Personal Service Uses

Five (5) parking spaces per one thousand (1,000) square feet except as otherwise herein noted.

See Table "B" for loading space requirement.

3. General Offices

Five (5) parking spaces per one thousand (1,000) square feet of floor area.

See Table "B" for loading space requirement.

4. Financial Institutions

Four (4) parking spaces per one thousand (1,000) square feet of floor area plus one (1) space for each electronic teller, plus five (5) stacking spaces for each drive-through teller position.



No loading spaces required.

5. Automobile, Truck, Recreational Vehicle, and Equipment Sales and Service, and Rental

One (1) parking space per three thousand (3,000) square feet of open sales lot area devoted to the sale, display, or rental of said vehicles or equipment; or four (4) spaces for every one thousand (1,000) square feet of interior showroom, whichever is greater; plus three (3) spaces for every service bay in garage repair areas, plus one (1) for each employee.

See Table "A" for loading space requirement.

6. Automobile Service Facility

One (1) parking space located at each fuel dispenser, plus three (3) spaces for each service bay, or similar facility plus one (1) space for each vehicle used directly in conduct of the business or stored on the premises, and one (1) space for each employee. Required space marking shall not apply to spaces associated with fuel dispensers.

No loading spaces required.

7. Car Wash-Mechanical

Stacking area five (5) times the capacity of the car wash, plus one (1) parking space per employee.

No loading spaces required.

8. Car Wash-Self Service

Five (5) stacking spaces for each car washing stall and two (2) drying spaces for each car washing stall.

No loading spaces required.

9. Clubs, Lodges

Parking and loading spaces equivalent to the combined requirements of the uses being conducted, such as restaurant, auditorium, etc.

10. Food Markets and Convenience Stores under five thousand (5,000) square feet in floor area.

Four (4) parking spaces for every one thousand (1,000) square feet of floor area.

See Table "B" for loading spaces requirement.

11. Food Markets over five thousand (5,000) square feet in floor area

Seven (7) parking spaces for every one thousand (1,000) square feet of floor area.

See Table "A" for loading spaces requirement.

12. Funeral Homes, Mortuaries

One (1) parking space for every four (4) seats (one (1) seat represents two (2) feet of bench length) in parlor(s) or chapel with a minimum of ten (10) total spaces provided, or one (1) space for every 50 square feet gross floor area when there is no fixed seating.

No loading spaces required.

13. General Contracting Services

Four (4) parking spaces for every one thousand (1,000) square feet of floor area, plus two (2) spaces for every three employees on the maximum shift, plus one (1) space for every vehicle customarily used in operation of the use or stored upon the property.

No loading spaces required.

14. Restaurants without drive-through facilities, Bars, Taverns

Eighteen (18) parking spaces per one thousand (1,000) square feet of seating floor area, plus two (2) spaces for every three (3) employees on the maximum shift.

No loading spaces required.

15. Restaurants with drive-through or carry-out facilities

Thirty-two (32) parking spaces for every one thousand (1,000) square feet of seating area, plus two (2) spaces for every three (3) employees on the maximum shift plus ten (10) stacking spaces for each drive-through window and/or lane.

No loading spaces required.

16. Vehicle Storage Lots

Two (2) parking spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the conduct of the business or stored upon the premises.

No loading spaces required.

17. Office/warehouse

Parking and loading spaces shall be calculated based upon the use of thirty-seven and one-half percent (37 ½%) of the total square footage of building or buildings for office use and the remaining sixty-two and one-half percent (62 ½%) based on warehouse use.

C. Industrial and Transportation Related Uses:

1. Manufacturing Plants

One (1) parking space for every employee on the maximum shift, plus one (1) space for every vehicle used in the operation of the use or stored on the premises.

See Table "A" for loading spaces requirement.

2. Warehouses

One (1) parking space for every one thousand (1,000) square feet of floor area within the warehouse, plus four (4) spaces for every one thousand (1,000) square feet of floor area in office use, plus one (1) space for vehicle used in the operation of the use or stored on the premises.

See Table "A" for loading spaces requirement.

3. Terminal (air, bus, railroad, truck, and watercraft)

One (1) parking space for every two hundred (200) square feet of lobby area, plus two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle used in the operation of the use or stored on the premises.

See Table "A" for loading spaces requirement

4. Storage of Sand, Gravel and Similar Materials

Two (2) parking spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle used in the operation of the use, or stored on the premises.

No loading spaces required.

D. Cultural and Recreational Uses:

1. Athletic Fields

Twenty (20) parking spaces for every diamond or athletic field, or one (1) space for every four (4) seats, whichever is greater. (One (1) seat is equal to two (2) feet of bench length).

No loading spaces required.

2. Auditoriums, Theaters, Meeting Rooms and Places for Public Assembly (Except as noted herein)

One (1) parking space for every 2.5 seats based on maximum seating capacity.

See Table "B" for loading spaces requirement.

3. Bowling Alleys

Five (5) parking spaces for every lane.

No loading spaces required.

4. Community Centers and Private, Not-for-Profit Recreation Centers, including Gymnasiums and Indoor Swimming Pools.

Four (4) parking spaces for every one thousand (1,000) square feet gross floor area.

No loading spaces required.

5.     Gymnasium without bleachers or fixed seating (except as noted herein)  
  
      One (1) parking space for every one hundred (100) square feet of gross floor area.  
  
      No loading spaces required.
6.     Handball, Racquetball Courts  
  
      Three (3) parking spaces for every court.  
  
      No loading spaces required.
7.     Ice and Roller Rinks  
  
      One (1) parking space for every one hundred (100) square feet of skating area or playing surface.  
  
      No loading spaces required.
8.     Indoor Soccer  
  
      Fifty (50) parking spaces for every playing field, plus one (1) space for every three (3) seats of spectator seating (one (1) seat equals two (2) feet of bench length), plus two (2) spaces for every three (3) employees on the maximum shift, but in no case less than one hundred (100) spaces.  
  
      No loading spaces required.
9.     Parks, Playgrounds, Picnic Grounds  
  
      Parking space equivalent to one percent (1%) of the total land area. Parking area available along park roads or private drives may be used to fulfill this requirement.  
  
      No loading spaces required.
10.    Recreation Centers  
  
      Four (4) parking spaces for every one thousand (1,000) square feet gross floor area.  
  
      No loading spaces required.
11.    Stadiums, sports Arenas, and Gymnasiums with spectator facilities  
  
      One (1) parking space for every 2.5 seats (one (1) seat is equal to two (2) feet of bench length), plus two (2) spaces for every employee on the maximum shift.
12.    Swimming Pools  
  
      Two (2) parking spaces for every one hundred (100) square feet of water area.  
  
      No loading spaces required.

13. Tennis Courts
- Three (3) parking spaces for every court.
- No loading spaces required.

E. Other Uses:

1. Churches
- One (1) parking space for every four (4) seats (one (1) seat equals two (2) feet of bench length), plus one (1) space for every vehicle customarily used in operation of the use or stored on the premises.
- No loading spaces required.
2. Hospitals
- One (1) parking space for every two (2) beds, plus one (1) space for every staff doctor and employee on the maximum shift.
- See Table "B" for loading spaces requirement.
3. Medical and Dental Offices and Clinics
- Four and one-half (4-1/2) spaces for every one thousand (1,000) square feet gross floor area, or four (4) spaces for every doctor and one (1) space for every additional employee, whichever is greater.
- See Table "B" for loading spaces requirement.
4. Libraries, Reading Rooms
- Five (5) parking spaces for every one thousand (1,000) square feet gross floor area, one (1) space for every six (6) seats in an accessory auditorium, and two (2) spaces for every three (3) employees on the maximum shift.
- See Table "B" for loading spaces requirement.
5. Nursing Homes
- One (1) parking space for every five (5) beds, one (1) space for every self care unit, and one (1) space for every two (2) employees on the maximum shift.
- See Table "B" for loading spaces requirement.
6. Postal Stations
- Four (4) parking spaces for every customer service station, two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in operation of the use or stored on the premises.
- See Table "A" for loading spaces requirement.

7. Schools, Public and Private, all Grades and Vocational  

One (1) parking space for every classroom and office, and one (1) space for every two (2) students over sixteen (16) years of age, plus one (1) space for every two (2) employees on maximum shift.

See Table “B” for loading spaces requirement.
8. Cemeteries  

Two (2) parking spaces for every three(3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in operation of the use, or stored on the premises, plus one (1) space for every four (4) seats in auditorium or chapel.
9. Schools, Nursery/Pre-Primary  

Two (2) spaces plus one (1) space for every employee on the maximum shift; a paved unobstructed pick-up space with adequate stacking area (as determined by the Planning Director) shall be provided in addition to standard driveway and parking requirements, or one (1) space for every six (6) children; a safe pedestrian walkway system as approved by the Planning Director shall be provided through parking areas to the building entrance, with a safety zone a minimum of fifteen (15) feet in width between parking spaces in front of the building entrance, shall be provided in addition to standard driveway parking requirements.

See Table “B” for loading space requirement.
10. Research Facilities and Laboratories  

Four (4) parking spaces for every one thousand (1,000) square feet of floor area up to fifty thousand (50,000) square feet, plus two (2) spaces for every one thousand (1,000) square feet of floor area over fifty thousand (50,000) square feet.

See Table “B” for loading space requirement.
11. Veterinary Clinics, Animal Hospitals, Kennels  

Four (4) parking spaces for every doctor, plus one (1) for every additional employee.

No loading spaces required.

**TABLE "A"**

<b>Gross Floor Area (Square Feet)</b>	<b>Number of Minimum 10' x 40' Loading Spaces*</b>
5,000 - 24,000	1
24,000 - 60,000	2
60,000 - 96,000	3
96,000 - 144,000	4
144,000 - 192,000	5
192,000 - 240,000	6
240,000 - 294,000	7
294,000 - 348,000	8
For each additional 54,000	1 additional loading space

**TABLE "B"**

<b>Gross Floor Area (Square Feet)</b>	<b>Number of Loading Spaces</b>	
	<b>10' x 25' Min.</b>	<b>10' x 40' Min.</b>
2,000 - 10,000	1	
10,000 - 25,000	2	
25,000 - 100,000	3	1
For each additional 100,000	1 additional	

Note: <sup>1</sup>Each 10' x 40' loading space shall have a height clear of obstruction of not less than 14 feet.

## DIVISION 8

### SIGN REGULATIONS

(Amended 12/18/01)

#### 16-8-1 Purpose:

It is the purpose of this Division to regulate and control the location, erection, number and maintenance of signs and matters relating thereto within Ogle County in order to promote public safety, health and general welfare of the community. These regulations are specifically designed to:

- A. Provide for uniform regulation and orderly development of signs consistent with established ordinances of the County.
- B. Prohibit hazardous and dangerous signs.
- C. Provide a desirable and attractive living environment through harmonious and uniform signage.

#### 16-8-2 Scope:

The provisions of this Article shall govern the erection, alteration, and maintenance of all signs and outdoor display structures, together with their appurtenant and auxiliary devices, with respect to location, size, content, construction, structure, and fire safety.

- A. The provision of this Article shall not apply to:
  1. Flags of any nation, state, county, city or other governmental unit and any not-for-profit organization;
  2. Signs or other materials temporarily displayed in conjunction with traditionally accepted patriotic, religious or local holidays or events or official government public notices.
  3. The erection, construction, and maintenance of official traffic, fire and police signs, signals and devices and markings of the state, county or city.
  4. Non-illuminated directional or informational signs of a public nature;
  5. Residential garage or patio sale signs not to exceed six (6) square feet and located upon premises where the sale is taking place;
  6. Real estate signs for the purpose of advertising a particular lot, building or premises for sale or lease. One (1) or more temporary unlighted sign(s) located on the premises being advertised shall be allowed as follows:
    - a. A premises with linear street frontage of 660' or less shall be allowed one (1) sign with a maximum area of six (6) square feet;
    - b. A premises with linear street frontage greater than 660' and less than 2,640' shall be allowed one (1) sign with a total area of not more than 32 square feet. A second sign shall be allowed, provided that the minimum spacing between signs on the same premises shall be 500' and the maximum area of each sign shall not exceed 32 square feet.
    - c. A premises with linear street frontage of 2,640' or greater shall be allowed one (1) sign for each 1,320' of linear street frontage, provided that the minimum spacing between signs on the same premises shall be 500' and the maximum area of each sign shall not exceed 32 square feet.



- d. Such signs shall be removed within five (5) days following the date of closing or lease initiation.
7. Bulletin boards not over thirty-two (32) feet in area, for public, charitable, or religious institutions which are located on the premises of said institutions;
8. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials;
9. Identification/Occupational signs not exceeding one (1) square foot in size.
10. Signs erected inside a building not visible through windows and signs not visible from adjoining properties or from public rights-of-way.
11. Crop identification sign, not exceeding thirty-two (32) square feet in gross surface area and shall be unlimited in number as to crop type or plot of land. The duration of these signs shall be limited to the growing season.
12. Political signs, not exceeding thirty-two (32) square feet in gross surface area and shall be unlimited in number as to message and plot of land. These signs shall be erected only on private property no more than forty-five (45) days prior to election and shall be removed within seven (7) days after election for which they were made.
13. Signs for the purpose of restricting the use of property are permitted along the boundary line of a publicly or privately owned tract of land. Each such sign shall not exceed two (2) square feet in area. In addition, at the entrance of such tract of land, one (1) sign shall be permitted not to exceed sixteen (16) square feet in area.
14. Signs for the purpose of identifying the entrance, exit, traffic direction, and parking facilities of public or private property in premises, signs are permitted not exceeding eight (8) square feet in area and eight feet (8') in height.
15. For the purpose of identifying the architect, engineer, or contractor of work under construction, one (1) temporary sign is permitted, not exceeding thirty-two (32) square feet in area.
16. Memorial or tablet signs.
17. Window signs covering not more than 50% of the window surface.

16-8-3 Definitions:

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

*Abandoned Sign:* A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

*Animated Sign:* Any sign which includes action or motion. For purposes of this Ordinance, this term does not refer to flashing or changing, all of which are separately defined.

*Awning:* An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

*Banner:* A sign made of fabric, plastic, paper or other light pliable material, not enclosed in a rigid frame.

*Building Face or Wall:* All window and wall areas of a building in one plane or elevation.

*Business Complex:* Two (2) or more commercial businesses on a lot or contiguous lots with common access and parking.

*Business Complex Sign:* A sign which is designed to identify a business complex where no single business identification and/or advertisement occupies more than fifty percent (50%) of the sign area.

*Canopy:* Any structure attached to a building at the inner end and supported on the other end, or a freestanding structure, with one or more supports, meant to provide shelter from weather elements onto which signs may be affixed or incorporated.

*Changeable Copy Sign (Manual):* A sign on which copy is changed manually in the field, i.e. reader boards with changeable letters or changeable pictorial panels.

*Changeable Sign (Automatic):* A sign such as electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

*Church Bulletin Board:* A sign attached to the exterior of a church or located elsewhere on church premises and used to indicate the services and/or other activities of the church, and including the church name.

*Copy:* The wording or graphics on a sign surface.

*Doorway Identification Sign:* A non-illuminated sign which is limited to the name, address, and number of the building, institution, or person and to the activity carried on in the building or institution, or the occupancy of the person; PROVIDED, that the lettering, excluding numbers, of each sign shall not exceed two (2) square feet.

*Electronic Message Center:* A sign on which the copy changes automatically on a lamp bank or through mechanical means, such as electrical or electronic time and temperature units.

*Erect:* To build, construct, re-construct, attach, hang, re-hang, alter, place, affix, enlarge, move or relocate and includes the painting and repainting of existing sign structures.

*Facade:* The front or main part of a building facing a street; for purposes of this Section, the facade is defined as measured from the ground elevation to the head beam.

*Frontage:* The length of the lot along the street side. The front of a lot bordering more than one street is considered separate for each street.

*Filling Station (Service Station):* Any business which dispenses, or is designed to dispense gasoline and/or oil for use in motor vehicles or boats.

*Ground Level:* Immediate surrounding grade.

*Height of Sign:* The vertical distance measured from the surrounding grade to the highest point of a sign.

*Illegal Signs:* A sign which contravenes this Ordinance, or a non-conforming sign for which a permit is required under a previous ordinance was not obtained.

*Industrial Complex:* Two (2) or more industrial establishments on a lot or contiguous lots with common access and parking.

*Interchange:* The system of interconnecting ramps between two (2) or more intersecting guide ways, rail lines, highways, and so on that are grade separated.

*Interior Property Line:* Property lines other than those forming a dedicated public right-of-way.

*Intersection:* The point at which two or more guide ways or roadways meet.

*Logo:* A letter, character, or symbol used to represent a person, corporation or business enterprise.

*Owner:* A person recorded as such on official records and including the duly authorized agent or notary, a purchase lessee; any person having a vested or contingent interest in the property or business in question.

*Premises:* An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

*Roof Line:* The highest point of the coping on a flat roof, false mansard, or parapet wall; the deck line of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height between the eaves and ridge for a gable or hip roof.

*Seasonal or Special Occasion Temporary Signs:* A sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.

*Shopping Center:* A building containing four (4) or more shops, stores, and other places of business, and providing off-street parking facilities in common for all of the businesses and their customers.

*Show Window Signs:* Any temporary sign advertising sales or specials attached to or within three feet (3') of the glass surface of any fixed window (glazing) visible from the public right-of-way.

*Sign:* Any name, identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures. Not included are decorative devices or emblems as may be displayed on a residential mailbox. For the purpose of this Section, this definition shall include those signs painted directly upon a building or structure.

*Sign Area:* 1) The area of a freestanding sign or structure not utilizing an integral part of the building for its background means the largest cross-sectional area of the sign measured to a line encompassing all portions of the sign structure, including tubing used in lighting such sign or structure, but excluding posts without attached lighting. Further, the base on which a monument-type sign is set may be excluded; PROVIDED, there is no attached lighting; 2) The area of a double-faced sign (i.e., a sign painted on two (2) sides, or signs which are erected in a "V" configuration with an angle between the two (2) faces not exceeding thirty (30) degrees, shall be the largest area on one (1) side of the sign. Further, these types of signs shall be considered one (1) sign for the purpose of determining the number of signs allowed; 3) The area of any sign or structure utilizing an integral part of the building or awning as a background means the area within the shortest line drawn to include all letters, design and tubing which are a part of the sign or structure; PROVIDED, that for illuminated awnings the area shall be limited to the area within the shortest line drawn to include all copy and graphics, excluding illuminated areas outside of these lines.

*Sign, Attached:* A sign erected or placed upon the wall of any building with the plane of the face parallel to the plane of the wall below the roof line.

*Sign, Commercial Directory:* A sign designating the name of a commercial center and listing the various tenants of the center.

*Sign, Construction:* A temporary sign used during the construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor, and/or financing institutions of the project.

*Sign, Crop Identification:* A sign whose content includes the type, description, identification and otherwise pertinent information of crops being grown on a plot of land.

*Sign, Directional:* A sign which indicates a direction for vehicular or pedestrian traffic or other movement.

*Sign, Fascia:* A flat sign which projects one and one-half feet (1.5') or less horizontally from the vertical face of the wall of a building, or vertical face of a canopy awning or parapet upon which it is affixed, painted, or attached, running parallel for its whole length to the face or wall of the building and which does not extend beyond the horizontal width of such wall, awning or parapet.

*Sign, Flashing:* Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not defined as "flashing signs".

*Sign, Freestanding:* A sign not attached to or forming a part of a building.

*Sign, Fluttering:* A sign which flutters and includes banners, flags, pennants, or other flexible material which moves with the wind or by some artificial means.

*Sign, Ground:* Any detached sign on the same lot or parcel as the use it advertises which has its bottom portion erected upon or supported by the ground, a ground planter box, or other supports.

*Sign, Hanging:* Any sign hanging entirely beneath a canopy, portico, or marquee.

*Sign, Illuminated:* Any sign which is illuminated by light source mounted on or in the sign or at some other location.

*Sign, Industrial Complex:* A sign which is designed to identify an industrial complex where no single business identification and advertisement occupies more than fifty percent (50%) of the sign.

*Sign, Memorial or Tablets:* The permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication, or other similar information.

*Sign, Monument:* A sign and supporting structure which has similar top and bottom dimensions and is constructed as a solid structure or one which gives the appearance of a continuous, non-hollow, unbroken, unfenestrated mass. Further, similar top and bottom dimensions shall mean dimensions which are within ten percent (10%) of each other.

*Sign, Non-conforming:* A sign legally erected prior to this Ordinance, but which does not conform to the provisions of this code.

*Sign, Occupational and/or Identification:* An attached wall sign identifying the name of a person occupying a building and mounted adjacent to the main entrance of the building.

*Sign, Off-Premises:* A sign that advertises products, services or facilities or directs persons to a premises different from where the sign is installed.

*Sign, Off-Premises Directional:* A sign which directs persons to a premises different from where the sign is located. These signs typically include an address or street name or direction such as "two blocks north on the right."

*Sign, On-Premises:* A sign which carries only advertisements strictly related to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises. "On-premises sign" also means a sign which contains religious, political, social and other noncommercial messages.

*Sign, Political:* A temporary sign advocating or opposing any political proposition or candidate for public office.

*Sign, Pole:* Any detached sign located on the same lot or parcel as the use it advertises which is supported by one (1) or more stationary poles no taller than thirty feet (30') above the mean grade line of the ground at its base provided that this shall not include a permitted ground sign as set forth.

*Sign, Portable:* Signs not permanently affixed to the ground or to a building.

*Sign, Project Identification:* A permanent ground sign identifying an apartment complex, condominium project, or mobile home development entry, name, and/or street names within the project.

*Sign, Projecting:* A sign, other than an attached sign, that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

*Sign, Property Real Estate:* A sign pertaining only to the prospective rental, lease, or sale of the property upon which it is located. Real estate signs shall be excluded from the definition of pole signs.

*Sign, Residential Construction Project:* Any temporary sign that provides direction to any residential development under construction, or promotes the residential development on the project site.

*Sign, Roof:* Any sign erected on a roof but excluding marquee and canopy signs and wall signs. The generally vertical plane of a mansard-type roof shall be interpreted as the same as a wall of a building.

*Sign, Rotating:* A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner.

*Sign Structure:* The sign and all parts associated with its construction.

*Sign, Subdivision Identification:* A permanent ground sign identifying a subdivision entry, subdivision name, and/or street names within the subdivision.

*Sign Supports:* All structures by which a sign is held up, including, for example, poles, braces, guys, and anchors.

*Sign, Temporary:* Any sign intended for a limited or intermittent period of display.

*Sign, Window:* A temporary sign affixed to the inside of an exterior window or glass door.

*Special Displays:* Signs not exceeding thirty-two (32) square feet, used for holidays, public demonstrations, or promotion of civil welfare or charitable purposes.

*Standard Outdoor Advertising Structure and/or Billboard:* Any sign intended to attract general public interest concerning a commercial enterprise, product, service, industry, or other activity not conducted, sold or offered on the premises upon which the sign is erected. This includes billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground. Real estate signs and political signs are excluded from this definition.

16-8-4 Administration and Enforcement:

A. Application/Zoning Approval:

Except where herein otherwise stated, no sign subject to the regulations of this code shall be erected without first obtaining a Zoning Certificate. To obtain a Zoning Certificate for a sign, the person(s) erecting the sign shall complete an application form provided by the Zoning Administrator. Applications for sign permits shall include, but not be limited to the following:

1. The names, addresses and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign and the person to be erecting or affixing the sign.
2. The location of the building, structure or lot on which the sign is to be erected or affixed.
3. A site plan of the property involved, showing accurate placement thereon, of the proposed sign.
4. The written consent of the owner of the building, structure or property on which the sign is to be erected or affixed.
5. Such other information as the Zoning Administrator may require to determine full compliance with this and other applicable ordinances of the County.

B. Removal of Signs:

1. The Zoning Administrator may cause the removal of any sign that is an immediate peril to persons or property summarily and without notice.
2. If any sign is erected without a permit, the Zoning Administrator shall order it removed.
3. If any sign is erected or maintained so as to obstruct free ingress or egress from any door, window or fire escape, the Zoning Administrator shall order it removed.

C. Maintenance and Appearance of Signs:

All advertising signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe condition. All advertising signs and the sites upon which they are located shall be maintained in a neat, clear and attractive condition, and advertising signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surface of all standard outdoor advertising structures shall be kept neatly painted or posted.

16-8-5 Prohibited Signs:

- A. Animated Signs.
- B. Any sign erected in a public easement or right-of-way.
- C. Any sign erected so as to prevent free ingress to or egress from any door or window, or any other way required by the building or fire codes of the County.
- D. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on public property.
- E. Any sign erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its

shape, position or color interfere with or be confused with any authorized traffic signal, sign or device. Further, no sign shall be erected in the sight distance triangle or any other location where it will obstruct vision of the public right-of-way to a vehicle operator during ingress to, egress from, or while traveling on the public right-of-way.

- F. Any on-premises sign other than a standard outdoor advertising structure and/or billboard advertising an article or product not manufactured, assembled, processed, repaired or sold or a service not rendered upon the premises upon which the sign is located.
- G. Any sign or advertising device such as banners and pennants affixed on poles, wires, ropes or streamers, wind-operated devices, fluttering signs, pinwheels, streamers, banners, street banners, and "A" frames or other portable signs of like nature, and other similar contraptions or techniques.
- H. Signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
- I. Off-premises signs except as provided in this Article.
- J. Signs which contain flashing lights which exceed more than ten percent (10%) of the area of the sign.
- K. Portable signs.
- L. Project identification or real estate signs promoting the sale of lots prior to the approval of a final plat.
- M. Signs which contain characters, cartoons, statements, works or pictures of an obscene, indecent, prurient, or immoral character.
- N. Signs containing strobe lights which are visible from beyond the property line; and, signs artificially illuminated which are of such intensity or placed in such manner as to interfere with, or impair the vision of the driver of a motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle.
- O. Window signs covering more than 50% of the window surface.
- P. Signs that impact the availability of direct sunlight to an existing solar energy system which, by determination of the Zoning Administrator, contributes substantially to the space and/or water-heating requirements of a building.
- Q. Any freestanding sign which, by its location and/or structural design, would interfere with the safe and efficient use of off-street parking and loading areas, including aisle ways and access driveways.

16-8-6 Non-Conforming Signs:

- A. Any sign unless otherwise excepted by this Division, legally existing prior to enactment of this Division but which shall violate any provision of this Division, may continue to be maintained and used subject to the following provisions.
  - 1. Enlargement:

Non-conforming signs shall not be enlarged, expanded, or extended to occupy a greater square footage or height than was occupied on the date of adoption or amendment of this Division.

2. Relocation:

Non-conforming signs shall not be moved in whole or in part to any other portion of the lot, parcel or building not so occupied on the date of adoption of this Division, except that any such sign which is hereafter required to be moved by a governmental body for the purpose of construction, relocation, widening, or improvement of a street, highway, or other public purpose, may be relocated once and allowed to be maintained and used as before.

3. Discontinuance: If the business or service advertised or identified by a non-conforming sign ceases to be conducted for a period of exceeding one hundred and eighty (180) calendar days, the non-conforming sign shall be classified as an “abandoned sign” and removed.

4. Destruction: Should any non-conforming sign be destroyed by any means to an extent of up to fifty percent (50%) of its surface area or structure, it shall not be reconstructed, except in conformance with the requirements of this Ordinance.

B. If any existing sign is repainted or the sign panels are replaced for the purpose of changing the business, occupation, or tenant advertised or identified, it shall be considered a new sign. However, the repainting or replacement of panels on a billboard shall not be considered a new sign. Ordinary maintenance or repair of an existing sign to a safe condition shall not be cause to classify the sign as a new sign.

C. In cases of doubt or on a specific question raised whether a non-conforming sign exists, it shall be a question of fact decided by the Zoning Administrator, and may be appealed to the Zoning Board of Appeals.

16-8-7 Agricultural Signage:

A. Allowable Signs:

1. Identification signs associated with permitted uses, not exceeding thirty-two (32) square feet in gross surface area. One (1) such sign shall be permitted on each frontage.
2. Commercial identification sign associated with permitted uses as regulated by relevant special use permit or permits, not exceeding thirty-two (32) square feet in gross surface area. One (1) such sign shall be permitted on each frontage.
3. Monument signs associated with a public or semi-public use, not exceeding one-hundred twenty-eight (128) square feet in gross surface area.

B. Location and Height:

1. No sign placed upon the ground shall be located closer than ten feet (10') to any interior property line and shall met the sight triangle requirements of Section 16-6-2E of this Chapter.
2. No sign attached to the wall of a building or other structure shall extend above the roof line of that building or structure.



3. With the exception of monument signs, no sign shall exceed ten feet (10') in height from the surrounding grade to the highest point of the sign. Monument signs shall not exceed twelve feet (12') in height from the surrounding grade to the highest point of the sign. (05/20/03)

16-8-8 Residential Signage:

A. Allowable Signs:

1. Subdivision Identification Signs: Two (2) permanent subdivision signs not exceeding fifty (50) square feet in size per face inclusive of any logo, shall be allowed per development. Where the development has access on two (2) or more streets, or has more than one (1) entrance to one (1) street, identification shall be allowed at each entrance.
2. Monument signs associated with a public or semi-public use: Not more than one (1) sign per street frontage not exceeding one hundred twenty-eight (128) square feet in size per face inclusive of any logo.
3. Residential Construction Project Signs:
  - a. Promotional Signs: One (1) sign not exceeding ninety-six (96) square feet per face. Such signs shall be removed within two (2) years from the date of issuance of the sign permit, or when eighty percent (80%) of the lots and/or dwelling units have been sold, whichever circumstances occurs first.
  - b. Directional Signs: Any number of signs not exceeding ten (10) square feet per face. Such signs may include directions to the development and pertinent information concerning the developer but shall exclude promotional information, and shall be removed within two (2) years from the date of issuance of the sign permit, or when eighty percent (80%) of the lots and/or dwelling units have been sold, whichever circumstances occurs first.
4. Institutional identification signs for churches, schools, hospitals or fraternal, benevolent and social service organizations: One (1) permanent sign shall be allowed on the same premises provided that said sign does not exceed ninety-six (96) square feet in area per facing on each roadway.
5. Special Displays and Other Temporary Signs: See Paragraph 16-8-10B of this Division.
6. Signs identifying the name and/or owner(s) of a premises. One sign not exceeding ten (10) square feet in gross surface area shall be permitted at each entrance to the premises.
7. Signs identifying a multiple-family residential building. One sign not exceeding sixteen (16) square feet in gross surface area shall be permitted per lot frontage.

B. Location and Height:

1. No sign placed upon the ground shall be located closer than ten feet (10') to any interior property line and shall meet the sight triangle requirements of Section 16-6-2E of this Chapter.
2. No sign attached to the wall of a building or other structure shall extend above the roof line of that building or structure.

3. Residential construction project signs, subdivision identification signs, monument signs and institutional identification signs shall not exceed fifteen feet (15') in height from the surrounding grade to the highest point of the sign. Other signs, unless otherwise indicated, shall not exceed eight feet (8') in height from the surrounding grade to the highest point of the sign.
4. Directional Signs: No sign shall exceed three and one-half feet (3.5') above the elevation of the adjacent driveway at the point which it meets the street right-of-way.

16-8-9 Commercial and Industrial Signage:

A. Allowable Signs:

1. Attached Signs: One (1) attached sign not exceeding five percent (5%) of the total square footage of the building face upon which it is placed. In the instance of corner lots, an additional attached sign will be permitted on each street footage of the respective building face upon which it is placed. For buildings with multiple tenants, see other requirements below.
2. Ground Signs: One (1) ground sign per lot not exceeding sixty-four (64) square feet per face may be substituted for the allowable pole sign.
3. Pole signs: One (1) pole sign per lot not exceeding ninety-six (96) square feet per face.
4. Occupational/Identification Signs: One (1) attached, non-illuminated sign not exceeding two (2) square feet in size displaying the name, occupation and/or service located upon the premises and the address.
5. Window Signs: Shall not cover more than twenty percent (20%) of the total window area or door to which they are applied.
6. Commercial Directory Signs: For buildings with multiple tenants, a directory sign may be substituted in lieu of the allowable pole sign and/or ground mounted sign not exceeding ninety-six (96) square feet per face.
7. Projecting Signs. Projecting signs shall be permitted in lieu of free-standing signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy. Such signs shall not exceed thirty-two (32) square feet per face.

B. Location and Height:

1. Attached Signs: Shall be face mounted on the building wall, projecting not more than eighteen (18) inches from the face of the building. Such signs shall not project above the parapet wall, mansard, or other roof line, shall maintain a clearance of ten feet (10') above the ground or pavement, and shall be recessed where involving a pitched roof location.
2. Ground Signs: Such signs shall not exceed ten feet (10') in height from the surrounding grade to the highest point on the sign and shall be located no closer than ten feet (10') to any property line. Such signs shall meet the sight triangle of Section 16-6-2E of this Chapter and shall not be located so as to obstruct vision at a vehicular entry or exit from the property.
3. Pole Signs: Such signs shall not exceed thirty feet (30') in height from the surrounding grade to the highest point on the sign, and shall be located no closer than two feet (2') to a street or road rights-of-way line, no closer than ten feet (10') to an interior property line.

4. Occupational/Identification Signs: Such signs shall conform to the locational requirements of paragraph A1, "Attached Signs", of this Section.
5. Window Signs: Such signs may only be attached to the interior of a window or glass door and shall be maintained in good repair.
6. Commercial Directory Signs: A) Ground Sign: Such signs shall not exceed fifteen feet (15') in height from the surrounding grade to the highest point of the sign, and shall be located no closer than ten feet (10') to any public street rights-of-way or property line. B) Pole Sign: Such signs shall not exceed thirty feet (30') in height from the surrounding grade to the highest point on the sign, and shall be located no closer than two feet (2') to a street or road rights-of-way line, no closer than ten feet (10') to an interior property line. The bottom of the sign shall be at least eight feet (8') above surrounding grade.
7. Projecting Signs: No such sign shall extend vertically above the highest point of the building facade upon which it is mounted by more than six inches (6"), and shall not project horizontally more than eight feet (8'). The bottom of the sign shall be a minimum of eight feet (8') above grade. No such sign shall project into or over a public right-of-way.

C. Other Requirements:

1. Construction signs as permitted by Paragraph 16-8-8A3 of this Division.
2. Maximum Number: Each building or property shall be allowed a maximum of two (2) signs, which may be either an attached sign, a ground sign, or a pole sign, but the total number shall not include more than one (1) sign of each of these types. Window signs, and occupational/directional signs as regulated by this Section are excluded from this maximum of two (2) signs. When a directory sign is substituted for the allowable pole and/or ground sign, only attached and/or fascia signs shall be allowed as additional signs.
3. Buildings with Multiple Occupancy: For buildings and/or property containing more than one (1) business or tenant, each business or tenant may have one (1) attached or projecting sign conforming to the requirements of this Section. For the purposes of determining the total square footage of the attached or projecting sign, only the face of each respective lease unit to which the respective sign will be attached shall be counted. Each sign must be attached to the lease unit containing the business tenant identified.
4. Each building or property may have one (1) additional attached sign conforming to the requirements of this Section on walls containing a main entrance which face customer parking areas and are not visible from either a public or private street. For this exception to apply, the signs must be attached to the same wall as their respective entrances and both the signs and the entrances must be upon the same plane of the building.

16-8-10 Other Signage:

A. Automobile and Truck Services Stations-Convenience Stores with Gasoline Pumps:

1. Allowable Signs:
  - a. Brand Identification Signs:
    - 1) One (1) pole sign not exceeding ninety-six (96) square feet per face.
    - 2) One (1) ground sign, in lieu of a pole-mounted sign, not exceeding sixty-four (64) square feet in size per face.

- 3) One (1) attached sign not exceeding five percent (5%) of the total square footage of the building face upon which it is placed. In the instance of corner lots, an additional sign will be permitted on each street frontage of building not exceeding five percent (5%) of the total square footage of the respective building face upon which it is placed.
  - 4) One (1) attached company logo not exceeding thirty-two (32) square feet per street frontage.
- b. Price Signs:
- 1) One (1) price sign per pump island not exceeding two (2) square feet per face per sign.
  - 2) One (1) price sign as component of the permitted pole sign not exceeding ten (10) square feet per face in lieu of the price signs per pump island.
  - 3) In those instances where digital price signs are utilized, such signs shall be constant in nature, and shall not travel, flush, inverse, write-on, up or down scroll, roll grow, melt, x-ray, twinkle, snow, or otherwise change in nature.
- c. Self Service and/or Full Service Signs: Two (2) self service signs per pump island not exceeding five (5) square feet per face per sign.
- d. Federal and state stamps, octane ratings, pump use directions, no smoking signs, as required by federal, state and local authorities.
2. Location and Height:
- a. Brand Identification Signs:
- 1) Pole Signs: As regulated by Section 16-8-9 of this Division.
  - 2) Ground Mounted Signs: As regulated by Section 16-8-9 of this Division.
  - 3) Attached Signs: As regulated by Section 16-8-9 of this Division.
- b. Company Logos: As regulated by Section 16-8-9A1, "Attached Signs", of this Division.
- c. Price Signs and Self Service and/or Full Service Signs: Shall be located at the ends of pump island and may be affixed to the canopy, canopy supports, poles, or end pumps.
- d. Federal and State Stamps, Etc.: Shall be placed upon the body of the gasoline pump, or as required by the respective governmental authority.
3. Other Requirements:
- a. Canopy Use: An attached or detached canopy may be used in lieu of the permitted pole sign for the location of brand identification signs, or as an alternative location for price signs, or company logos.

- b. Portable Signs: The use of portable signs for the advertisement of cigarettes, food, or other sundry items is specifically prohibited.

B. Special Displays and Other Temporary Signs:

- 1. The following temporary signs may be approved by the Zoning Administrator for up to a thirty (30) day time period. Such signs may be extended beyond the thirty (30) day time period, but only upon review and approval by the Planning, Assessment & Zoning Committee. The use of such devices for special promotions shall be limited to three (3) such events for each business in a calendar year with a maximum time period of fourteen (14) days for each event. These events may be consecutive.
  - a. Banners and pennants.
  - b. Sign announcing openings.
  - c. Seasonal or special occasion signs such as special events and special business hours.

C. Standard Outdoor Advertising Structures (Billboards):

- 1. Where Permitted: Advertising signs complying with all the requirements of this Ordinance shall be permitted upon all property with the "I-1" District. Within areas zoned Planned Development District or property in any district upon which a special use permit has been issued, such advertising signs shall only be permitted when specifically authorized upon the Final Development Plan or permit approval.
- 2. Area and Height:
  - a. The maximum area for any one (1) sign shall not exceed six hundred seventy-two (672) square feet in size per face excluding extensions and embellishments, with a maximum height of fourteen feet (14') and a maximum length of forty-eight feet (48') inclusive of border and trim, but excluding the base, apron, supports, and other structural members.
  - b. Extensions to the top of advertising signs are permitted. However, in no case shall any extensions exceed ninety-six (96) square feet in total area or extend more than five and one-half feet (5.5') in height above the top of said sign. Other extensions are permitted as follows:
    - 1) Side Extensions: Two feet (2') on each side.
    - 2) Bottom Extensions: One foot (1').
  - c. Embellishments to advertising signs shall not exceed one foot (1') out from the facing of said sign.
  - d. The maximum height shall not exceed fifty feet (50') from the highest point on the sign to surrounding grade or street level, whichever is higher.
  - e. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back or in a V-type construction with not more than three (3) side-by-side displays to each facing, but such sign structures shall be considered as one sign. A group of not more than two (2) advertising signs shall be permitted on one (1) sign structure. However, there shall be no vertical stacking signs.

3. Location:
    - a. No such sign shall be erected within one thousand (1,000) lineal feet of an existing sign in any direction.
    - b. No such sign shall be located within one thousand (1,000) lineal feet of a residential district.
    - c. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
    - d. No structures may be located adjacent to or within five hundred feet (500') of an interchange, intersection at grade, or safety rest area. Said five hundred feet (500') shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.
    - e. The minimum front yard setback for such signs shall be fifty feet (50') from any public right-of-way, and/or private roadway easement.
    - f. No sign shall be located on any public or private utility easement, road, drainage easement, or railroad right-of-way.
    - g. All lineal distances required by this Section shall be measured from the nearest outside edge of the subject sign, whether a support, structural member, or the sign surface itself, to the nearest outside edge of the corresponding sign, building, right-of-way, or easement involved.
  4. Plans Required: An application to erect such a sign shall be accompanied by the following:
    - a. A site plan, to scale containing:
      - 1) The proposed location for the sign upon the property.
      - 2) The distance from the proposed sign location to any buildings upon the property, and adjoining street right-of-way lines, and driveway entrances.
      - 3) The distance from the proposed sign location to the next nearest billboard sign on either side of the street in either direction.
      - 4) The distance from the proposed sign location to the nearest street intersection in either direction.
      - 5) Other information deemed necessary by the Zoning Administrator.
    - b. A representation of the proposed sign, to scale, including the width and length of the sign faces, and height from surrounding grade.
  5. Construction Specification: Henceforth, any such sign erected under this Ordinance shall be single pedestal type, constructed of non-flammable material, excluding wood.
- D. Off-Premises Directional/Informational Signs directing motorists to a lawfully established business, industry or point of interest to the general public (i.e. historical, cultural, educational).

1. Such signs shall not exceed 10 square feet in size per face, shall not be erected in a public right-of-way or easement, and shall comply with the requirements of the site distance triangle.
2. Such signs may contain the following for directional informational purposes only:
  - a. Name of destination that sign is directing motorists to;
  - b. Distance to destination;
  - c. Type of business/industry or basic service(s) offered;
  - d. Distance and/or direction(s) to destination.

## DIVISION 9

### ADMINISTRATION AND ENFORCEMENT

#### 16-9-1 General Provisions:

##### A. Administration.

The administration of this Division is hereby vested in the following:

##### 1. Zoning Administrator.

##### a. Authorization:

A Zoning Administrator shall be appointed by the County Board. The Zoning Administrator shall be authorized to expend such funds to employ deputies and clerical assistance and to carry out his or her duties under this Ordinance or as shall be authorized from time by the County Board.

##### b. Duties of the Zoning Administrator:

The Zoning Administrator, or the duly designated and acting deputy, shall enforce this Ordinance, and in furtherance of said authority shall:

- 1) Approve and issue all zoning and occupancy certificates and make and maintain records thereof;
- 2) Conduct inspections of buildings, structures and uses of land to determine whether they comply with the terms of this Zoning Ordinance;
- 3) Have available in book or pamphlet form the compiled text of the Zoning Ordinance and amendments thereof;
- 4) Have available in map form, on or before March 31 of each year, a zoning map, or maps showing the zoning districts, divisions and classifications in effect in any township in Ogle County as of December 31 of the preceding year. If no changes in the zoning districts, divisions and classifications in effect in Ogle County have been made during the preceding calendar year, then no zoning map need be printed for such year for such township;
- 5) Maintain for distribution to the public a supply of copies of the zoning map, or maps, the compiled text of the Zoning Ordinance and the Rules of the Board of Appeals;
- 6) Receive, file and forward to the Board of Appeals records in all appeals and all applications for variations, special use permits, and amendments to this Ordinance;
- 7) Provide such clerical and technical assistance as may be required by the Zoning Board of Appeals in the exercise of its duties;
- 8) Attend monthly and/or special meetings of the Ogle County Regional Planning Commission as an appointed ex-officio member of said Commission.



2. Zoning Board of Appeals:

a. Authorization:

A Zoning Board of Appeals shall be established by the County Board. The word "Board" when used in this Section shall be construed to mean the Zoning Board of Appeals. The said Board shall consist of five (5) members appointed by the County Board.

b. Membership of the Board:

All members of the Board shall be residents of separate congressional townships at the time of their appointment. The members of said Board shall serve respectively for the following terms, or until their respective successors are appointed and qualify: one for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. Vacancies upon said Board shall be filled for the unexpired term of the member whose office has become vacant in the same manner as is provided for the appointment of such member. One of the members of said Board shall be designated by the County Board as chairman, and in the case of vacancy, said County Board shall designate a successor chairman. The County Board shall have the power to remove any member of said Board for cause after public hearing. The members of the Board shall serve without salary, but they shall be paid such per diem fees to cover their expenses as shall be authorized from time to time by the County Board. (05/20/03)

c. Jurisdiction of the Board:

The Board shall have the following jurisdiction and authority:

- 1) To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator under this ordinance;
- 2) To hear and decide all applications for variations;
- 3) To hold public hearings on all application for amendment to this Ordinance and report its findings and recommendations with respect to proposed amendments to the County Board;
- 4) To hear all applications for special use permits and report findings and recommendations to the County Board;
- 5) To hear and decide all other matters referred to it or upon which it is required to pass under this Ordinance;
- 6) No rehearing shall be held on amendments to the zoning district when denied, for a period of twelve (12) months from the date of said decision of denial by the County Board.

d. Meetings and Rules of the Board:

All meetings of the Board shall be held at the call of the Chairperson and at such times and places within the County, consistent with the applicable Illinois Statutes, as the Board may determine. All hearings required by this Ordinance to be conducted by the Board shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or

attorney. All testimony shall be given under oath. The Chairperson, or in his absence the acting chairperson, shall administer oaths and may compel the attendance of witness.

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every other, requirement, decision or determination of the Board shall be filed immediately in the office of the Zoning Administrator and shall be a public record. The Board shall adopt and make available to the public its own rules of procedure not in conflict with this Ordinance or with the applicable Illinois Statutes, and may select or appoint such officers as it deems necessary.

e) Finality of Decisions of the Board in Certain Cases:

The decisions and findings of the Board on appeals from a decision of the Zoning Administrator and variations shall be final administrative determinations and shall be subject to judicial review under the provisions of the Illinois Administrative Review Act. The power of the Board to act with respect to amendments and special use permits is advisory only and such action does not constitute a final administrative determination.

f) Appearance by School Districts:

In every hearing before the Board, any school district within which the property in issue, or any part thereof, is located shall have the right to appear and present evidence.

3. Ogle County Regional Planning Commission.

The Ogle County Regional Planning Commission shall have the following duties under this Ordinance.

- a. To receive from the Zoning Administrator copies of certain applications for the amendment to this Ordinance, as determined by the Planning, Assessment and Zoning Committee and to report thereon with its recommendations as to their compatibility with the Official Comprehensive Plan as amended to the Zoning Board of Appeals on or before the public hearing.
- b. To receive from the Zoning Administrator copies of certain applications for special use permits, as determined by the Planning, Assessment and Zoning Committee and to report thereon with its recommendations as to their compatibility with the Official Comprehensive Plan as amended to the Zoning Board of Appeals on or before the public hearing.
- c. To hold conferences in regard to proposed Planned Developments under this Ordinance and submit to the Zoning Board of Appeals a written report with its recommendations to the Zoning Board of Appeals on or before the public hearing.
- d. To initiate, direct and review the provisions of this Ordinance, the Township Zoning District Maps, and the Comprehensive Plan as to its compatibilities and to make reports or recommendations to the County Board not less frequently than annually.

16-9-2 Zoning Certificates:

A. Construction of any building, structure or addition thereto shall not be commenced; preliminary work shall not be done with respect to any other use of land; and no permits pertaining to the use of land or buildings shall be issued, by officer, employee, department, board or bureau of Ogle County, unless a zoning certificate has been obtained from the office of the Zoning Administrator. Any permit or certificate of occupancy issued in conflict with the provisions of this Ordinance shall be null and void.

1. Application of Zoning Certificate: An Application for a zoning certificate shall be filed with the Zoning Administrator in such form and in such manner as may be required. In agricultural districts the only requirement shall be written notification and shall be submitted to the Zoning Administrator for a building or structure used or to be used exclusively for agricultural purposes as defined herein, and need only show the building setback lines in relation to abutting public streets or highways.

2. Issuance of Zoning Certificates:

a. When an application for a zoning certificate has affixed to it the certificate of an architect or registered professional engineer licensed by the State of Illinois certifying that the proposed building, structure or addition thereto complies with all the provisions of this Ordinance with respect to building lines, lot size and bulk, and provided that the proposed use is permitted in the district in which the land is located, then the Zoning Administrator shall, upon receipt of such application, approve and authorize the issuance of a zoning certificate. Within twenty (20) days after the date of such issuance, the Zoning Administrator shall examine said application and shall notify the architect or registered professional engineer in writing if the building or structure and the proposed use thereof do not in fact comply with all of the provisions of this Ordinance. Failure of the architect or the registered professional engineer to show compliance within thirty (30) days after such notification shall be cause for revocation of the zoning certificate. All buildings shall be completed within twenty-four (24) months of issuance of the zoning certificate.

b. When an application for a zoning certificate does not have affixed to it the certificate of an architect or registered professional engineer as described above, then if the proposed building or structure or addition thereto and use comply with all of the provisions of this Ordinance, the Zoning Administrator shall issue a zoning certificate within twenty (20) days after receipt of such application. If proposed building, structure or addition thereto and use do not so comply, then the Zoning Administrator shall notify the applicant in writing of the reasons for the denial of the application within twenty (20) days after receipt of such application.

c. Plats and Plot Plans:

Every application for a zoning certificate shall be accompanied by:

- 1) A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, showing the actual dimensions of the piece or parcel, lot, lots, block, or parts or portion thereof, according to the registered or recorded plat of such land; and
- 2) A plot plan, in duplicate, in such form as may, from time to time, be prescribed by the Zoning Administrator showing the ground area, height, and bulk of the building or structure, the building lines in

relation to lot lines, the use to be made of the building or structure or land, and such other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance.

One copy of both the plat and the plot shall be attached to the application for a zoning certificate when it is submitted to the office of the Zoning Administrator and shall be retained by the Zoning Administrator as a public record. The required plat and plot plan may be combined in one document; provided that in the opinion of the Zoning Administrator the signed document clearly shows all the required information.

d. Duration of Zoning Certificate:

When the Zoning Administrator has issued a zoning certificate, such certificate shall become null and void six (6) months after the date thereof unless erection or alteration of a building or structure is started, or the use is commenced, within such period.

16-9-3 Occupancy Certificates:

Except in the case of a building or structure to be used exclusively for agriculture, as defined in this Ordinance, no building or structure, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building, shall be occupied and no land vacant on the effective date of this Ordinance shall be used for any purpose except agriculture, until an occupancy certificate has been issued by the office of the Zoning Administrator.

No change in a use, except where said change is to an exclusively agricultural use, shall be made until an occupancy certificate has been issued by the office of the Zoning Administrator.

A. Application for Occupancy Certificate:

Every application for a zoning certificate shall be deemed to be an application for occupancy certificate. When only an occupancy certificate is required by this Ordinance, the application shall be filed with the Zoning Administrator in such form and such manner as he may require.

B. Issuance of Occupancy Certificate:

No occupancy certificate for a building or addition thereto, constructed after the effective date of this Ordinance, or for an addition to a previously existing building, shall be issued until exterior construction has been completed and the premises inspected and certified by the office of the Zoning Administrator to be in conformity with the plans and specifications upon which it is located. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be given to the applicant stating the reasons why certificate cannot be issued, not later than fourteen (14) days after the office of the Zoning Administrator is notified in writing that the building or premises is ready for occupancy.

16-9-4 Certificate for Continued Occupancy of Non-Conforming Uses:

Certificates for the continued occupancy of non-conforming uses existing at the time of passage of this Ordinance or made non-conforming by this Ordinance shall state that the use is a non-conforming one and does not conform with the provisions of this Ordinance. The Zoning Administrator shall notify the owners of the property being used as a non-conforming use and shall furnish said owner with a certificate of occupancy for such non-conforming use.

16-9-5 Appeals:

A. Persons Who May Appeal:

An appeal may be taken to the Board of Appeals by any person aggrieved, or by an officer, department, board or bureau of Ogle County affected by an order, requirement, decision or determination of the Zoning Administrator relative to the interpretation of this Ordinance.

B. Requests for Reconsideration:

Prior to the taking of an appeal the aggrieved person shall file within twenty one (21) days of the decision a request for reconsideration with the office of the Zoning Administrator. The request for reconsideration shall specify the grounds for the request. Upon receipt of a request for reconsideration, the Zoning Administrator shall forthwith transcribe an answer to the aggrieved person's request. Such an answer shall include findings of fact, conclusions, and final decision. This documents shall be signed by the Zoning Administrator and thereafter forwarded to the aggrieved person.

C. Procedure for Appeals:

1. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the notice of appeal has been filed with him, that by any reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and due cause shown.
2. The Board shall select a reasonable time and place for the hearing of the appeal and give not less than ten (10) days' written notice thereof to the interested parties and shall render a written decision on the appeal without reasonable delay.

D. Decision of Appeals:

The Board may affirm or reverse, wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers to the officer from which the appeal is taken, and any issue or direct the issuance of a permit. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, decision or determination of the Zoning Administrator under this Ordinance. (05/20/03)

E. Records of Appeals:

The Zoning Administrator shall maintain complete records of all actions of the Board with respect to appeals, and shall keep the Ogle County Board informed on a current basis of the disposition of each case.

16-9-6 Variations:

A. Authorization:

The Zoning Board of Appeals may vary the regulations imposed by this Ordinance in harmony with their general purpose and intent, but only in the specific instances hereinafter set forth. No application for a variation shall be acted on by the Zoning Board of Appeals until after a public hearing has been noticed and held in the manner prescribed in paragraph C. of this Section. (05/20/03)

B. Application for Variation:

Application for a variation shall be filed with the office of the Zoning Administrator. Such application shall be upon such form and accompanied by such information as may be required from time to time by the Zoning Administrator and the Zoning Board of Appeals. Upon receipt of an application for a variation, the Zoning Administrator shall forward a copy of same to the chairperson of the Planning, Assessment and Zoning Committee of the County Board and a copy to the Zoning Board of Appeals.

C. Public Hearing and Notice Thereof:

No more than ninety (90) days after the filing of such application, a hearing before the Zoning Board of Appeals shall be held on the application of which there shall be at least 15 days notice of the date, time and place of such hearing published at least once, not less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation within Ogle County. Notice of such hearing shall contain:

1. The particular location of the real estate for which the variation is requested by legal description and street address, and if no street address than by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection;
2. Whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal;
3. Whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation;
4. Whether the petitioner or applicant, or his principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity;
5. Whether the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and,
6. A brief statement of what the proposed variation consists.

The published notice may be supplemented by such additional form of notice as the Board by rule may provide.

D. Standards for Variations:

1. The Zoning Board of Appeals shall not vary the regulations of this Ordinance, as authorized in paragraph A of this Section, unless it shall make findings based upon the evidence presented to it in each specific case that: (05/20/03)
  - a. The plight of the owner is due to unique circumstance.
  - b. The variation, if granted, will not alter the essential character of the locality.

2. In determining whether the strict application of the Zoning Ordinance creates practical difficulties for, or imposes a particular hardship on, an applicant for a variation, the Board shall consider the extent to which the following facts have been established by the evidence:
  - a. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. The conditions upon which the petition for a variation are based unique and would not be applicable, generally, to other property within the same zoning classification;
  - c. The purpose of the variation is not based exclusively upon a desire to obtain a higher financial return on the property;
  - d. The alleged difficulty or hardship has not been created by any person presently having an interest in the property;
  - e. The granting of the variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
  - f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
3. When the variation is requested and is a variation of ten percent (10%) or less of the regulations authorized as to location of structure or as to bulk requirements under such regulations, in which case no public hearing is required and such variation may be granted by the Zoning Administrator. Before such a variation may be granted, a notice of the intent to grant such variation shall be sent by certified mail to all adjoining landowners. If any adjoining landowner files a written objection with the Zoning Administration within fifteen (15) days of receipt of such notice, the variation shall only be considered by the Zoning Board of Appeals in the manner provided for in this Section.
4. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards set out in this paragraph, to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and better to carry out the general intent of this Ordinance.

E. Authorized Variations:

Variations from the regulations of this Ordinance may be granted only in the following instances, and in no others, except as otherwise provided herein: (05/20/03)

1. To permit setback or yard less than the setback or yard required by this Ordinance;
2. To permit any building or structure to exceed the height limitations imposed by this Ordinance, but not more than twenty five percent (25%) of the allowable height;

3. To permit the use of a lot for a use otherwise prohibited solely because of insufficient area of the lot, but in no event shall the area of the lot be less than eighty percent (80%) of the required lot area;
4. To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
5. To reduce the applicable off-street parking by not more than one parking space or twenty percent (20%) of the number of spaces required, whichever number is greater; and
6. To increase by not more than twenty-five percent (25%) the maximum distance that required parking spaces may be located from the use served.

Exceptionally unique circumstances, as determined by the Planning & Zoning Committee upon the recommendation of the Zoning Administrator, that would involve instances other than or more extreme than allowed above, may be considered as a variation from the regulations of this Ordinance. Exceptionally unique circumstances must be truly unique and not similar, generally to other circumstances that currently

F. Action by the Zoning Board of Appeals.

The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to grant a variation. (05/20/03)

G. Duration of Permit for Variation.

No order of the Zoning Board of Appeals granting a variation shall be valid for a period longer than six (6) months from the date of such order, unless the erection or alteration of a building or structure is started, or the use is commenced, within such period.

16-9-7 Amendments:

A. Authorization:

The regulations imposed and the districts created under the authority of this Ordinance may be amended from time to time by ordinance, but no such amendment shall be made without a public hearing before the Board of Appeals.

B. Initiation of Amendments:

1. Text amendments may be proposed by the Planning, Assessment and Zoning Committee of the Ogle County Board, the Zoning Board of Appeals or the Zoning Administrator.
2. Map amendments may be proposed by the Planning, Assessment and Zoning Committee of the Ogle County Board, the Zoning Board of Appeals, the Zoning Administrator, or any other person or persons with a legal interest in the property subject to the proposed amendment.

C. Applications for Amendments:

An application for an amendment to any provision of the text of this Ordinance, or to any district created thereby, shall be filed with the Zoning Administrator. Such application shall be upon such form and accompanied by such information as may be required from time to time by the Zoning Administrator and the Zoning Board of Appeals.



D. Processing of Applications for Amendments:

Upon receipt of an application for an amendment to the Zoning Ordinance (either a map amendment or text amendment), the Zoning Administrator shall transmit a copy to the chairperson of the Planning Assessment and Zoning Committee of the County Board and a copy to the Zoning Board of Appeals.

E. Public Hearings on Amendments:

The Zoning Board of Appeals shall hold a hearing on each application for an amendment within ninety (90) days after receipt of such application by the Zoning Administrator. A public hearing shall be held in Ogle County Courthouse or other County building as designated by the Zoning Administrator. Provided, however, that if a person with a legal interest in the property subject to the application requests in writing to the Zoning Administrator at least twenty one (21) days in advance of the scheduled hearing, such hearing shall be held in the township affected by the terms of such proposed amendment. Each hearing shall be conducted and the records of the proceedings and hearings shall be made and preserved in such manner and according to such procedures as the Board shall prescribe from time to time by its rules. All testimony shall be taken under oath, which shall be administered by the member of the Board presiding at the hearing.

F. Notice of Public Hearings:

At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. Said notice shall include such description of the property affected by the proposed amendment as the Board shall prescribe from time to time by its rules. The published notice may be supplemented by such additional form of notices as the Board shall prescribe from time to time by its rules.

G. Report by Zoning Board of Appeals. (05/20/03)

After the public hearing has been held, the Board shall make written findings of fact and shall submit same together with a report containing its recommendations of the proposed amendment with the County Clerk for delivery to the County Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Board shall make finding based upon the evidence presented to it in each specific case with respect to the following matters:

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.
2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development.
3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources.
4. That the subject property is suitable for the proposed zoning classification.
5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.

6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan*.

In addition to the standards contained herein, the Illinois courts have established additional factors (i.e. “The LaSalle Factors”) that should be given consideration in all amendment (rezoning) cases, as follows:

- The existing uses and zoning of nearby property.
- The extent to which property values are diminished by the particular zoning restrictions.
- The extent to which limitation or destruction of property values of plaintiff promotes the general health, safety and welfare.
- The relative gain to the public as compared to the hardship imposed upon plaintiff.
- The suitability of the particular property for the purpose for which it is now zoned.
- The length of time that the property has been vacant as zoned considered in the context of land development in the area in which the property is located.
- The care with which the community has undertaken to plan its land use development.
- The evidence or lack of evidence of community need for the use proposed by the property owner.

H. Action by the County Board:

1. The County Board may:
  - a. Adopt the proposed amendment in whole or in part, with or without modification or amendment;
  - b. Reject the proposed amendment;
  - c. Recommit the proposed amendment to the Board of Appeals for further study, report and/or public hearings;
  - d. Approve requests to withdraw a hearing without a decision, with the understanding that described properties on amendment hearings will be subject to a one (1) year waiting period before another request for rezoning to the same district shall be applied for.
2. Amendments may be passed at a County Board meeting by a simple majority of the elected County Board members unless any of the provisions of paragraph H3 of this Section requires a greater majority.
3. Amendments shall not be passed except by a favorable vote of three-fourths (3/4) of all the members of the County Board whenever:
  - a. A written protest against a proposed text amendment is signed by 5% of the landowners of the County and filed with the County Clerk not less than twenty-four (24) hours prior to the scheduled County Board meeting where the decision on said proposed amendment is to be made; or,
  - b. A written objection by the township board of trustees of any township located within the County which has a township plan commission which objects to either a text or map amendment affecting an unincorporated area of the township, is submitted to the County Board, through the County Clerk, within thirty (30)

days after the hearing before the Board of Appeals, and not less than twenty-four (24) hours prior to the scheduled County Board meeting where the decision on said proposed amendment is to be made; or,

- c. A written protest against the proposed map amendment is signed by the owner or owners of at least twenty percent (20%) of the land sought to be rezoned, and a copy of the written protest is served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment, proof of which shall be submitted to the County Clerk and the Zoning Administrator not less than twenty-four (24) hours prior to the scheduled County Board meeting where the decision on said proposed amendment is to be made; or,
- d. A written protest against the proposed map amendment is signed by the owner or owners of land immediately touching, or immediately across a street, alley or public right-of-way from, at least twenty percent (20%) of the perimeter of the land to be rezoned, and a copy of such written protest is served as set forth in paragraph H3c of this Section; or,
- e. A written protest against the proposed amendment is filed with the County Clerk by the corporate authorities of a zoned municipality nearest the affected property and (1) the proposed amendment is a map amendment and the land affected by the proposed map amendment lies within one and one-half (1-1/2) miles of the limits of such municipality and a copy of such written protest is served as set forth in paragraph H3c of this Section, or (2) the proposed amendment is a text amendment.

9.08 Special Uses:

A. Authorization, Public Hearing, Notice and Report:

Special uses which are listed as such for a particular zoning district may be authorized by the County Board. No application for a special use permit shall be acted upon the County Board until after a public hearing has been noticed, held, conducted, recorded, maintained and filed in the manner prescribed for amendments by Section 16-9-7 of this Division, as amended.

B. Application for Special Use Permit:

An application for a special use permit shall be filed with the Zoning Administrator upon such form and accompanied by such information as shall be required by the Zoning Administrator and the Zoning Board of Appeals. The Zoning Administrator shall process such applications in the manner prescribed for amendments by Section 16-9-7 of this Division, as amended.

C. Standards. (05/20/03)

No special use shall be recommended by the Zoning Board of Appeals unless said Board shall find:

- 1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large.
- 2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate

neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

- a. The location, nature and height of building, structures, walls and fences on the site; and,
  - b. The nature and extent of proposed landscaping and screening on the proposed site.
3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
  4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided.
  5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County.
  6. That the proposed special use complies with all provisions of the applicable district regulations.

In presenting any application for a Special Use Permit, the burden of proof shall rest with the applicant to clearly establish that the proposed special use shall meet the above standards.

D. Conditions: (05/20/03)

The Zoning Board of Appeals may recommend and the County Board may provide such conditions or restrictions upon the construction, location and operation of a special use, but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objective of this amended ordinance and to reduce injury to the value of property in the neighborhood. All proposals and representations made by the applicant(s) for a special use and/or said applicant's representative(s) shall automatically become enforceable conditions of the special use permit.

E. Action by the County Board.

The County Board may grant or deny the application for a special use permit in whole or in part, with or without modification, or may recommit the application to the Zoning Board of Appeals for further study, report and/or public hearings.

Action by the County Board on an application for a special use permit shall be by a majority of the members of the County Board present and voting.

F. Duration of Special Use Permit.

1. No ordinance granting a special use permit shall be valid for a period longer than one (1) year from the date of such ordinance unless the erection of a building or structure is started or the use is commenced within such a period, unless such time period is extended through appeal to and approval by the Committee. If no appeal is made, or no extension of time is received or granted, the permit shall immediately terminate upon expiration of

the one (1) year period. Upon granting of a special use permit, the County Board may stipulate a period longer than one (1) year to commence the authorized use considering the nature of said use.(9/03)

2. Any special use permit granted after the effective date of this Ordinance shall become null and void if the use authorized in the granting of said special use permit is discontinued for a period of twelve (12) months or more.

G. Revocation of Special Use Permit.

Upon a determination of the Zoning Administrator that an approved Special Use Permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use, the County Board shall have the authority to revoke the permit after affording the permitter the right to be heard at the next regularly scheduled meeting of the Planning, Assessment & Zoning Committee following notification of pending revocation of said Special Use Permit.

H. Transferability.

All Special Use Permits shall be approved for a specific location, and may not be transferred to any other location by the applicant or successor property owners.

16-9-9 Entry and Inspection of Land and Buildings:

The Zoning Administrator or his authorized representative(s) are hereby authorized in the performance of their function to enter upon any land in the unincorporated area of Ogle County for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs or placards to effectuate the purpose and provisions of this Ordinance. The above authorized persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Division.

16-9-10 Violations, Penalty, Enforcement:

- A. A person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the zoning provisions of this Ordinance shall be guilty of a petty offense punishable by a fine not to exceed five hundred dollars (\$500.00). Upon written notification that a violation of this Ordinance exists, the person notified shall have fifteen (15) days to eliminate such violation and/or comply with this Ordinance.

Each week such violation or failure to comply is permitted to exist after the expiration of such fifteen (15) day period shall constitute a separate offense. The Zoning Administrator may extend such fifteen (15) day period in such case as he may deem necessary. The decision of the Zoning Administrator on a request for extension shall be reviewable on appeal by the Zoning Board of Appeals in accordance with provisions of Section 16-9-5 of this Division.

- B. Stop Work Order. When any building or structure is being constructed, either without a zoning certificate or in violation of a properly issued zoning certificate, the Zoning Administrator is hereby authorized to issue and post a Stop Work Order on the premises where the violation is taking place. (05/20/03)

1. The Stop Work Order shall cite the violated section(s) of the zoning ordinance and shall be presented to the owner of the property, the owner's agent or to the person doing the work.
2. Compliance with the order shall be the responsibility of the owner of record of, the current occupant of and the person performing the work upon the property.

3. After a Stop Work Order has been posted pursuant to this Section by the Zoning Administrator or his duly authorized representative, it shall be unlawful for any person to remove or deface the posted Stop Work Order. Removal or defacement of the posted Stop Work Order shall be punishable as a petty offense as set forth in the Illinois Compiled Statutes (55 ILCS 5/5-12017).
4. Any person who shall continue to work in, on or about the building or structure shall be considered as having violated this provision and shall be subject to the provisions of paragraph A of this Section.

16-9-11 Fees:

Any application for an amendment, special use permit, variation or zoning certificate which is filed by or in behalf of the owner or owners of property affected shall be accompanied by a fee as set by the Ogle County Board by resolution.

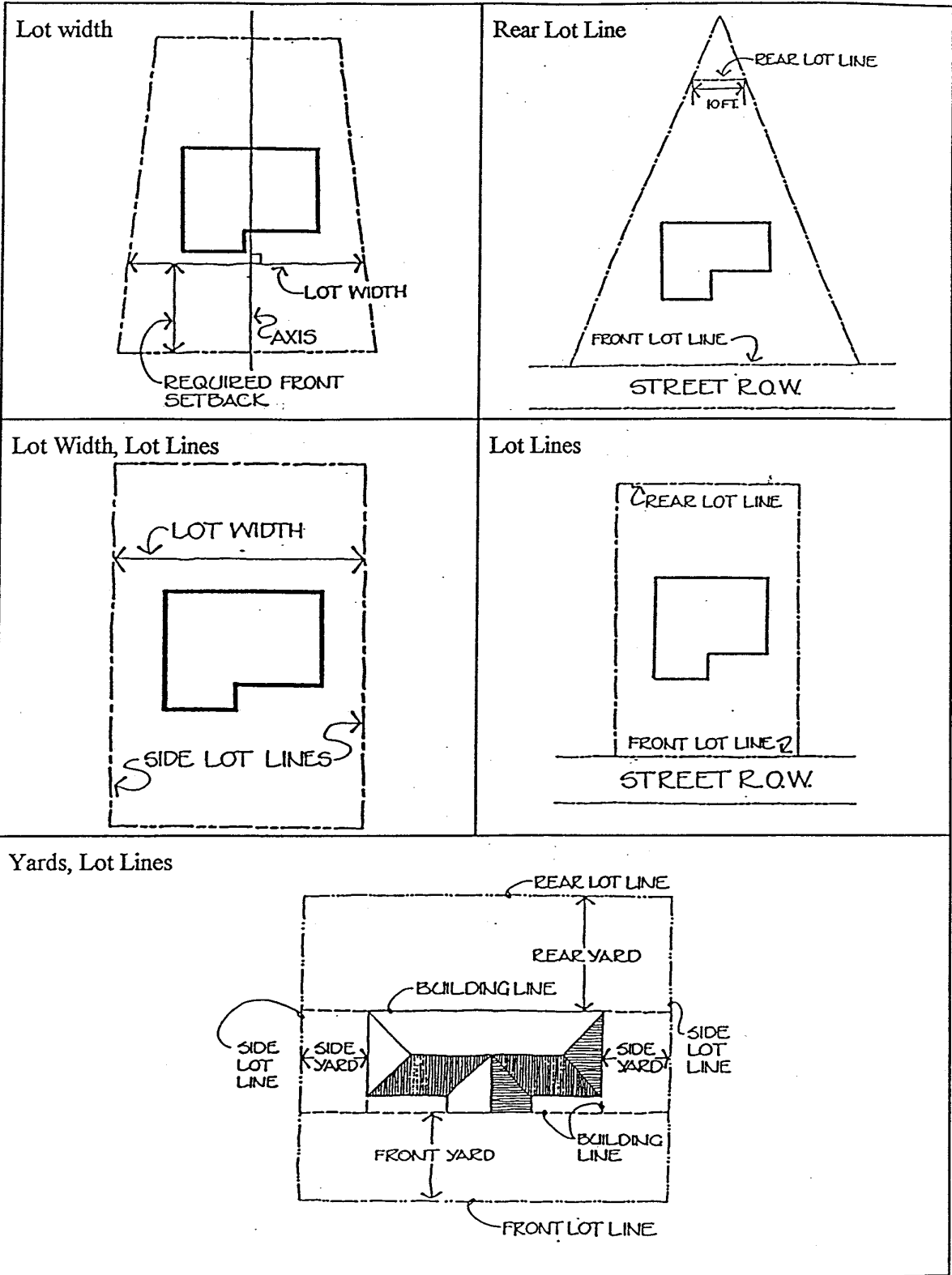
When construction starts before a zoning certificate is issued, the fee shall be increased by one-hundred percent (100%).

No fee shall be charged for zoning certificates for buildings or structures used or to be used solely for agricultural purposes, as defined in this Ordinance.

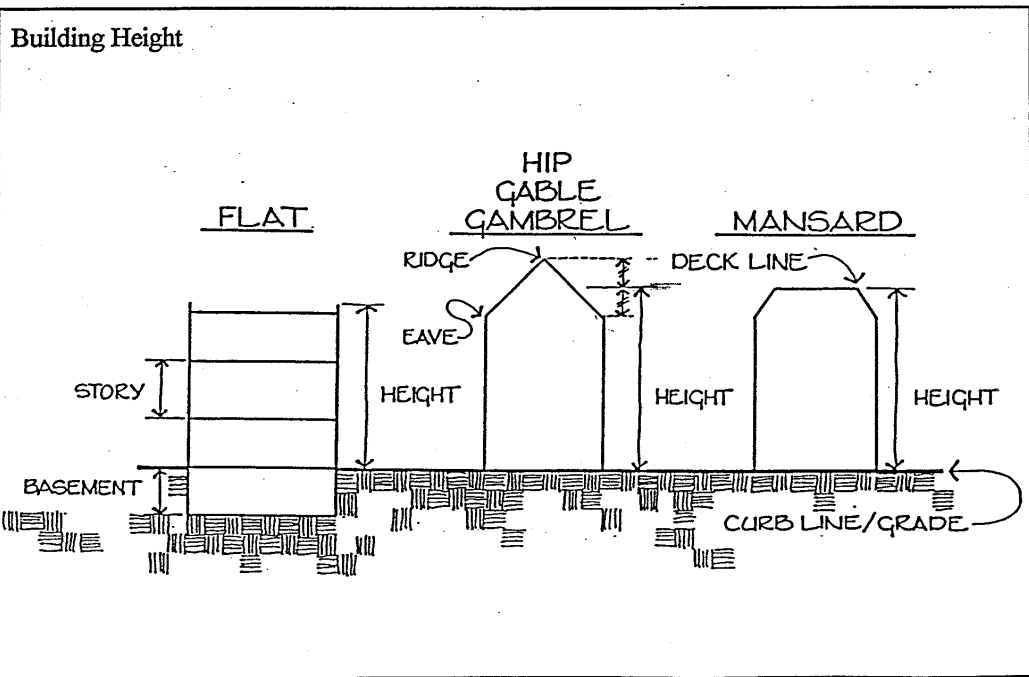
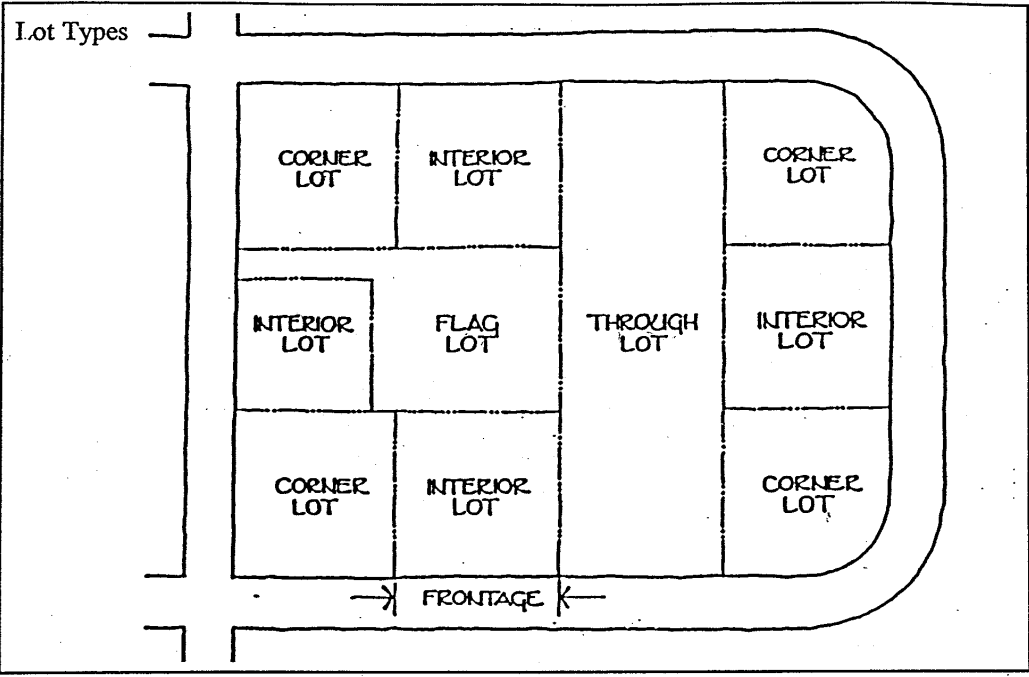
No fee for an amendment, special use permit or variation shall be refunded or partially refunded. (05/20/03)

No fee for a zoning certificate shall be refunded after issuance of said zoning certificate by the Zoning Administrator.

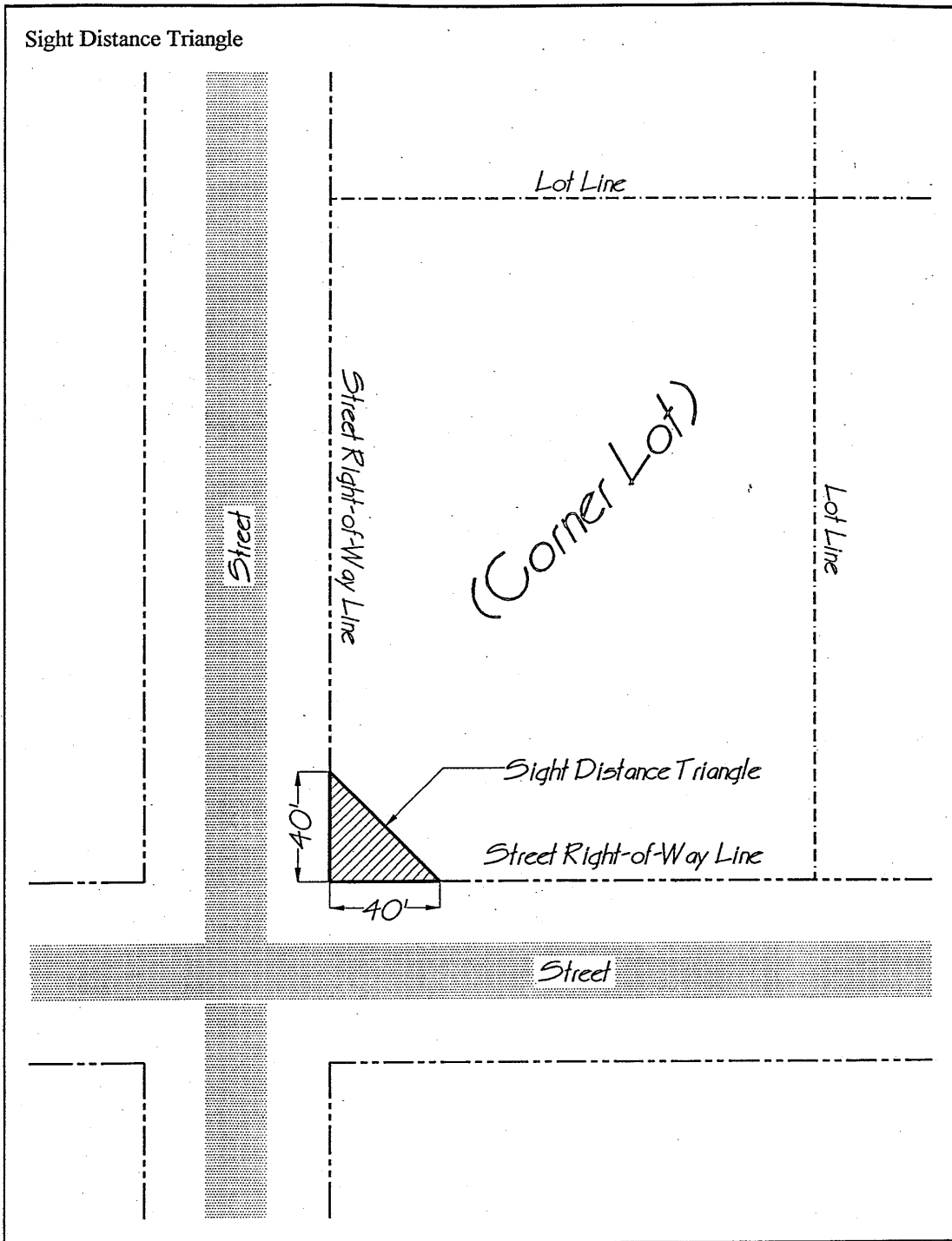
**16-9-16: ILLUSTRATIONS**







Sight Distance Triangle





## **APPENDICES**

**16-9-12: APPENDIX I**  
**Procedure for Filing an Application for Approval of a Pollution Control Facility (PCF)**

A. Application Fee:

1. (a) In order to request siting approval for a PCF in unincorporated Ogle County, an applicant must file an application with the Zoning Administrator, with a minimum of twenty-five (25) copies of the application and the substance of the applicant's proposal showing sufficient details describing the proposed facility to demonstrate compliance with this Ordinance and County regulations, including all site plans, engineering (including calculations), exhibits and maps, and all documents, if any, to be submitted for approval as of the date of filing the application. At a minimum, the application shall comply with the Articles of Rules and Procedures. The form of said application may be obtained from the office of the Zoning Administrator.

(b) In addition to the foregoing, the applicant shall deposit with the County at the time of filing the application for site approval of a PCF a filing fee deposit of two hundred thousand dollars (\$200,000.00), except that a filing fee deposit of five hundred thousand dollars (\$500,000.00) is required if said proposed facility is designed as a Hazardous Waste Disposal Site. If the applicant elects to file an amended application for site location approval for an PCF in accordance with this Ordinance, such filing shall be accompanied by payment of a supplemental fee of fifty thousand dollars (\$50,000.00).

The Ogle County Health Department, Zoning Administrator or State's Attorney may retain consultants on behalf of the County. The consultants and the County agencies shall then commence a study of the application. The applicant shall cooperate fully with the consultants and the technical staff of the County in their review of the application, including providing access to the site for study or testing, including, but not limited to geophysical testing.

The applicable filing fee is intended to defray the reasonable and necessary costs of processing the application, including, but not limited to: costs of site inspection, clerical expenses, copying costs, space rental, Zoning Board of Appeals per diem, court reporter expenses, transcription costs, public notice expenses, staff review time, Committee per diems, if any, consultants hired by the Health Department, Zoning Administrator or State's Attorney (such as qualified professional engineers, planners, appraisers, zoning counsel, environmental counsel, etc.) (including tests, exhibits, and testimony, if any, provided by said consultants), and other relevant costs incident to the consideration of an application, the costs incident to preparing the record for appeal, and the cost of representing the County on appeal in case of an appeal of a County Board decision (the "County costs").

If there are funds remaining in the filing fee deposit after payment of the County costs, such amount shall be refunded to the applicant upon the final resolution of the application process (including appeals to the Illinois Pollution Control Board, Appellate Court, Illinois Supreme Court, Federal Courts, and administrative review in the Courts, if any). Should the County incur any additional costs in excess of the applicable filing fee deposit, the applicant shall bear any and all such additional costs and shall promptly pay over such additional amount to the County upon request.

(c) The application must be complete, with answers provided for each question on the application form. The application must contain consecutively numbered pages and it must be accompanied by all site plans, exhibits, maps and documents required by this ordinance and by the Application for Pollution Control Facility in Ogle County.

The date that the applicant files a complete application in proper form, together with the applicable filing fee deposit, with the Zoning Administrator shall be considered the official filing date. The application is not effective unless it is in strict compliance with the Application for Pollution Control Facility in Ogle County and with this Ordinance. If upon review of the application within thirty (30) days of its submittal, it is determined by the County to be incomplete and not in strict conformance with the aforesaid, the application is deemed not filed and the filing fee (less County costs and expenses) shall be returned to the applicant.

2. (a) Upon receipt of a proper an complete application, and payment of the applicable filing fee deposit, the Zoning Administrator shall date stamp all the copies and immediately deliver one (1) copy to the Chairperson of the County Board, one (1) copy to the Chairperson of the Planning, Assessment and Zoning Committee, one (1) copy to the Chairperson of the Zoning Board of Appeals, one (1) copy to the Chairperson of the HEW Committee, one (1) copy to the Administrator of the Ogle County Health Department, and one (1) copy to each municipality located within one and one-half (1-1/2) miles of the proposed facility site.
- (b) The consultants and the County agencies shall then commence a study of the application. The applicant shall cooperate fully with the consultants and the technical staff of the County in their review of the application, including providing access to the site for study or testing, including but not limited to geophysical testing.
3. A copy of the application an all related documents or other materials on file with the Zoning Board of Appeals shall be made available for public inspection in the office of the Zoning Administrator. Members of the public shall be allowed to obtain a copy of said application or any part thereof upon payment of the actual cost of reproduction as outlined in the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.).
4. An applicant may not file an application for site location approval which is substantially the same as a request which was disapproved, pursuant to a finding against the applicant under any criteria set forth in this Appendix under "Standards for Location of a Pollution Control Facility" (below) and Section 9.08, Paragraph C. of this Ordinance.

B. Standards for Location of a Pollution Control Facility: In addition to the six (6) standards contained in 16-9-8C of this Division, no special use for a Pollution Control Facility shall be recommended by the Zoning Board of Appeals unless said Board shall also find:

1. That the facility is necessary to accommodate the waste needs of the area that it is intended to serve; and
2. That the facility is located outside the boundary of the 100-year floodplain, or the site is flood proofed; and
3. That the plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents; and
4. That if the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release; and
5. That if the County Board has adopted a Solid Waste Management Plan, consistent with the planning requirements of The Local Solid Waste Disposal Act (415 ILCS 10/1 et seq.) or The Solid Waste Planning and Recycling Act (415 ILCS 15/1 et seq.), the facility is consistent with that plan; and

6. That if the facility will be located within a regulated recharge area, any applicable requirements specified by the Pollution Control Board for such areas have been met.

**16-9-13: APPENDIX II**  
**Agricultural Acknowledgment Affidavit**

AFFIDAVIT

State of Illinois )  
                          ) SS  
County of Ogle )

RE:

\_\_\_\_\_ after being first duly sworn on  
oath depose(s) and say(s):

1. (I) (we) certify that (I am) (we are) applicant(s) to allow a residential use in the AG-1 Agricultural District. (I) (we) have read the following preamble to the AG-1 Agricultural District regulations (paragraph 16-5-1A) contained in the *Ogle County Amendatory Zoning Ordinance*, and that (I) (we) understand that there are permitted uses and named special uses allowed in the AG-1 Agricultural District that may not be compatible with a residential use in the AG-1 Agricultural District. (I) (we) further understand that residential uses in the AG-1 Agricultural District are not given the same provision of services, amenities and protection from other land uses which are afforded to residential uses by regulations of the residence district, and that the AG-1 Agricultural District regulations are not intended to afford such services, amenities and protections to residential uses located there. (I) (we) understand when living within a rural area in Ogle County, one may encounter a number of practices that area farmers have been and likely will continue doing in their normal farming practices carried out for agricultural purposes such as the following:
  - A. Wide, slow moving equipment on roads or in fields at various times of the day or night;
  - B. Noise, dust or odors from the operation of machinery, as well as herbicides, pesticides, fertilizers and manure being applied to farmland;
  - C. Wind blown debris, such as cornstalks, soybean residue, husks or other materials;
  - D. On occasion, airplanes applying herbicides, pesticides, or other materials;
  - E. Odors and noise from livestock operations and/or stray livestock;
  - F. Drainage problems or short term flooding, which may occur during heavy rainfall.

**AG-1 Agricultural District, Purpose and Intent (Preamble):**

*The purpose and intent of the AG-1 Agricultural District is to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan. The long-range goal for agricultural land use in the County is to preserve the most valuable of natural resources, that of fertile land, for agricultural pursuits and to protect the land best suited for farming from premature urbanization and the encroachment of incompatible land uses which would hinder farm operations and irretrievably deplete agricultural lands. The agricultural district regulations are, therefore, designed to regulate the use of land and buildings within areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural land uses. It is essential that scattered, indiscriminate urban development within areas best suited for agriculture be precluded and that orderly urban development be facilitated. It hereby declared the legislative intent and purpose of the AG-1 district that land in the County which is productive should remain in productivity until such time as the natural growth of municipalities precludes preservation thereof. Other specific purposes for which this district is established include:*

1. *To preserve woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district and the County as a whole.*
2. *To provide a basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.*
3. *To prevent the conversion of agricultural land to scattered non-farm development which, when unmanaged, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.*



2. If (I) (we) establish a residential use in the AG-1 Agricultural District, such land use has no additional rights granted to it than are granted to other uses allowed as either permitted use by special use in the AG-1 Agricultural District.

(I) (we) further certify that (I) (we) have read and understand this affidavit, and have been given a copy of said affidavit.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Affiant

**Acknowledgment**

State of Illinois )  
                          ) SS  
County of Ogle   )

I, \_\_\_\_\_, Notary Public in and for the State and County aforesaid, do hereby certify that \_\_\_\_\_, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing affidavit, appeared before me this day in person and signed and delivered the said affidavit for the uses and purposes therein set forth as his or their free and voluntary act.

Given under my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

(Seal)

\_\_\_\_\_  
My Commission Expires

**16-9-14: APPENDIX III**  
**Mining Acknowledgment Affidavit**

AFFIDAVIT

State of Illinois )  
                          ) SS  
County of Ogle )

RE:

\_\_\_\_\_ after being first duly sworn on oath depose(s) and say(s):

1. (I) (we) certify that (I am) (we are) applicant(s) for a zoning certificate to allow a dwelling to be located within one-thousand (1,000) feet of an existing active quarry operation as measured from the nearest property line of the zoning lot or parcel on which quarrying can lawfully take place on the date the Zoning Certificate for said dwelling is applied for. (I) (we) understand when living near a quarry operation, one may encounter a number of practices that the operator of said quarry has been and likely will continue doing in their quarrying practices such as the following:
  - A. Blasting with explosives that may produce noise, dust odors and/or vibrations;
  - B. The operation of machinery which may produce noise, dust odors and vibrations.
  - C. Truck traffic which may produce noise, dust, odors and vibrations.
  
2. If (I) (we) establish a residential use (dwelling) within one-thousand (1,000) feet of an active quarry operation as measured from the nearest property line of the zoning lot or parcel on which quarrying can lawfully take place on the date the Zoning Certificate for said dwelling is applied for, such land use has no additional rights granted to it than are granted to said quarry operation.

(I) (we) further certify that (I) (we) have read and understand this affidavit, and have been given a copy of said affidavit.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Affiant

**Acknowledgment**

State of Illinois )  
                          ) SS  
County of Ogle )

I, \_\_\_\_\_, Notary Public in and for the State and County aforesaid, do hereby certify that \_\_\_\_\_, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing affidavit, appeared before me this day in person and signed and delivered the said affidavit for the uses and purposes therein set forth as his or their free and voluntary act.

Given under my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

(Seal)