

## Sec. 1.5 - Minimum Requirements

The standards of this Ordinance are minimum requirements. The issuance of any permit, certificate, or approval in accordance with the standards and requirements of this Ordinance shall not relieve the recipient of such permit, certificate, or approval from the responsibility for complying with all other applicable requirements of any other county, state, or federal agency, having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

## Sec. 1.6 - Review Fees

All applications for development approval submitted to the County under these regulations shall be accompanied by payment of a fee as adopted by the County Board from time to time to defray the costs incurred by the County in reviewing the application. No application shall be considered to be complete and subject to review by the County until such fee has been paid. In addition to the fees adopted by the County Board, all applicants for development approval shall reimburse the County for reasonable costs incurred as a result of the application's review by a legal, engineering, or other special consultant, provided that the applicant is notified of the need to retain such special consultant and agrees to such retention. Payment of these fees shall be made prior to a final vote or decision by the County Board, the Zoning Board of Appeals, or the Zoning Administrator on a given development application. When a process requires multiple approvals, such as a rezoning and a special use, all applicable fees shall be levied and collected by the Zoning Administrator. Fees required under these regulations are set forth in Appendix A.

## Sec. 1.7 - Interpretation and Conflicts

In interpreting and applying the provision of these regulations, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, and general welfare. It is not intended by these regulations to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties. However, wherever these regulations impose greater restrictions upon the use of buildings, structures, or land or require more restrictive building lines, then the provisions of these regulations shall control.

## Sec. 1.8 - Severability

If any section, specific provision, or standard of these regulations or any zoning district boundary that now exists or may exist in the future is found by a court to be invalid or inappropriately applied for any reason, the decision of the court shall not affect the validity or application of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

## Sec. 1.9 - Rules of Construction

For the purposes of these regulations, the following rules of construction shall apply:

1. These regulations shall be construed to achieve the purposes and intent for which they are adopted.
2. In the event of a conflict between the text of these regulations and any caption, figure, illustration, table, or map, the text of these regulations shall control.
3. In the event of any conflict in limitations, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply.
4. The words "shall", "must", and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
5. The word "may" is permissive in nature.
6. Words used in the present tense include the future tense and vice versa.

7. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
8. Words used in the masculine gender include the feminine gender and neuter.
9. Any act authorized by these regulations to be carried out by a specific official or agency of the County is impliedly authorized to be carried out by a designee of such official or agency.
10. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded.
11. Any words and terms not defined in Article 11, Definitions, shall have the meaning indicated by common dictionary definition.

#### Sec. 1.10 - Effective Date

These regulations, and any amendment thereto, shall become effective January 1, 2012, following their passage, approval, and publication in the manner provided by law.

### ARTICLE 2. - DECISION MAKING AND ADMINISTRATIVE BODIES

#### Sec. 2.1 - County Board

The County Board shall have all the authority granted by State law, including the following powers and duties in regard to these regulations:

1. To approve the County Board Chairman's appointments to the Zoning Board of Appeals (hereinafter "ZBA").
2. To adopt, review, and amend the Comprehensive Plan of the County as it may deem necessary and appropriate.
3. To initiate, review, and adopt amendments to the text of these regulations and to the Zoning District Map after recommendation by the ZBA.
4. To review, grant, or deny applications for special use permits after recommendation by the ZBA.
5. To review, grant, or deny waivers from Section 3.16 ("Plat Approval") and Article 8 Subdivisions subject to the requirements of Section 3.15 ("Subdivision Waivers and Appeals").
6. To hear, review, and decide appeals of determinations of an appointed Plat Officer in accordance with Section 3.15.5, Appeals.
7. To review, grant or deny variations from Section 7.1 ("Telecommunications Carrier Facilities").
8. To take such other action not delegated to the ZBA as the County Board may deem desirable and necessary to implement the provisions of these regulations and the Comprehensive Plan.

#### Sec. 2.2 - Zoning Board of Appeals

There is hereby established a Zoning Board of Appeals (hereinafter "ZBA").

##### 2.2.1 *Powers and Duties.* The ZBA shall have the following powers and duties:

1. To review and analyze all information filed with the Zoning Administrator in each case prior to all public hearings, and if deemed necessary, to personally inspect the physical property which is the subject of the petition.
2. To attend all hearings and deliberative sessions. Those members not present at the hearing shall not participate in the decision of the case, unless they have listened to the entire tape of the hearing and have reviewed the entire case file.
3. To make complete detailed findings of fact of each case, when required, and furnish such findings to the Secretary.

4. To hear, review, and make recommendations to the County Board concerning special use permits in accordance with the provisions of Section 3.5 ("Special Use Permits") of these regulations.
5. To hear, review, and make recommendations to the County Board concerning amendments to the text of these regulations and the Zoning District Map in accordance with the provisions of Section 3.6 ("Text and Map Amendments") of these regulations.
6. To hold hearings, review, and make decisions in regard to applications for variances in accordance with the provisions of Sections 3.7 ("Variances"), 3.9 ("Telecommunications Carrier Facilities-Variances"), 7.14 ("Floodplain Regulations"), and 7.15 ("Swimming Pools") of these regulations.
7. To hear, review, and decide appeals from administrative decisions made by the Zoning Administrator or other administrative official concerning any order, requirement, or determination in accordance with the provisions of Section 3.8 ("Appeals of Administrative Decisions") and Section 7.14 ("Floodplain Regulations") of these regulations.
8. To incur expenditures as shall be authorized by the County Board.
9. To adopt such rules to govern its proceedings as are necessary for the administration of its responsibilities, not inconsistent with State law or these regulations.

2.2.2 *Powers and Duties of the Chairman and the Vice Chairman.* The Chairman of the ZBA, and in his absence, the Vice Chairman, shall have the following powers and duties:

1. To supervise the affairs of and preside at all meetings of the ZBA.
2. To appoint such committees and sub-committees of the ZBA as may be necessary to carry out the purposes of the ZBA and to be an ex-officio member of all such committees.
3. To administer the oaths and compel the attendance of a witness before the ZBA.

2.2.3 *Conflict.* Any member of the ZBA who has a direct or indirect interest in a matter before the ZBA, or who lives within five hundred (500) feet of any property which is the subject of ZBA action, shall disclose such fact at the hearing, prior to voting on the matter. If such member has a direct or indirect financial interest in such property, he shall not sit with the ZBA nor act with the ZBA in such matter under consideration.

2.2.4 *Membership, Appointment, Removal, Terms, and Vacancies.*

1. The ZBA shall be composed of seven (7) members and two (2) alternate members appointed by the Chairman of the County Board, with the advice and consent of the County Board.
2. Upon his appointment, the Chairman of the County Board shall name one of the members of the ZBA as Chairman, and in the case of a vacancy, he shall name a successor Chairman. The other officers of the ZBA shall be a Vice Chairman named by the ZBA, and a Secretary who shall be the Zoning Administrator.
3. All members shall serve a term of five (5) years. Alternate members shall serve as members of the ZBA only in the absence of regular members, with the alternate member who has the greatest amount of time remaining on his term to have priority over the other alternate member.
4. All members appointed to the ZBA shall serve no more than two (2) consecutive terms. Partial terms do not count towards the two-term limit.
5. Members may be removed for cause prior to the expiration of their term of appointment by majority vote of the County Board, after a public hearing and upon giving ten (10) days' notice thereof.
6. In the event of a vacancy caused by the death, removal for cause, or resignation of a member of the ZBA, a successor shall be named by the Chairman of the County Board for the unexpired term, subject to confirmation by the County Board at its next meeting.

2.2.5 *Quorum and Necessary Vote.*

1. Except as provided in subsection 2.2.5-4 below, no meeting of the ZBA may be called to order, nor may any business be transacted without a quorum consisting of four (4) members of the ZBA being present. The Chairman shall be considered and counted as a member.
2. All questions which arise at meetings shall be determined by the votes of the majority of members present.
3. The concurring vote of at least four (4) members shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant in any matter upon which it is required to pass under these regulations.
4. Public hearings may be held with less than a quorum of the members, provided:
  - a. Three (3) members are present;
  - b. The hearing consists of taking evidence and hearing arguments only. No deliberations on any issue shall take place;
  - c. The absent members listen to the tape recording of the hearing and read the official record of the hearing prior to deliberating on the matter; and
  - d. The deliberation of the ZBA occurs at a subsequent time at which at least a quorum of the members are present.

#### 2.2.6 *Hearing Procedures.*

1. *Applicability.* The procedures set out in this subsection shall be applicable to all public hearings before the ZBA that are required by any provision of these regulations.
2. *Hearings.*
  - a. All meetings of the board of appeals shall be held at the call of the chairman and at such times and places within the county as the board may determine.
  - b. Regular meetings may be canceled by the Chairman of the ZBA when there are no cases pending. Notification must be given to members not less than forty-eight (48) hours prior to the time set for such meeting.
  - c. Special meetings may be called by the Chairman of the ZBA at his discretion or upon the request of two (2) or more members of the ZBA, provided that forty-eight (48) hours notice is given to each member and to the media.
  - d. In the event that the Chairman and Vice Chairman of the ZBA are absent during a regular or special meeting, the members present shall select one of the members present to act as Chairman pro tem.
  - e. If a matter is postponed due to a lack of a quorum or any other reason, the Chairman of the ZBA shall continue the meeting to be held at the same location at the next available meeting date or as otherwise agreed to by the petitioner and the ZBA. The Secretary shall notify all members of the date of the continued meeting.
  - f. All meetings and hearings of the ZBA shall be open to the public.
  - g. Public hearings shall be set for a time certain.
3. *Hearing Notice.*
  - a. *Provision and Distribution of Notice.*
    1. A copy of the notice shall be sent by mail to each owner of record, if different from the applicant, of any land on which development is proposed;
    2. At least fifteen (15) days before the hearing before the ZBA, a copy of the notice shall be sent by mail to any person owning property adjacent to or immediately across any street, alley, or public right-of-way from the petitioned property.



3. At least fifteen (15) days before the hearing before the ZBA, a copy of the notice shall be sent by mail to any municipality whose boundaries are within one and one-half (1½) miles of any part of the area proposed to be classified as a special use.
  4. At least fifteen (15) days before the hearing before the ZBA, a copy of the notice shall be sent by mail to any township planning commission and the township road commissioners.
  5. At least fifteen (15) days before the hearing before the ZBA, a weatherproof sign at least four (4) square feet in surface area shall be conspicuously posted along each right-of-way of each property that is the subject of a request before the ZBA. Said sign shall remain posted until the conclusion of the public hearing. Failure to comply with the provisions of this subsection shall not render the public hearing invalid, provided that good faith effort was made to comply; and
  6. A copy of the notice shall be posted in the Planning and Zoning Department.
- b. Notice Content. The notice to be published and mailed shall contain at a minimum the following.
1. The location, date, and time of the hearing.
  2. A summary of the petition including the petitioner's name.
  3. The particular location of the property for which the request is made by legal description, and street address. If no street address exists, then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare, or intersection. The notice shall also include the parcel identification number (PIN).
  4. A statement as to whether the applicant is acting for himself or in the capacity of an agent, an alter ego, or a representative of a principal. The applicant shall include the name and address of the true principal.
  5. For Special Uses and Variances, a statement as to whether the applicant is a corporation, and if a corporation, disclose the correct names and addresses of all officers and directors and of all stockholders or shareholders owning any interest in excess of twenty (20) percent of all outstanding stock or shares of such corporation.
  6. For Special Uses and Variances, a statement as to whether the applicant, or his principal if other than the applicant, is a business or an 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.
  7. For Special Uses and Variances, a statement as to whether the applicant, or his principal if other than the applicant, is a partnership, a joint venture, a syndicate, or an unincorporated voluntary association, and if so, include the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.
- c. Notice Publication.
1. At least fifteen (15) days notice of the time and place of such public hearing before the ZBA shall be published in a newspaper of general circulation published in the County as well as in a newspaper of general circulation published in the township or road district in which such property is located.
  2. If no such newspaper is published in such township or road district, then such notice shall be published in a newspaper of general circulation published in the County and having circulation where such property is located.
  3. Notice shall be mailed to the entities identified in subsection 2.2.6-3.a, above at least fifteen (15) days before the hearing before the ZBA.
4. *Hearing Location.*

- a. Specific Proposals. Public hearings for specific proposals, including variances, special uses, and map amendments, shall be held in the County Courthouse. However, if the owners of any property affected by a map amendment so requests in writing, such hearing shall be held in the township or road district affected by the terms of such proposed map amendment.
  - b. General Proposals. Public hearings for public uses that are more general in character, that affect either public operations or the public interest, and for text amendments may be held in the County Courthouse instead of within the particular township or road district.
5. *Hearing Conduct.* Hearings shall be conducted pursuant to the Rules of Order adopted by the ZBA.
6. *Action by the Zoning Board of Appeals.*
- a. General. Except as otherwise provided herein, the ZBA shall render its decision as soon as practicable after the close of the public hearing on the matter.
  - b. Findings. All decisions of the ZBA shall be in writing and shall include at least the following:
    1. Findings relevant to the standards governing the application for development approval under consideration;
    2. Conclusions regarding each standard applicable to the proposed development; and
    3. A final recommendation or final decision.
  - c. Notification. Notification of all recommendations and decisions shall be mailed to the applicant and the owner of record if different from the applicant.

2.2.7 *Order of Business.* All meetings of the ZBA shall proceed as follows:

1. Call meeting to order and declaration of quorum.
2. Announce hearing procedures and deliberation date.
3. Call items on agenda as published.
4. Unfinished business.
5. New business.
6. Adjournment.

2.2.8 *Secretary.*

1. The Zoning Administrator shall act as the Secretary to serve the ZBA and shall attend all meetings and hearings of the ZBA.
2. The Secretary shall keep minutes of all proceedings of the ZBA, which minutes shall be a summary of all proceedings before the ZBA, attested to by the Secretary, and which shall include the vote of each member upon every question, or if absent or failing to vote, indicating such facts. The minutes shall also include the names and addresses of all persons appearing before the ZBA.
3. The minutes shall be approved by a majority of the members of the ZBA voting.
4. Every rule, regulation, or amendment, every repeal thereof, and every order, requirement, decision, or determination of the ZBA shall be immediately filed in the office of the ZBA at the office of the Zoning Administrator and shall be a public record.
5. The Secretary shall maintain a Docket of Cases and shall note each appeal or application. Each case shall be numbered consecutively and all records relating thereto shall carry such number and shall be heard in the order prescribed by the Chairman.
6. The Secretary shall maintain all records of ZBA meetings, hearings and proceedings, shall conduct the official correspondence of the ZBA, and shall administer the clerical work of the ZBA, including the maintenance of a mailing list of persons wishing to receive notice of meetings,

agendas or minutes and who have paid an annual fee set by the County Board to cover copying and mailing costs.

7. All records shall be a public record and the Secretary shall be the custodian of the files of the ZBA.

2.2.9 *Technical Consultant.* The Zoning Administrator, or his delegate, shall also be the technical consultant to the ZBA and shall attend public hearings of the ZBA. The technical consultant's reports shall be included in the minutes and shall be a part of the record of the ZBA.

2.2.10 *Legal Consultant.* The State's Attorney of Peoria County, or his designated Assistant, shall be consulted on all legal questions, parliamentary questions, and interpretations of questions where the powers of the ZBA are not clearly defined, and shall generally serve as Legal Counsel to the ZBA.

2.2.11 *Agenda Limits.* Any Hearing conducted by the ZBA shall be limited to a maximum of twelve (12) new cases plus any continuations or deliberations rescheduled from a previous hearing. If more than twelve (12) cases are filed with the Zoning Administrator for a hearing, the first twelve (12) cases filed in chronological order shall be scheduled for the hearing. The remaining cases shall be scheduled for the next available hearing.

(Res. of 7-12-12; Ord. of 7-9-20)

### Sec. 2.3 - Zoning Administrator

The Zoning Administrator, and his staff at the County Department of Planning and Zoning, shall perform the planning functions for the County, shall provide technical support and guidance for action on applications for development approval, and shall perform such other functions as may be requested by the County Board and the ZBA. The Zoning Administrator shall coordinate the review of all applications for development approval by the County Department of Planning and Zoning and other County departments.

2.3.1 *Creation and Appointment.* The Zoning Administrator shall be the department head of the County Department of Planning and Zoning and shall be appointed by and serve at the pleasure of the County Board.

2.3.2 *Jurisdiction, Authority and Duties.* In addition to the jurisdiction, authority and duties which may be conferred upon the Zoning Administrator by other ordinances, the Zoning Administrator shall have the following jurisdiction, authority and duties:

1. Act as the enforcing officer of these regulations and make, or cause to be made, periodic inspections of all work authorized by permits issued in accordance with these regulations and make, or cause to be made, investigations of violations of these regulations and cause any such violations to be corrected.
2. Serve as both the Secretary and the Technical Consultant to the ZBA and inform such body of all facts and information at his disposal with respect to applications for development approval or any other matters brought before it.
3. Assist in the preparation and review of the County's Comprehensive Plan, any special area plans, these regulations, and any proposed amendments thereto.
4. Maintain the Zoning District Map.
5. Maintain development review files and other public records of all official actions taken by the Department of Planning and Zoning with respect to the administration and enforcement of these regulations.
6. Review all applications for permits for the construction, enlargement, structural alteration, conversion, or relocation of any building or structure.

7. Review and recommend approval or disapproval of applications for special use permits, variances subject to Section 3.9 ("Telecommunications Carrier Facilities Variances") and amendments to these regulations.
8. Issue building permits and certificates of occupancy, and inspect, if necessary, the building for which the permit or certificate applies.
9. Evaluate and act upon claims of nonconforming uses and structures and issue certificates of nonconforming use.
10. Issue development compliance certificates and sign pre-application conference letters of understanding in accordance with these regulations.
11. Determine whether an application for development approval is materially different from a previously denied application.
12. Issue written notice to the person responsible for any violation of these regulations.
13. Take, or cause to be taken, any other action necessary to ensure compliance with, and prevent the violations of, the provisions of these regulations.
14. Coordinate all local, regional, state and federal environmental and other land development permitting processes affecting development in the County.
15. Review and evaluate all planned transportation improvements for the County with the County Highway Department.
16. Establish such rules of procedure as are necessary for the administration of his responsibilities under these regulations.
17. Whenever requested by the County Board or by his own initiative, with the assistance of other County departments, conduct or cause to be conducted, surveys, investigations and studies, and prepare or cause to be prepared, such reports, maps, photographs, charts and exhibits as may be requested or desired.

2.3.3 *Additional Duties Concerning Flood Administration.* In addition to those duties and powers set forth in Section 2.3.2, Jurisdiction, Authority and Duties, above, the Zoning Administrator shall have the following powers and duties in areas designated as "Special Flood Hazard Areas" by the Flood Insurance Study:

1. Periodically inspect buildings, structures, and uses of land to determine compliance with the provisions set forth for floodplain management.
2. Notify in writing any person responsible for violating any provisions set forth for floodplain areas, indicating the nature of the violation and ordering action that is necessary to correct such violations.
3. Order a discontinuance of the illegal construction of buildings or structures below the Base Flood Elevation, as determined by a Flood Insurance Study, and the Flood Protection Elevation.
4. Maintain a current file of all floodplain development permits, elevation certificates, notices of violation, statewide IDNR permits, Letters of Map Amendment, Letters of Map Revision, Non-Conversion Deeds, discontinuances or removals for such time as necessary to ensure continued compliance with the provisions of these regulations, and on request, provide information to any person having proprietary or tenancy interest in any specific property.
5. Determine damage caused to property and structures as a result of flooding events. Maintain a current file of all damage caused to structures as it relates to substantial damage determinations.
6. Maintain all flood related information as it relates to the Community Ratings System (CRS) and prepare required documentation for CRS Cycle Visits.
7. Issue Floodplain Verification upon property owner request.

Sec. 2.4 - Plat Officer

The plat officer shall be appointed by the County Board.

2.4.1 *Jurisdiction, Authority, and Duties.* In addition to the jurisdiction, authority, and duties which may be conferred upon the Plat Officer by other sections, the Plat Officer shall have the following jurisdictions, authority, and duties:

1. Administer and enforce Sections 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval") and Article 8, Subdivisions.
2. Make or cause to be made investigations of violations of Section 3.16 ("Plat Approval") and Article 8 Subdivisions and shall cause any violations to be corrected.
3. Review, approve, or deny tract surveys and subdivision plats.
4. Collect appropriate tract survey or subdivision review fee.
5. Comply with appropriate review timelines.
6. Coordinate inspections of improvements with the County Highway Department and township road commissioner and the developer's licensed engineer for street construction and the County's Erosion, Sediment, and Stormwater Control Review Consultant for erosion and stormwater control measures.
7. Review and recommend approval or disapproval of applications for waivers to these regulations.
8. Require appropriate financial security when improvements are proposed.

#### Sec. 2.5 - Erosion Control Administrator

2.5.1 *Jurisdiction, Authority, and Duties.* In addition to the jurisdiction, authority and duties which may be conferred upon the Erosion Control Administrator by other sections, the Erosion Control Administrator shall have the following jurisdiction, authority and duties:

1. Administer and enforce Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits") and 7.13 ("Erosion, Sediment, and Stormwater").
2. Review, approve, or deny applications for General Erosion and Sediment Control Permits and Erosion, Sediment, and Stormwater Control Permits.
3. Review and collect financial security as required for Erosion, Sediment, and Stormwater Control Permit.
4. Make or cause to be made periodic inspections of all work authorized by permits issued in accordance with Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control").
5. Make or cause to be made investigations of violations of Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") and cause any violations to be corrected.

#### Sec. 2.6 - Erosion Control Appeals Board

The Appeals Board is hereby authorized to be established.

2.6.1 *Powers and Duties.* The Appeals Board shall consider and decide upon appeals of any decision, order, or requirement of the erosion control administrator made pursuant to this chapter. The Appeals Board shall be the same as the Building and Property Maintenance Code Board of Appeals established in Chapter 12 of this code and shall follow the procedures and regulations under Section 109 of the 2006 International Mechanical Code.

2.6.2 *Appeals to the Erosion Control Appeals Board.*

1. Any person directly aggrieved by any decision, order, requirement, or determination of the Erosion Control Administrator made pursuant to Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control"), and 7.13 ("Erosion, Sediment, and Stormwater Control"), shall have the right to appeal such action to the Appeals Board.
2. Such appeal shall be made within thirty-five (35) days from the date of the action appealed from, shall be filed in writing, and shall include a short, concise statement of why the action is being appealed.
3. The fee, as set forth in Appendix A, for such an appeal shall be payable to the Department of Planning and Zoning and is due with the application. In addition, the person filing the appeal shall pay all required publication costs associated with the appeal.
4. Upon receipt of a notice of appeal, the Department of Planning and Zoning shall set a date for a public hearing before the Appeals Board. Such public hearing shall be set in accordance with the provisions of Section 109 of the 2006 International Mechanical Code. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. The Appeals Board shall decide the appeal within seven (7) days after the conclusion of the public hearing. The Appeals Board may affirm, modify or reverse any appealed action.

2.6.3 *Appeals to Court.* Appeals from the Appeals Board shall be made in conformity with the provisions of the Illinois Administrative Review Act, 735 ILCS 5/3-101 et seq. Copies of any orders or proceedings ordered by the appellant shall be furnished to him at his own cost.

## ARTICLE 3. - DEVELOPMENT REVIEW PROCEDURES

### Sec. 3.1 - General Procedures

#### 3.1.1 *Intent.*

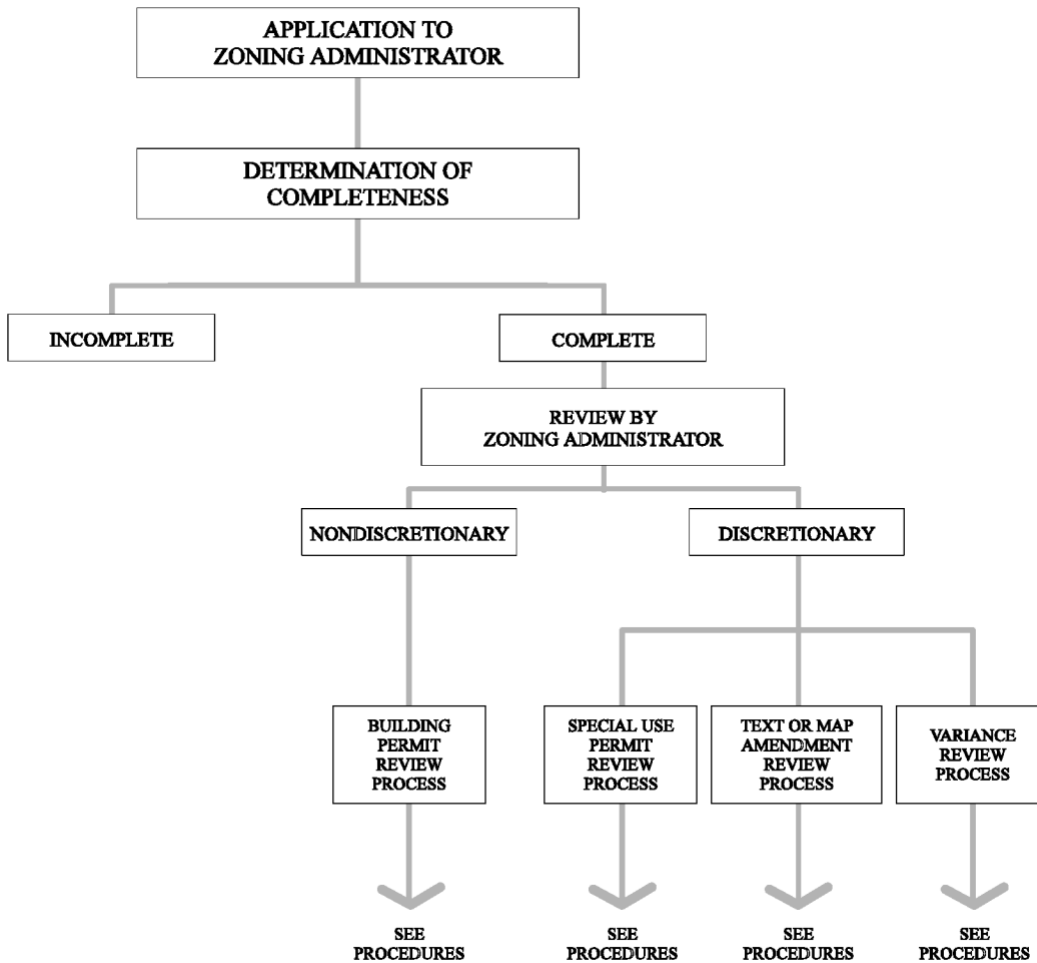
1. The intent of this section is to ensure that the County is diligent in processing applications for development approval. As this section denotes, the County's development review procedures diverge, depending on whether the type of requested approval is discretionary or ministerial in nature. If discretionary (i.e., special use, variance, or text amendment), an application for development approval shall be subject to additional levels of scrutiny by the ZBA and possibly the County Board. If ministerial, the Zoning Administrator shall conduct all aspects of the application review and shall approve and issue appropriate permits.
2. Except as otherwise specified, this section is also intended to contain all of the County's development review procedures and includes relevant time frames for County action. In addition, except as otherwise specified, this section contains the notice and conduct provisions that are applicable to all public hearings by the ZBA required by any section of these regulations.

#### 3.1.2 *Pre-Application Conference.*

1. Request and Scheduling. An applicant for any type of development approval may at his option request an informal conference with the Zoning Administrator prior to filing an application.
2. Purpose of Conference. The pre-application conference shall be informal and its purpose shall be to discuss the proposals, views, and concerns of the applicant and the Department of Planning and Zoning to determine whether any of the application requirements should be waived or whether any additional information will be required.
3. Letter of Understanding. Within ten (10) days after a pre-application conference, the Zoning Administrator shall transmit a Letter of Understanding to the applicant setting forth the substance of the pre-application conference. No representation of the Zoning Administrator or any other County official or employee at the pre-application conference or at any other time shall be binding on the County with respect to any application subsequently submitted if such representation is found to be in error or contrary to the policy of the Department of Planning and Zoning or these regulations.

- 3.1.3 *Application Submission Requirements.* All applications for development approval shall be submitted to the Zoning Administrator in a form specified by the Zoning Administrator, accompanied by the payment of a fee as set forth in Appendix A. Applicants for development approval may be required to submit additional information which the Zoning Administrator or the decision making body may deem necessary to review the proposed development.
- 3.1.4 *Determination of Completeness of Application.*
1. **Determination of Completeness.** Within fifteen (15) days after receipt of an application for development approval, the Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is complete, he shall notify the applicant in writing that the application has been accepted for filing. If he determines that the application is not complete, he shall notify the applicant, specifying the deficiencies of the application, including any additional information which must be supplied. No further action shall be taken by the County on the application until the deficiencies are corrected.
  2. **Remedy of Deficiencies.** If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application for development approval shall be deemed withdrawn unless the time frame is extended by mutual agreement of the applicant and the Zoning Administrator.
  3. **Effect of Determination.** The time limits for completion of review set out in these regulations shall commence on the date that the application is determined complete.
- 3.1.5 *Review by Zoning Administrator.* The Zoning Administrator shall review the complete application for development approval in accordance with Section 3.4 ("Development Permitted as of Right") if the development is permitted as of right, Section 3.5 ("Special Use Permits") if the development requires a special use permit, Section 3.6 ("Text and Map Amendments") if the development requires an amendment to the text of these regulations or the Zoning District Map, Section 3.7 ("Variances"), if a variance is requested, and if necessary Section 3.9 ("Telecommunications Carrier Facilities Variances"), if a variance is requested by a telecommunications carrier facility.
- 3.1.6 *Waiver of Time Limits.*
1. **By Agreement.** Any time limit imposed by these regulations (except for time limits in Section 3.9 ("Telecommunications Carrier Facilities Variances") and except for appeals to the ZBA) may be waived or extended by agreement of the applicant and either the Zoning Administrator, the ZBA, or the County Board, depending on the stage of development approval.
  2. **Automatic Waiver.** Any applicant who requests a continuance of a public hearing at which his application is being considered, or who requests an extension of any time limit imposed on him by statute or these regulations, shall be deemed to have agreed to an extension of that time limit.
- 3.1.7 *Examination and Copying of Application.* Subject to Illinois state law, any person may examine any application for development approval and other material submitted in regard to that application, and may obtain copies of the application and other materials upon reasonable request and payment of a fee to cover the actual cost of such copies.
- 3.1.8 *Successive Applications.* Whenever any application for development approval for a variance, special use permit or an amendment to the Zoning District Map is denied, an application involving the same property shall not be accepted for filing within six (6) months from the date of denial, unless the subsequent application involves a development proposal which is materially different from prior proposals, in the opinion of the Zoning Administrator, or is responsive, in the opinion of the Zoning Administrator, to negative findings set forth in the denial of the prior application.

**PEORIA COUNTY  
GENERAL REVIEW PROCEDURES**



Sec. 3.2 - Building Permit

3.2.1 *General Requirement.* No building or structure shall be constructed, erected, enlarged, structurally altered, converted, or relocated unless a building permit has first been issued by the Zoning Administrator. The conversion of a recreational vehicle, mobile home, semi-trailer container, or enclosed box trailer into an accessory structure shall be prohibited.

3.2.2 *Basis for Issuance.* A building permit shall only be issued after the Zoning Administrator determines that the proposed development is in compliance with all requirements of these regulations and all other applicable regulations of the County, including but not limited to the Illinois Environmental Barriers Act (410 ILCS 25/1 et seq., now in effect or as hereafter amended) its building and property maintenance code, swimming pool, subdivision, erosion control, and floodplain regulations.

In addition, a building permit shall only be issued for subsections 3.2.3-1, 3, 4, 5, 6, 8, 9, and 10, after the Zoning Administrator determines that the parcel of land involved was divided in compliance with the Illinois Plat Act, 765 ILCS 205/0.01 et seq., now in effect or as hereafter amended.

3.2.3 *When Permit Required.* A building permit shall be obtained from the Zoning Administrator before any of the following activities are commenced:

1. The construction, erection, or development of any building or structure, either by itself or in addition to another use, including buildings or structures to be used for agricultural purposes;



2. The expansion, change or re-establishment of any nonconforming use, including the change from one use to another;
3. The construction or alteration of a swimming pool;
4. The reconstruction or structural alteration of any building or structure or part thereof;
5. The movement or relocation of any building or structure or part thereof;
6. The erection of any communication tower that is thirty-five (35) feet or taller;
7. The demolition of any building or structure, including buildings or structures used for agricultural purposes;
8. The alteration of the interior of any institutional, commercial, industrial, residential, or multifamily structure;
9. The interior alteration of any structure located in the floodplain;
10. The construction of a fence, other than ornamental (as defined in Section 7.4 ("Fences")) or agricultural fences;
11. Installation of new electrical service or equipment, and repairs to or replacement of existing electrical systems;
12. Installation or alteration of any heating, ventilating, air conditioning or other mechanical system;
13. Installation or alteration of any plumbing system.
14. The construction, patching or repair of any asphalt pavement parking area or driveway.

3.2.4 *Exemptions.* No building permit shall be required for the following:

1. Routine maintenance or repair of buildings, structures, or equipment, such as siding, veneering, repainting or re-roofing;
2. An accessory use or structure that does not have to meet front, side or rear setback requirements provided for in Section 5.13 ("Accessory Structures and Uses");
3. The erection of a portable swimming pool if the capacity of such pool is under twenty-four (24) inches in depth or has a surface area less than one hundred twenty-five (125) square feet;
4. Any accessory structure that is less than twenty-five (25) square feet. All such structures are required to meet the setback requirements for the district in which they are located, unless otherwise exempted by these regulations;
5. Signs allowed without a permit as listed in Section 7.5.10, Signs Allowed Without a Permit;
6. Fences used for agricultural purposes and operations;
7. Ornamental fencing consisting of decorative posts, lattices, arbors, trellises;
8. Fences comprising less than one hundred (100) feet of total lineal distance;
9. The provisions of Section 7.15 ("Swimming Pools") shall apply only to owners of private swimming pools where such owner's property is in a platted subdivision or located within six hundred (600) feet measured from the swimming pool to the nearest property line from another private residential property on which a dwelling is located.
10. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred (200) square feet.

3.2.5 *Procedure.*

1. *Application.* An application for a building permit shall be filed in a form prescribed by the Zoning Administrator, along with the fees and charges for building permits, plan review and inspections prescribed by Section 1.6 ("Review Fees") of these regulations. The application shall indicate and contain the following:

- a. The address of the property subject to permit, the name and address of the owner, the name and address of the applicant, if different than the owner, and the name and address of the contractor, and the estimated costs;
  - b. A description of the uses to be established or expanded;
  - c. A site plan in duplicate, or duplicate prints thereof, drawn to scale, showing:
    1. Actual dimensions of the lot to be built upon;
    2. Size, shape and location of the building or structure to be erected;
    3. Size, shape and locations of any existing buildings;
    4. Lot areas to be used;
    5. Auto parking areas;
    6. Type and location of water supply and sewage disposal facilities;
    7. If the permit is for a telecommunications carrier facility located in a nonresidential zoning district, the distance between the facility's supporting structure and the nearest principal residential building; and
    8. If the permit is for a multifamily, commercial, industrial or institutional development, the following must also be shown on the site plan:
      - a. Ingress and egress;
      - b. Off-street loading;
      - c. Landscaping and bufferyards;
      - d. Exterior lighting; and
      - e. Location of signage.
  - d. If the permit is for a single-family or two-family dwelling, or for a residential accessory structure, three (3) full sets of building plans and specifications, with square footage listed.
  - e. In the case of a dispute regarding the exact location of a parcel boundary/property line, the owner shall be required to have the property surveyed to determine the boundary's exact location.
  - f. Such other information as may be required by the Zoning Administrator to enforce the provisions of these regulations.
2. *Submission and Approval by Zoning Administrator.* For all proposed multifamily, commercial and industrial developments, three (3) full sets of architecturally sealed building plans and specifications shall be submitted to and approved by the Zoning Administrator prior to the issuance of a building permit.
  3. *Submission and Approval by Fire Protection District.* All plans for proposed multifamily, commercial, industrial and institutional developments shall be submitted to and approved in writing by the appropriate fire protection district prior to the issuance of a building permit in all fire protection districts that have adopted a fire protection code and that have advised the Zoning Administrator that a plan review is required.
  4. *Swimming Pools.* Each application for a building permit to construct and/or install a swimming pool shall contain such information and drawings as shall be required by the Zoning Administrator for a proper understanding of the proposed work and shall comply with the provisions of Section 7.15 ("Swimming Pools") of the County Code.
  5. *Telecommunications Carrier Facilities.*

- a. The Zoning Administrator's review of a building permit application for a telecommunications carrier facility shall be simultaneous with the process leading to the County Board's decision under Section 3.9 ("Telecommunications Carrier Facilities Variances").
  - b. If a building permit for a telecommunications carrier facility is not subject to review under Section 3.9 ("Telecommunications Carrier Facilities Variances"), the Zoning Administrator's review of the application shall be completed within thirty (30) days.
- 3.2.6 *Issuance of Building Permit.* If the Zoning Administrator determines that the proposed building or structure is in compliance with these regulations, that all required approvals have been obtained, and that all relevant fees have been paid, he shall issue a building permit.
- 3.2.7 *Denial of Permit.* The Zoning Administrator shall deny the application for a building permit if the proposed construction of the building or structure does not meet the applicable provisions required by these regulations. In addition, the Zoning Administrator shall deny the permit if the proposed principal dwelling contains less than six hundred (600) square feet of floor area; or contains less than six hundred (600) square feet of floor area above grade, in which case the permit may be processed as a special use pursuant to Section 3.5 ("Special Use Permits");
- 3.2.8 *Fees.* The applicant shall pay all costs associated with administering the building permit as set forth in Chapter 12 of the Peoria County Code, Appendix A. The fee shall be paid to the Zoning Administrator at the time of filing the application.
- 3.2.9 *Conspicuous Posting.* The building permit issued by the Zoning Administrator shall be conspicuously posted by the applicant on the property for which it was obtained in the manner prescribed by the Zoning Administrator. The building permit shall remain so posted until the applicant has obtained a permanent certificate of occupancy from the Zoning Administrator pursuant to Section 3.3 ("Certificate of Occupancy") of these regulations.
- 3.2.10 *Changes to Approved Permits.*
  1. After a building permit has been issued, no changes or deviations from the terms of the permit or the application and accompanying plans and specifications shall be made without the specific written approval of such changes or deviations by the Zoning Administrator.
  2. An amendment to a building permit which requires the payment of an additional fee, either because of an increase in the size of the buildings, a change in the scope of the work, change of contractor, or an increase in the estimated cost of the proposed work, shall not be approved until the applicant has paid the additional fees and the amendment has been properly reviewed and approved for conformance with the County's regulations.
- 3.2.11 *Expiration of Permit.*
  1. Any building permit with the exception of a demolition permit, issued by the Zoning Administrator shall expire and become null and void within one hundred eighty (180) days after the date of issuance, as shown on the building permit, unless the work approved by the permit has commenced, or unless an extension has been obtained in writing by the Zoning Administrator. The building permit shall immediately expire if the work is not completed within a period of: two (2) years for a new principal structure or substantial improvement to a principal structure, six (6) months for a swimming pool, or one year for all other work authorized by the permit. The Zoning Administrator may grant only one extension for an additional ninety-day period of time. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been issued.
  2. Demolition Permits.
    - a. Building permits for the purpose of the demolition of single-family residential principal or accessory structures shall become null and void within five (5) days after the date of issuance, as shown on the building permit, unless the work approved by the permit has commenced, or unless an extension has been obtained in writing by the Zoning Administrator. The Zoning Administrator may grant only one extension for an additional five-day period of time. The permit shall immediately expire if the work is not completed within

thirty (30) days, unless an extension has been obtained in writing from the Zoning Administrator. The Administrator may grant only one extension for an additional thirty-day period of time. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been issued.

- b. Building permits for the purpose of demolition of principal and accessory commercial, multifamily residential, industrial or agriculture structures shall become null and void within ten (10) days after the date of issuance, as shown on the building permit, unless the work approved by the permit has commenced, or unless an extension has been obtained in writing by the Zoning Administrator. The Zoning Administrator may grant only one extension for an additional ten-day period of time. The permit shall immediately expire if the work is not completed within ninety (90) days, unless an extension has been obtained in writing from the Zoning Administrator. The Administrator may grant only one extension for an additional ninety-day period of time. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been issued.

3.2.12 *Revocation of Permit.* The Zoning Administrator has the authority to revoke and require the return of any building permit by notifying the permit holder in writing, stating the reason for such revocation.

1. The Zoning Administrator shall revoke permits for any of the following reasons:
  - a. Any material departure from the approved application, plans, or specifications;
  - b. Refusal or failure to comply with the requirements of these regulations or any other applicable County regulations, including, but not limited to, subdivision, erosion control, and floodplain regulations; or
  - c. False statements or misrepresentations made in securing such permit.
2. The Zoning Administrator may revoke permits for any of the following reasons:
  - a. Refusal of failure to comply with other applicable state or federal laws.

3.2.13 *Violations.* The Zoning Administrator shall have the authority to issue a Stop Work Order in the event of a violation of this section. The Zoning Administrator shall assess a fee for the Stop Work Order as set forth in Chapter 12 of the Peoria County Code, Appendix A.

3.2.14 *Multiple Permits for the Same Construction Project.* There shall be a maximum of two (2) permits issued for the same construction project for a single structure. Construction not completed by the expiration of the second permit shall be considered a violation of this section.

(Res. of 7-12-12; Ord. of 9-12-19)

### Sec. 3.3 - Certificate of Occupancy

3.3.1 *General Requirement.* The following provisions shall apply to residential and nonresidential principal and accessory structures. No building or structure shall be occupied or used until a certificate of occupancy is issued by the Zoning Administrator after a determination that the building or structure has been constructed in accordance with the provisions of any special use permit, plat approval, or building permit. A temporary certificate of occupancy may be issued in accordance with the provisions of this section.

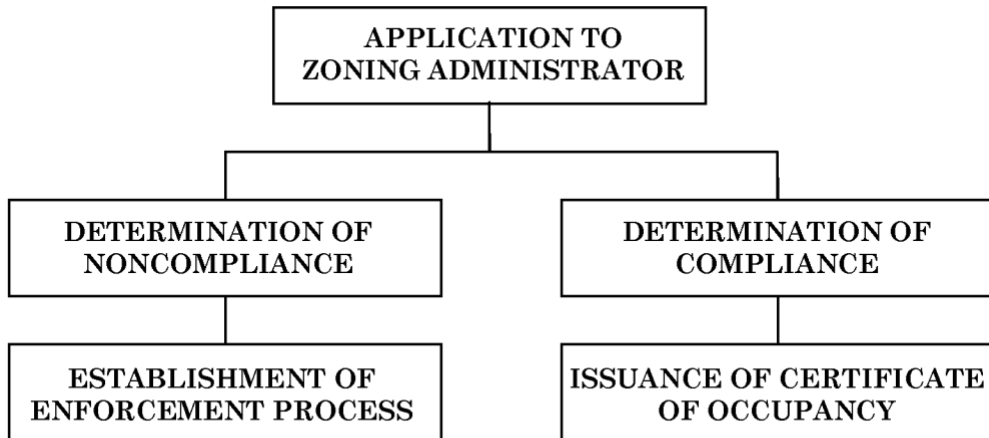
3.3.2 *When Certificate Required.* A certificate of occupancy shall be issued by the Zoning Administrator for either of the following after compliance with all provisions of these regulations has been determined:

1. Occupancy and use of a building hereafter erected, reconstructed, enlarged, or moved; and
2. Occupancy and use of vacant land.

3.3.3 *Procedure.*

1. *Inspection.* The Zoning Administrator shall inspect the property that is the subject of a building permit, a certificate of occupancy, or a temporary certificate of occupancy to determine whether the use of the property and the structures comply in all respects with the pertinent provisions of these regulations, applicable sections of the County Code, any Standard Construction Specifications approved by the County Board, the Illinois State Environmental Barriers Act (if applicable), and the Illinois Department of Public Health Plumbing Code (if applicable).
  2. *Determination of Noncompliance.* If the Zoning Administrator determines, after inspection, that the structure is not in compliance with the applicable standards set forth in this section, he shall initiate an established enforcement process within ten (10) working days after the inspection to bring the petitioner into compliance.
  3. *Determination of Compliance.* If the Zoning Administrator determines, after inspection, that the structure is in compliance with the applicable standards set forth in this section, and if all relevant fees have been paid, he shall issue a certificate of occupancy within ten (10) working days after the final inspection.
  4. *Issuance of Temporary Certificate of Occupancy.* The Zoning Administrator may issue a temporary certificate of occupancy for a building or structure, or part thereof, prior to the completion of the entire building or structure.
- 3.3.4 *Temporary Certificate of Occupancy.* A temporary certificate of occupancy may be issued by the Zoning Administrator which states the nature of the incomplete work and the time period within which the work must be completed, provided that:
1. The applicant for such a temporary certificate of occupancy demonstrates that the construction which remains to be completed relates solely to conditions of the development which are not directly related to the safety of the premises; and
  2. The applicant demonstrates that such completion is impractical at the time the temporary certificate of occupancy is sought due to weather or other conditions acceptable to the Zoning Administrator.
- 3.3.5 *Time Frame for Temporary Certificate.* A temporary certificate of occupancy shall be issued for a period of sixty (60) days, at which time the Zoning Administrator shall conduct an inspection of the building or structure to determine completeness and/or the need for an extension of the temporary certificate of occupancy.
- 3.3.6 *Compliance for New Construction.* The construction authorized by a permit for new construction including additions or alterations of existing structures shall be in compliance when construction is complete and all building supplies and materials have been removed from the property. Failure to remove all materials left-over from the building's construction shall be considered a violation of Chapter 12 of the Peoria County Code.
- 3.3.7 *Compliance for Demolition.* A demolition authorized by a permit for the demolition of a building or structure shall be in compliance when all remnants of the building or structure have been removed from the property. The use of the building's materials to fill in the excavated area is strictly prohibited. Failure to remove all remnants of the building or structure within the life of the permit shall be considered a violation of Chapter 12 of the Peoria County Code.

**PEORIA COUNTY  
CERTIFICATE OF OCCUPANCY REVIEW PROCEDURES**



(Ord. of 3-13-14(1))

Sec. 3.4 - Development Permitted as of Right

3.4.1 *Purpose.* Development permitted as of right is that development which permits uses which are compatible with other land uses in a zoning district provided they are developed in conformity with these regulations.

3.4.2 *Application.* An applicant for approval of development permitted as of right shall submit an application for a building permit to the Zoning Administrator.

3.4.3 *Action on the Application.* If the Zoning Administrator determines that the proposed development is in compliance with all requirements of these regulations and all other applicable regulations of the County, then a building permit shall be issued with or without conditions.

Sec. 3.5 - Special Use Permits

3.5.1 *Purpose and Authority.*

1. The purpose of special use permits is to enable the County to approve those uses which are generally compatible with other land uses permitted in a zoning district, but which require individual review of their location, design, and configuration and which may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location.
2. The ZBA may, in accordance with the procedures and standards of this section, recommend approval of special use permits to the County Board.

3.5.2 *Authorization.*

1. Only those uses which are authorized in Article 5, Use Regulations, those requesting variations from standards in Section 7.3 ("Home Occupations"), those nonconforming uses and nonconforming structures requesting termination of status as nonconforming under the provisions of Section 9.1.5, Nonconformities, may be approved as special uses.
2. The designation of a use in a zoning district does not constitute an authorization or an assurance that such use will be approved. Rather, each proposed special use shall be evaluated by the Zoning Administrator, the ZBA, and the County Board for compliance with the standards and conditions set forth in this section and for each zoning district.

### 3.5.3 Application.

1. *Initiation.* An application for a special use permit may be submitted by the owner, an agent authorized in writing to act on the owner's behalf, or other person having a written contractual interest in the parcel of land proposed for development under a special use permit.
2. *Provision.* The Zoning Administrator shall provide the petitioner with a sample of a special use petition form and a copy of the County's special use procedures.
3. *Minimum Submittal Requirements.* Applications for a special use permit shall be filed with the Zoning Administrator and shall include, but shall not be limited to the following information:
  - a. The legal description, parcel identification number (PIN), and address (if available) of parcel(s) that are the subject of the request;
  - b. A written description of the proposed use that includes information concerning proposed hours of operation, expected traffic impacts, and any other pertinent details concerning the proposed use, including a description of how the request satisfies the review standards found in Section 3.5.4, Approval Standards, below;
  - c. The present and proposed land use;
  - d. The surrounding zoning classifications;
  - e. An explanation of the need for the special use at the petitioned site;
  - f. The names and addresses of owners of petitioned property;
  - g. The following statements:
    1. Whether the applicant is a corporation, and if a corporation, disclose the correct names and addresses of all officers and directors and of all stockholders or shareholders owning any interest in excess of twenty (20) percent of all outstanding stock or shares of such corporation.
    2. Whether the applicant, or his principal if other than the applicant, is a business or an 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.
    3. Whether the applicant or his principal if other than the applicant is a partnership, a joint venture, a syndicate, or an unincorporated voluntary association, and if so, include the names and addresses of all partners, or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.
    4. Whether the applicant is acting for himself or in the capacity of an agent, an alter ego, or a representative of a principal. The applicant shall include the name and address of the true principal.
    5. Applicants must provide a signed statement with their special use application certifying that the applicant is responsible for the costs and fees associated with their Special Use Application, including, but not limited to, attorneys fees, engineer studies, costs of expert retention, costs associated with any appeal, and any and all costs incurred by the County as a result of the applicants request or appeal.
  - h. A site plan which contains, at a minimum, the following:
    1. A layout map of all existing and proposed buildings and structures on the site;
    2. The traffic circulation pattern;
    3. The parking and loading areas and individual berths;
    4. The proposed sewerage and water systems;
    5. The placement of exterior lighting; and

6. Landscaping.
    - i. A copy of such site plan at a reproducible size not to exceed 11" x 17";
    - j. Except as provided in subsection 3.5.3-3.j.6 below for special uses which involve a proposed land split which will not be served by public water, the following shall be submitted:
      1. Documentation regarding proximity to existing water supply, both current and planned expansion by the appropriate water authority.
      2. Detailed and documented cost comparison of the projected costs of public water, community water, and individual wells.
      3. Documentation shall be provided to demonstrate that an adequate quantity and quality of water will be available for all lots proposed. Such documentation may be provided by the Illinois State Geological Survey or the Illinois State Water Survey.
      4. Documentation from an existing well in the immediate vicinity documenting the production of water at a minimum rate of three (3) gallons per minute (gpm).
      5. The developer shall provide data from a test boring(s) completed by a well driller denoting the availability of water at this location. Location of the test well(s) shall be identified by the Illinois State Water Survey, the Peoria City/County Health Department and a licensed well driller. Results of such boring shall indicate a minimum three (3) gallons per minute (gpm) produced.
      6. In the case of agricultural related land splits, the requirements of subsection 3.5.3-3.j.1 through 3.5.3-3.j.5 shall not be required for commercial ag-related businesses, grain bins, and/or seed storage provided the use does not require, nor utilize, an office and/or restrooms.
    - k. Except as provided in subsection 3.5.3-3.k.2 below, for special uses which involve a proposed land split which will not be served by public sewer, the following shall be submitted:
      1. Soil profiles in locations specified by the Peoria City/County Health Department.
      2. In the case of agricultural related land splits, documentation in the form of soil profiles shall not be required for commercial ag-related businesses, grain bins, and/or seed storage, provided the use does not require, nor utilize, an office and/or restrooms.
  4. *Review by the Zoning Administrator.*
    - a. The Zoning Administrator shall send a copy of the applications to the appropriate road official and to the Peoria City/County Health Department for comment.
    - b. After receipt of a complete application for a special use permit, the Zoning Administrator shall complete the review of the application and shall send a written recommendation to the ZBA and the County Board, with a copy to the applicant. The recommendation shall set forth whether the special use application should be granted or denied, and shall state the grounds for any such recommendations as they relate to the standards set forth in Section 3.5.4, Approval Standards, below. Such recommendation shall be submitted to the ZBA and to the County Board prior to the required public hearing before the ZBA.
- 3.5.4 *Approval Standards.* When considering an application for a special use permit, the decision making body shall consider the extent to which:
1. The special use will be consistent with the purposes, goals, objectives, and standards of any officially adopted County plan and these regulations, or if not consistent, the factors which justify deviation;
  2. The special use will be consistent with the community character of the immediate vicinity of the parcel proposed for development, or if not consistent, the factors which justify the inconsistency;



3. The design of the proposed use will minimize adverse effects, including visual impacts on adjacent properties, except for land splits in the A-2 District and individual mobile homes;
4. The development has been reviewed and approved by the Illinois Department of Natural Resources with regard to the presence of endangered species, and archaeological and/or historical resources, if applicable; and
5. The proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the ordinances of the County.

3.5.5 *Conditions.* The County Board may attach and the Zoning Administrator and the ZBA may recommend the attachment of such conditions to a special use permit as are reasonably necessary to meet the standards in Section 3.5.4, Approval Standards, including, but not limited to: requirements for landscaping and lighting; provision of adequate ingress and egress and off-site but project-related improvements; and other conditions such as the duration of the permit, hours of operation, and mitigation of environmental impacts.

3.5.6 *Action by Zoning Board of Appeals.*

1. The ZBA shall conduct a public hearing to consider the special use proposal in accordance with the provisions of subsection 2.2.6-5.
2. The ZBA shall review the special use application, the recommendation of the Zoning Administrator, and the testimony at the public hearing, and shall send its findings of fact and recommendation to the County Board recommending approval, approval with conditions, or denial of the special use permit.

3.5.7 *Action by County Board.* The County Board shall review the proposed special use, the report of the ZBA, and the recommendation of the Zoning Administrator, and shall grant or deny the application for a special use permit by a majority vote of the members present constituting a quorum. The County Board may also refer the petition back to the ZBA for further consideration.

1. *Recording of Notice of Restrictions.* A notice of restrictions shall be recorded with the Recorder of Deeds of Peoria County that includes the terms and conditions upon which the special use approval is granted. The cost of such recording shall be paid for by the petitioner.
2. *Effect of Issuance of a Special Use Permit.* Issuance of a permit for a special use shall be deemed to authorize only the particular use for which it is issued.

3.5.8 *Post-Approval Process.*

1. *Development of an Approved Special Use.* Development of the use shall not be carried out until the applicant has secured all other permits and approvals required by these regulations, the County, or State and federal agencies and until the approved special use is recorded in accordance with subsection 3.5.7-1, above.
2. *Inspection During Development Under a Special Use Permit.*
  - a. Following the issuance of a special use permit and from time to time as deemed appropriate until the completion of the development, the Zoning Administrator shall compare the actual development with approved plans and permits for development and the approved development schedule, if any.
  - b. If at any time during the construction of the development approved by the special use permit, the Zoning Administrator determines that development is not proceeding in accordance with the special use permit as approved, then the Zoning Administrator may issue a stop work order and collect a stop work order fee from the developer.
3. *Inspections after Development.*
  - a. Following the completion of the development of a special use, the Zoning Administrator shall review the development for compliance with the use as approved. If it is determined that the

special use has been developed in accordance with approval, then a certificate of occupancy shall be issued in accordance with Section 3.3, ("Certificate of Occupancy").

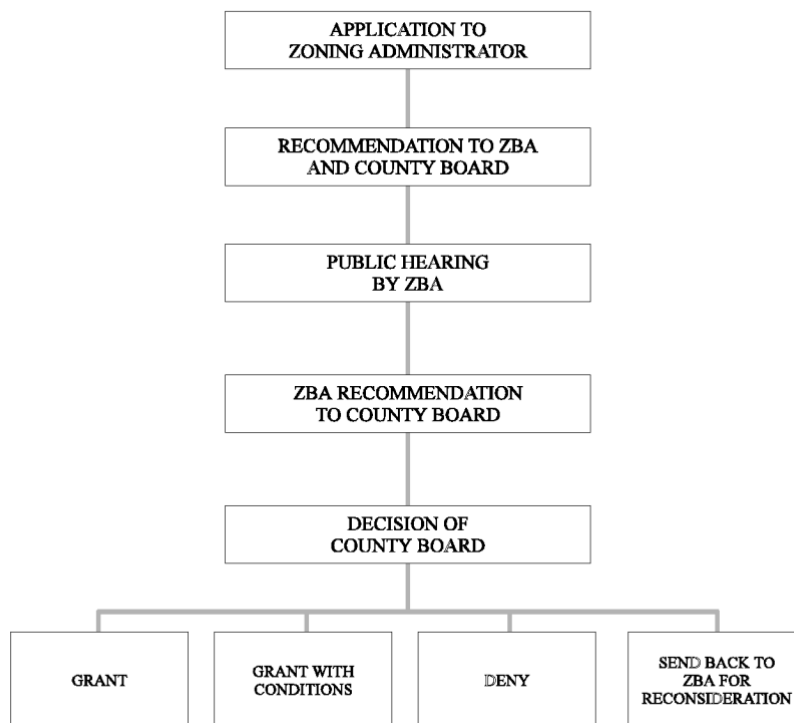
- b. If the Zoning Administrator finds that the development, as completed, fails in any respect to comply with the use as approved, he shall immediately notify the applicant of such fact. The Zoning Administrator shall not issue a certificate of occupancy pursuant to Section 3.3 ("Certificate of Occupancy") until the development has been brought into compliance.
- c. The Zoning Administrator shall inspect the special use on an annual basis to determine whether the conditions of the special use continue to be met. If the Zoning Administrator finds that any of the conditions have been violated, he shall take appropriate enforcement action and may revoke the special use permit.

3.5.9 *Termination of Special Use Permits.* A special use permit may be terminated by the Zoning Administrator in accordance with the restrictions contained in the permit.

3.5.10 *Special Use to Run with the Land Unless Otherwise Indicated.* All special uses granted by the County Board, both before and after the effective date of this Section 3.5.10, Special Use to Run with the Land unless Otherwise Indicated, shall run with the parcel which is the subject of the special use unless:

- 1. The conditions attached to the special use by the County Board restrict it to a particular person(s) or period of time, in which case the special use shall terminate as provided in said conditions, or
- 2. The special use is subsequently revoked by the County Board or the Zoning Administrator.

## PEORIA COUNTY SPECIAL USE PERMIT REVIEW PROCEDURES



(Ord. of 7-9-20)

## Sec. 3.6 - Text and Map Amendments

3.6.1 *Authority and Purpose.* The County Board is hereby authorized to amend the text of these regulations or the Zoning District Map in light of changing conditions and in light of changes to the Peoria County Comprehensive Land Use Plan. The provisions of this section are not intended to relieve particular hardships nor to confer special privileges.

### 3.6.2 *Amendment Types.*

1. *Text Amendments.* Amendments to the text of these regulations (which affect the entire county) may be initiated by the County Board, the ZBA, the Zoning Administrator, any resident of the County, or any developer of property located within the County.
2. *Map Amendments.* Amendments to the Zoning District Map (which affect individual parcel(s) of land) may be initiated by the owner of property involved, a non-owner with the written permission of such property owner, the County Board, the ZBA, or the Zoning Administrator. Any map amendment initiated by a property owner which involves a single parcel of land shall require the submission of an application to the Zoning Administrator in accordance with the provisions of Section 3.1, ("General Procedures").

### 3.6.3 *Application.*

1. *Provision.* The Zoning Administrator shall provide the petitioner with a sample of a text amendment or map amendment petition form and a copy of the County's amendment procedures.
2. *Minimum Submittal Requirements.*
  - a. Applications for Text Amendments shall be filed with the Zoning Administrator and shall include, but shall not be limited to, the following information:
    1. Name of petitioner and, if other than the County Board, ZBA and Zoning Administrator, address of petitioner.
    2. Section(s) of the Ordinance to be amended, along with proposed changes to text of regulation.
  - b. Applications for Map Amendments (rezoning) shall be filed with the Zoning Administrator and shall include, but shall not be limited to, the following information:
    1. The legal description, parcel identification number (PIN), and address (if available) of the parcel(s) that are subject of the request.
    2. The current and proposed zoning classifications of the parcel(s) that are the subject of the request.
    3. The current and proposed use of the parcels(s) that are the subject of the request.
    4. The zoning classifications of the surrounding parcels.
    5. The name and address of the property owner(s) of the parcel(s) that are the subject of the request.
    6. A written description of the proposed use that includes information concerning proposed hours of operation, expected traffic impacts, and any other pertinent details concerning the proposed use, including a description of how the request satisfies the review standards found in Section 3.6.4, Approval Standards, below;
    7. A site plan which contains, at a minimum, the following:
      - a. A layout map of all existing and proposed buildings and structures on the site;
      - b. The traffic circulation pattern;
      - c. The parking and loading areas and individual berths;
      - d. The proposed sewerage and water systems;

- e. The placement of exterior lighting; and
  - f. Landscaping.
8. A copy of such site plan at a reproducible size not to exceed 11" x 17";
  9. If the proposed Rezoning will not be served by public water, the following shall be submitted.
    - a. Documentation regarding proximity to existing water supply, both current and planned expansion by the appropriate water authority.
    - b. Detailed and documented cost comparison of the projected costs of public water, community water, and individual wells.
    - c. Documentation shall be provided to demonstrate that an adequate quantity and quality of water will be available for all lots proposed. Such documentation may be provided by the Illinois State Geological Survey or the Illinois State Water Survey.
    - d. Documentation from an existing well in the immediate vicinity documenting the production of water at a minimum rate of three (3) gallons per minute (gpm).
    - e. The developer shall provide data from a test boring(s) completed by a well driller denoting the availability of water at this location. Location of test well(s) shall be identified by the Illinois State Water Survey, the Peoria City/County Health Department and a licensed well driller. Results of such boring shall indicate a minimum three (3) gallons per minute (gpm) produced.
  10. If the proposed Rezoning will not be served by public sewer, soil profiles in locations specified by the Peoria City/County Health Department shall be submitted.

3. *Review by the Zoning Administrator.*

- a. The Zoning Administrator shall send a copy of the application to the appropriate road official and to the Peoria City/County Health Department for comment.
- b. After receipt of a complete application for a text or map amendment, the Zoning Administrator shall complete the review of the application and shall send a written recommendation to the ZBA and the County Board, with a copy to the applicant. The recommendation shall set forth whether the amendment application should be granted or denied, shall suggest a zoning district classification, if any, and shall state the grounds for any such recommendations as they relate to the standards and the purposes of the zoning district classifications of the County, the standards in Section 3.6.4, Approval Standards, below and any officially adopted County plan.

3.6.4 *Approval Standards.*

1. In evaluating a proposed text amendment, the following factors shall be considered, not one of which shall be controlling:
  - a. The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition;
  - b. The proposed amendment is consistent with the purpose and intent of this ordinance;
  - c. The proposed amendment will not adversely affect health, safety, morals and general welfare of the public;
  - d. The proposed amendment is required because of a change in State or Federal law.
2. In evaluating a proposed map amendment, the following factors shall be considered, not one of which shall be controlling:
  - a. The existing uses and zoning of nearby property;
  - b. The extent to which property values are diminished by the particular zoning restriction;

- c. The extent to which the destruction of property values of the applicant promotes the health, safety, morals or general welfare of the public;
- d. The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- e. The suitability of the subject property for the zoned purposes;
- f. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the subject property; and
- g. The community need for the proposed use; and
- h. Whether the proposed change would be contrary to any officially adopted County plan.

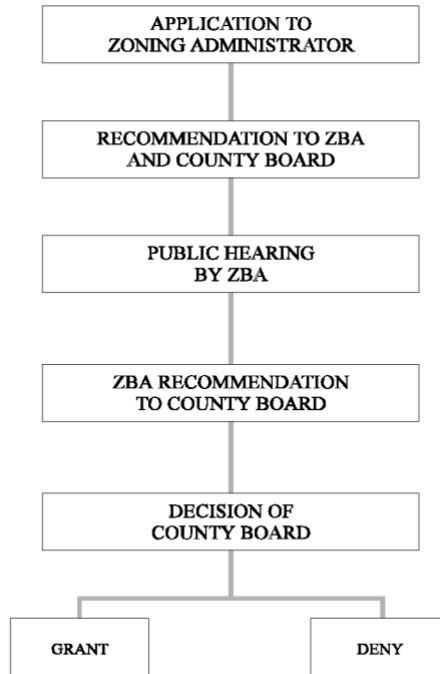
3.6.5 *Action by the Zoning Board of Appeals.*

- 1. The ZBA shall conduct a public hearing to consider any amendment to the text of these regulations or the Zoning District Map in accordance with the provisions of subsection 2.2.6-5.
- 2. The ZBA shall review the proposed amendment, the recommendation of the Zoning Administrator, and the testimony at the public hearing, and shall send its findings of fact and recommendation to the County Board recommending approval or denial of the amendment.

3.6.6 *Action by the County Board.* The County Board shall review the proposed amendment, the report of the ZBA, and the recommendation of the Zoning Administrator. Except as provided below, the County Board shall grant or deny the text or map amendment by a majority vote of the members of the County Board.

- 1. *Extra-Majority Vote by County Board for Contested Text Amendments.* A favorable vote of at least three-fourths ( $\frac{3}{4}$ ) of the members of the County Board shall be required for the approval of text amendments if written protests against the proposed text amendment have been signed by five (5) percent of the land owners of the County.
- 2. *Extra-Majority Vote by County Board for Contested Map Amendments.* A favorable vote of at least three-fourths ( $\frac{3}{4}$ ) of the members of the County Board shall be required for the approval of map amendments in the following circumstances:
  - a. If a written protest against the proposed amendment is filed with the County Clerk at least seventy-two (72) hours before the County Board makes its final determination, and is either:
    - 1. Signed by the owner or owners of at least twenty (20) percent of the land to be rezoned; or
    - 2. Signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least twenty (20) percent of the perimeter of the land to be rezoned.
  - b. If the land affected by the proposed amendment lies within one and one-half ( $1\frac{1}{2}$ ) miles of the limits of a zoned municipality and a written protest against the proposed amendment is passed by the city council or the president and board of trustees of the zoned municipality with limits nearest adjacent and filed with the County Clerk at least seventy-two (72) hours before the County Board makes its final determination.

**PEORIA COUNTY  
TEXT AND MAP AMENDMENTS REVIEW PROCEDURES**



Sec. 3.7 - Variances

3.7.1 *Authority and Purposes.*

1. Except for telecommunications carrier facilities, the ZBA, and in certain cases described in paragraph 2, below, the Zoning Administrator, are hereby authorized to grant such variances from the literal terms of these regulations where there are practical difficulties or undue hardships that may result from strict compliance with these regulations so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.
2. Except for telecommunications carrier facilities, the Zoning Administrator is hereby authorized to grant variances from the literal terms of these regulations where the variation sought would not vary either the location of a structure or the bulk regulations contained in this Ordinance by more than ten (10) percent.

3.7.2 *Application.*

1. *Initiation.* An application for a variance may be submitted by the owner, an agent authorized in writing to act on the owner's behalf, or other person having a written contractual interest in the parcel of land proposed for development. An application for a variance shall be submitted to the Zoning Administrator and reviewed in accordance with the provisions of Section 3.1 ("General Procedures").
2. *Provision.* The Zoning Administrator shall provide the petitioner with a sample of a variance petition form and a copy of the County's variance procedures.
3. *Minimum Submittal Requirements.* Proposals for variances shall be filed with the Zoning Administrator and shall include, but shall not be limited to, the following information:
  - a. The legal description, parcel identification number (PIN), and address (if available) of parcel(s) that are the subject of the request;
  - b. The variance sought;

- c. A written description of the need for the variance that includes information concerning how the request satisfies the review standards found in Section 3.7.3, Approval Standards, below;
- d. The present and proposed land use;
- e. Zoning of the parcel(s) and surrounding zoning classification(s);
- f. The names and addresses of owners of petitioned property;
- g. The following statements:
  - 1. Whether the applicant is a corporation, and if a corporation, disclose the correct names and addresses of all officers and directors and of all stockholders or shareholders owning any interest in excess of twenty (20) percent of all outstanding stock or shares of such corporation.
  - 2. Whether the applicant, or his principal if other than the applicant, is a business or an 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.
  - 3. Whether the applicant or his principal if other than the applicant is a partnership, a joint venture, a syndicate, or an unincorporated voluntary association, and if so, include the names and addresses of all partners, of members or the partnership, joint venture, syndicate, or unincorporated voluntary association.
  - 4. Whether the applicant is acting for himself or in the capacity of an agent, an alter ego, or a representative of a principal. The applicant shall include the name and address of the true principal.
- h. A site plan, which contains, at a minimum, the following:
  - 1. A layout map of all components of the request;
  - 2. Pertinent natural features that may be the cause of the request;
  - 3. All improvements (structures, septic systems, etc.) that may be the cause of the request.
- i. A copy of such site plan at a reproducible size not to exceed 11" x 17".

3.7.3 *Approval Standards.* The findings of the ZBA or the Zoning Administrator shall be based on data submitted pertaining to each standard in this subsection as it relates to the development. A variance shall be granted only if the applicant demonstrates:

- 1. That the plight of the owner is due to unique circumstances;
- 2. That the variation, if granted, will not alter the essential character of the locality;
- 3. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;
- 4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
- 5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
- 6. That 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;
- 7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and

8. That aforesaid circumstances or conditions are such that the strict application of the provisions of this section would deprive the applicant of reasonable use of his or her land. Mere loss in value shall not justify a variance.

3.7.4 *Conditions.* Issuance of a variance may be made subject to such conditions as are necessary to carry out the purposes of these regulations and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to, limitations on size and location, hours of operation, requirements for landscaping, lighting, and ingress and egress.

3.7.5 *Action.*

1. *Zoning Administrator.*

- a. If the variance will be considered by the ZBA, after receipt of a complete application the Zoning Administrator shall forward the application to the ZBA, with or without recommendation.
- b. If the variance will be decided by the Zoning Administrator, the Zoning Administrator shall consider the extent to which the applicant has demonstrated compliance with the standards set forth in Section 3.7.3, Approval Standards, above, and shall grant the variance, subject to conditions, or deny the variance. The action of the Zoning Administrator in granting or denying the variance shall contain or be accompanied by a finding of fact specifying the reason for his decision.
- c. Before any such variance may be granted, however, the Zoning Administrator shall send a notice by certified mail to all adjoining landowners of his intent to grant such variance. If any adjoining landowner files a written objection with the Zoning Administrator within fifteen (15) days of receipt of such notice, the variance shall be considered by the ZBA in accordance with the provisions of Section 3.7.3, Approval Standards, above.

2. *Zoning Board of Appeals.*

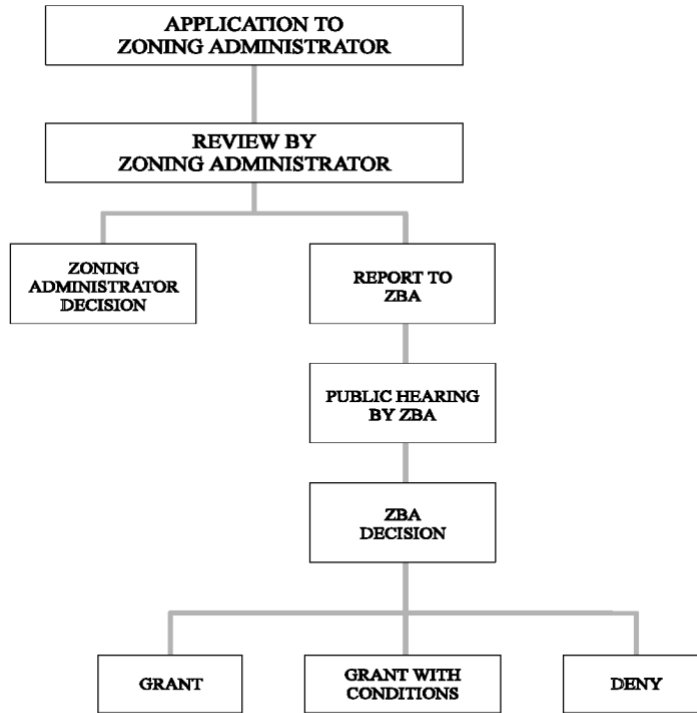
- a. The ZBA shall conduct a public hearing to consider any variation from the terms of these regulations in accordance with the requirements of subsection 2.2.6-5.
- b. The ZBA shall review the application, the recommendation of the Zoning Administrator, and the testimony at the public hearing and shall grant the variance, grant the variance requested subject to specified conditions, or deny the variance.
- c. The action of the ZBA in granting or denying a variance shall contain or be accompanied by a finding of fact specifying the reason for its decision in accordance with the provisions of subsection 2.2.6-6.b.

3. Any variance of any setback requirements for a Wind Energy Conversion System shall be recorded with the Peoria County Recorder of Deeds.

3.7.6 *Special Use Procedures.* If an application cannot comply with these variance regulations and the use would be otherwise permitted in the zoning district in which the property is located, the applicant may elect to follow the procedures for a special use permit set forth in Section 3.5 ("Special Use Permits") and thereby obtain some modification of these regulations. Any election to follow special use procedures must take place before a decision on the variance application is made by the ZBA.

**PEORIA COUNTY  
VARIANCE REVIEW PROCEDURES**





❖ ZONING ADMINISTRATOR MAKES DECISION WHEN THE LOCATION OF THE STRUCTURE OR THE BULK REGULATIONS WILL NOT VARY BY MORE THAN 10%

(Res. of 7-12-12)

### Sec. 3.8 - Appeals of Administrative Decisions

3.8.1 *Authority and Purpose.* The ZBA is hereby authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator or other administrative official in the enforcement of Article 2 Decision Making and Administrative Bodies, Sections 2.1 ("County Board"), 2.2 ("Zoning Board of Appeals"), 2.3 ("Zoning Administrator"); Article 3 Development Review Procedures, Sections 3.1 ("General Procedures") through 3.9 ("Telecommunications Carrier Facilities Variances"); Article 4 Zoning District; Article 5 Use Regulations; Article 6 Bulk Regulations, Density, and Dimensional Standards; Article 7 General Development Standards, Sections 7.1 ("Telecommunications Carrier Facilities") through 7.12 ("Mineral Extraction Facilities"), 7.14 ("Floodplain Regulations"), 7.15 ("Swimming Pools"); Article 9 Nonconformities; Article 10 Violations, Penalties, and Enforcement; and Article 11 Definitions. An appeal may be initiated by any person aggrieved by any decision of the Zoning Administrator.

3.8.2 *Notice of Appeal.* A notice of appeal authorized under the provisions of this section shall be filed with the Zoning Administrator and the ZBA within thirty-five (35) days from the date of the challenged administrative action. The Zoning Administrator shall transmit to the ZBA a complete file constituting the record on appeal.

3.8.3 *Stay.* When an appeal is filed, all proceedings in furtherance of the action appealed from shall be stayed, unless the Zoning Administrator certifies to the ZBA that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order granted by the ZBA or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

- 3.8.4 *Review and Public Hearing.* The ZBA shall review the notice of appeal and shall give notice and conduct a public hearing on the appeal in accordance with the requirements of Section 2.2.6, Hearing Procedures, of these regulations.
- 3.8.5 *Standard and Decision by Zoning Board of Appeals.* In evaluating the merits of the appeal, the ZBA shall consider factors that may include: the consistency with the terms of these regulations, the implications of setting any precedent, and the availability of other alternatives for the appellant. The ZBA shall, in whole or in part, grant the appeal, grant the appeal subject to specified conditions, or deny the appeal, and to that end, shall have all the powers of the Zoning Administrator.
- 3.8.6 *Fees.* The applicant who files a notice of appeal shall pay all required publication costs associated with the request as well as fees levied by the County pursuant to Section 1.6 ("Review Fees") to partially defray its expense of investigating and considering the appeal. The fee shall be paid at the time of filing and publication fees shall be paid to the Zoning Administrator prior to any final disposition of the request by the ZBA.
- 3.8.7 *Appeals to Court.* An appeal of a decision of the ZBA shall be made to a court of competent jurisdiction pursuant to the provisions of the Administrative Review Act, 735 ILCS 5/3-101 et seq. The appealing party shall bear the cost of preparing the record on appeal. Copies of any orders or proceedings ordered by the appellant shall be furnished to him at his own cost.

#### Sec. 3.9 - Telecommunications Carrier Facilities Variances

- 3.9.1 *Authority and Purpose.* The County Board may, in certain instances described below, grant variations from the regulations, conditions and restrictions of Section 7.1 ("Telecommunications Carrier Facilities").
- 3.9.2 *Initiation and Review of Application.* An application for a variance may be submitted by the owner, and agent authorized in writing to act on the owner's behalf, or other person having a written contractual interest in the parcel of land proposed for development.
- 3.9.3 *Filing and Content of Application.* Proposals for variances shall be filed with the Zoning Administrator and shall include, but shall not be limited to, the following information:
1. The legal description and address (if available) of the premises;
  2. The variance sought;
  3. The present and proposed land use;
  4. The present zoning classifications;
  5. The surrounding zoning classifications;
  6. The names and addresses of owners of petitioned property;
  7. An explanation of the need for the variance;
  8. A site plan of 1" = 20' which shows all existing and proposed buildings and structures on the site;
  9. A copy of such site plan at reproducible size not to exceed 11" x 17".
- 3.9.4 *Approval Standards.* In making their findings, the ZBA and the County Board shall consider the following and no other matters:
1. Whether, but for the granting of a variance, the service that the telecommunication carrier seeks to enhance or provide with the proposed facility will be less available, impaired or diminished in quality, quantity, or scope of coverage;
  2. Whether the conditions upon which the application for the variance is based are unique in some respect or, if not, whether the strict application of the regulations would result in a hardship on the telecommunications carrier;

3. Whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
4. Whether there are benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility; and
5. The extent to which the design of the proposed facility reflects compliance with the following:
  - a. No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
  - b. Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.
  - c. No facility should encroach onto an existing septic field.
  - d. Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.
  - e. Existing trees more than three (3) inches in diameter should be preserved if reasonably feasible during construction. If any tree more than three (3) inches in diameter is removed during construction a tree three (3) inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point three (3) feet above ground level.
  - f. If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of a facility. The quantity and type of that landscaping should be in accordance with Section 7.6 ("Landscaping and Bufferyards"), Table 7-2 except that paragraph (e) of this subsection 3.9.4-5 shall control over any tree-related regulations imposing a greater burden.
  - g. Fencing should be installed around a facility. The height and materials of the fencing should be in accordance with Section 7.4 ("Fences").
  - h. Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

3.9.5 *Review of Application.* After receipt of a complete application for a variance, the Zoning Administrator shall complete review of the application and shall send a report to the ZBA, with a copy to the applicant.

3.9.6 *Publication.* Regardless of any other provision in these regulations to the contrary, notice of the hearing is only required to be published in a newspaper of general circulation published in the county.

3.9.7 *Action by Zoning Board of Appeals.*

1. The ZBA shall conduct no more than one public hearing to consider the application in accordance with the provisions of subsection 2.2.6-5.
2. The ZBA shall review the application, the report of the Zoning Administrator, and the testimony at the public hearing, and shall send its findings of fact and recommendation to the County Board recommending approval or denial of the variance.

3.9.8 *Action by the County Board.*

1. The County Board shall review the record before the ZBA and the ZBA's recommendation and findings and shall grant or deny the variance by a vote of a majority of the members present.

2. The County Board must make its final decision no later than seventy-five (75) days after submission of a complete application. If the County Board fails to act on the application within seventy-five (75) days after submission of a complete application, the application shall be deemed to have been approved.
3. All decisions by the County Board shall be supported by written findings of fact.

(Res. of 7-12-12)

#### Sec. 3.10 - Floodplain Development Permit

Floodplain Development Review Procedures are located in Section 7.14, ("Floodplain Regulations").

#### Sec. 3.11 - Swimming Pool Permits

##### 3.11.1 *Permits.*

1. Prior to the commencement of the construction of a private swimming pool or any alteration, addition, remodeling or improvement to a private swimming pool, the owner of the proposed pool or existing pool or his representative or agent shall submit an application for a permit to the Zoning Department. The application shall include three (3) copies of the plans and specifications. No construction shall begin until the Zoning Department has granted approval of the proposed plans and specifications. The issuance of a written permit by the Zoning Department to the applicant shall be evidence of approval of the proposed plans and specifications.
2. The owner shall obtain a written permit from the Zoning Department prior to obtaining any other permit. In addition to a permit issued by the Zoning Department, the owner of a proposed private swimming pool shall be responsible for obtaining all other permits required by other agencies. The applicant shall not commence construction until all the required permits are issued.
3. The owner of a private swimming pool shall notify the Zoning Department upon completion of the construction, addition, alteration and prior to filling the pool and upon completion of the construction of a fence. The owner shall not fill the pool until the pool and fence are inspected by the Zoning Department and found to be in compliance with the terms of this article.

##### 3.11.2 *Plans.* The plans and specifications required by Section 3.11.1, Permits, shall include the following information plus such other data as may be reasonably requested by the Zoning Department:

1. A site plan drawn to scale which indicates the location of the proposed pool in relation to the following items, and which meets or exceeds the established minimum setbacks:
  - a. Property lines, building items, fences, walls, landscaping elements or structures, trees and other appurtenances;
  - b. Electric service lines;
  - c. Principle or accessory structures, excluding decks;
  - d. Location and dimensions of fence and gates.
2. The site plan shall also include a diagram of the fence drawn to scale that includes a cross section of the proposed fence indicating:
  - a. Type of materials to be used in the fence construction;
  - b. Dimensions of members and other structural elements, including spaces between members and other structural information;
  - c. Type and location of gate and latches, including the vertical distance from grade to the location of handles and other latch components.

3.11.3 *Fees.* The applicant for a permit required by Sections 3.11.1, Permits, and 7.15, ("Swimming Pools"), shall accompany the permit application with payment of the applicable fees set forth in Chapter 12 of the Peoria County Code, Appendix A.

#### Sec. 3.12 - General Erosion and Sediment Control Permits

Before commencing any project involving construction of any new single-family or two-family dwelling or commencing any project with an area of five thousand (5,000) square feet or greater, the owner of the land, or his representative, shall be required to file an application for a General Erosion and Sediment Control Permit, as either a Standard Plan or a Site Specific plan, except as otherwise provided in Section 7.13.1, Applicability of Article, and Section 3.16 ("Plat Approval").

3.12.1 *Application.* The applicant shall file the application with the Department on forms provided by the Department. The fee shall be set forth in Appendix A for Standard and Site Specific plan applications. However, no fee shall be required for any project the purpose of which is agricultural, or initiated by a local unit of government. There shall be no refund of any fees paid and no application shall be accepted for filing unless the fee has been paid in full.

3.12.2 *Application Review.* Review of a General Erosion and Sediment Control Permit application shall be limited to verifying that the required information and permit fee have been provided and that it meets the standards. The Erosion Control Administrator shall issue or deny an application by: a) approving the permit for a standard plan within two (2) working days of the filing of a complete application; or b) initiate the review process for a site-specific plan and approve the same within five (5) working days of the filing of a complete application. If the permit is denied, it shall be returned to the applicant with a written explanation of its denial. The application shall be deemed approved if no response is made within the time frames provided above.

3.12.3 *Duration.* The General Erosion and Sediment Control permit shall be issued for a period not exceeding two (2) years.

3.12.4 *Content of General Erosion and Sediment Control Permit.* The General Erosion and Sediment Control permit shall contain at a minimum the following general conditions:

1. That written approval be obtained from the Erosion Control Administrator prior to making any modification to the erosion and sediment control plan as set forth in the application;
2. That all control measures identified in the application shall be installed;
3. That all control measures shall be maintained during construction; and
4. Such other conditions as the Erosion Control Administrator deems appropriate to ensure compliance with the specific requirements and intent of this article.

3.12.5 *Permanent Ground Surface Cover.* Under all circumstances, temporary control measures shall be maintained in accordance with Section 7.13.3, Maintenance of Control Measures. Without exception, all disturbed areas must have permanent ground cover within six (6) months of project completion, or within six (6) months of occupancy, whichever comes first.

#### Sec. 3.13 - Erosion, Sediment, and Stormwater Control Permits

Before commencing any commercial, institutional, multifamily or industrial project with an area of more than one-half (½) acre; or a project requiring subdivision approval by a unit of local government with an area of more than one-half (½) acre, the owner of the land, or his representative, shall be required to file an application for an Erosion, Sediment, and Stormwater Control Permit.

3.13.1 *Application.* The applicant shall file the application with the Department on forms provided by the Department. The applicant shall supply the number of copies of application documents as provided in the application. Each application shall be accompanied by the following information:

1. Existing site conditions map. A map of existing site conditions on a scale, of at least one inch equals one hundred (100) feet, showing the project area and immediately adjacent areas and the locations of the following site information:

- a. Site boundaries and adjacent lands which accurately identify site location;
  - b. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site;
  - c. Floodways and/or Zone A of the Floodplain as determined on the Flood Insurance Rate Map (FIRM), and indicating the map panel number;
  - d. All off-site drainage onto or through the project site;
  - e. Location and dimensions of stormwater management components on or adjacent to site;
  - f. Locations and dimensions of structures, roads, highways, easements and paved areas; and
  - g. Site topography: show contours at vertical intervals as follows:
    1. Slope of six (6) percent or less, two-foot interval.
    2. Slope of over six (6) percent but less than fifteen (15) percent, five-foot interval.
    3. Slope of over fifteen (15) percent, ten-foot or twenty-foot intervals.
2. Plan of final site conditions. A plan of final site conditions drawn to the same scale as the existing site map submitted pursuant to subsection 3.13.1-1, and which includes information to accurately depict post-construction appearance of site, e.g., paved areas, building, landscaping, and other changes to the site, along with other predominate site features, e.g., open areas, bodies of water.
3. Sediment and Erosion control practices. A site construction plan including:
- a. Locations and dimensions of all proposed land disturbing activities;
  - b. Locations and dimensions of all temporary soil and aggregate stockpiles;
  - c. Location, dimension and construction details of all construction site management control measures necessary to meet the requirements of this article and including proposed revegetation of disturbed areas;
  - d. Statement regarding provisions for maintenance and maintenance requirements of the construction site management control measures during construction.
4. Stormwater management plans and controls. Design calculations and information related to the permanent stormwater management system for any project with a net increase of impervious area greater than one-half ( $\frac{1}{2}$ ) of an acre. For the purposes of this section, the net increase is the cumulative change since April 1, 1996. For example, in year one, a commercial site increases the parking lot by twenty thousand (20,000) square feet. In year two (2), the same commercial site adds a building with an area of 20,000 square feet. In year one, no permanent stormwater control measures (or calculations) are required by the ordinance. In year two (2), stormwater calculations shall be submitted and shall be based on the total increase of forty thousand (40,000) square feet of impervious area. The following information shall also be provided by the applicant:
- a. A map showing the drainage area boundaries, including off-site drainage areas that drain into or onto the site;
  - b. Location and identification of soil types for all drainage areas;
  - c. Location and identification of vegetative cover for all drainage areas;
  - d. Run-off curve number calculations for both pre- and post-project conditions for each drainage area;
  - e. Time of concentration calculations for both pre- and post-project conditions for each drainage area, and include a map showing hydraulic flow lengths used;
  - f. Peak flow-rate calculations for two-year and twenty-five-year storms for both pre-and post-project conditions;

- g. Design calculations for detention basin outlets for both two-year and twenty-five-year storms, include stage-storage table and discharge rating curve data or outflow calculations (refer to optional form in Appendix D);
  - h. Location dimensions and construction details of proposed detention basins and outlets;
  - i. Detention volume calculations;
  - j. Summary of peak flow-rates for pre-, post- and proposed conditions with detention showing that the requirements of the ordinance are met (refer to optional form in Appendix D).
5. Schedule or sequence of development or installation of the elements of the site management control measures proposed above.
  6. A detailed estimate of quantities and estimated costs, prepared by a registered professional engineer, of all control measures required under this section.
  7. A plan of the continued management and maintenance of such permanent control measures.
  8. Application fee. The fee, as set forth in Appendix A, shall be submitted at the time of application and made payable to the Department of Planning and Zoning. However, no fee shall be required for any project the purpose of which is agricultural.

A fractional acre shall be rounded to the nearest whole acre. There shall be no refund of any fees paid and no application shall be accepted for filing unless the fee has been paid in full.

3.13.2 *Application Review.* Within five (5) working days of submittal of the application, the Erosion Control Administrator shall respond in writing to the sediment and erosion control practices portion. Within twenty (20) working days of submittal of the application, the Erosion Control Administrator shall respond to the stormwater management plans and control portion of the application by either issuing a permit, issuing a request for additional information, or issuing a statement denying the permit with an explanation of cause. The application shall be deemed approved if no response is made within the time frames stipulated above.

3.13.3 *Financial Security Agreement.* Before any Erosion, Sediment and Stormwater Control Permit is issued, the applicant shall deliver to the Erosion Control Administrator a surety bond, irrevocable letter of credit or executed escrow agreement in the name of Peoria County for one hundred (100) percent of the applicant's engineer's estimated cost for all control measures required under this section. If the control measures are necessitated by construction which is also subject to Sections 3.14 ("Subdivision"), 3.16 ("Plat Approval"), and Article 8, Subdivisions, of this chapter, the applicant may submit one surety bond, irrevocable letter of credit or executed escrow agreement to cover one hundred (100) percent of both the Control Measures required pursuant to this section and the improvements governed by Article 8, Subdivisions. A signed contractor's bid that meets the specifications of the engineer's estimate for the work can be used to establish the amount of security required, if such estimate is accepted by the Erosion Control Administrator.

3.13.4 *Duration.* The Erosion, Sediment and Stormwater Control Permit shall be issued for a period not exceeding two (2) years.

3.13.5 *Permit Conditions.* The Erosion, Sediment and Stormwater Control Permit shall contain at a minimum the following general conditions:

1. That written approval be obtained from the Erosion Control Administrator prior to making any modification to the approved erosion and sediment control plan as set forth in the permit;
2. That all control measures required in the permit shall be installed;
3. That all control measures shall be maintained during construction;
4. Such other conditions as the Erosion Control Administrator deems appropriate.

3.13.6 *Permanent Ground Surface Cover.* Without exception, all disturbed areas must have permanent ground cover within six (6) months of project completion, or within six (6) months of occupancy, whichever comes first.

3.13.7 *Final Inspection; Notice of Permanent Stormwater Control Measures.* Within fourteen (14) days after completion of construction, the applicant shall notify the Erosion Control Administrator that the permanent stormwater control measures are ready for final inspection. If the inspection shows that the control measures and maintenance plan comply with the Standards in Appendix D of this article, the Erosion Control Administrator shall issue a Notice of Permanent Stormwater Control Measures. The owner shall record the Notice with the Peoria County Recorder of Deeds within fifteen (15) days after the Notice is issued.

3.13.8 *Maintenance of Permanent Stormwater Control.* Anyone owning property with a permanent stormwater control measure existing thereon and installed pursuant to this ordinance shall maintain the control measure so that it functions in compliance with the Standards.

#### Sec. 3.14 - Subdivision

3.14.1 *Subdivision Types.* Before any division of land or creation of a public right-of-way may occur, the owner of the property, or his designated agent, shall apply for and secure approval of the proposed development in accordance with the following procedures for tract survey, minor, moderate or major subdivision. No matter the type of development, all shall be prepared by either an Illinois Registered Land Surveyor or Illinois Professional Engineer. In general, the following procedures will be followed:

1. Tract Survey: Two (2) steps:
  - a. Pre-application Conference
  - b. Tract Survey Plat
2. Minor Subdivision: Three (3) steps:
  - a. Pre-application Conference
  - b. Preliminary Plat
  - c. Final Plat
3. Moderate Subdivision: Five (5) steps:
  - a. Pre-application Conference
  - b. Preliminary Plat
  - c. Construction and Erosion, Sediment, Stormwater Plans for public improvements
  - d. Posting of Financial Security
  - e. Final Plat
4. Major Subdivision: Five (5) steps:
  - a. Pre-application Conference
  - b. Preliminary Plat
  - c. Construction and Erosion, Sediment, Stormwater Plans for public improvements
  - d. Posting of Financial Security
  - e. Final Plat

3.14.2 *Suitability of Land for Subdivision Development.* Land unsuitable for development due to draining, flood hazard area, topography, or other conditions constituting a danger to health, life or property shall not be approved for development unless the developer presents evidence or data satisfactory to the Plat Officer, establishing methods proposed to meet any such conditions are adequate to avoid any danger to health, life, or property.

#### Sec. 3.15 - Subdivision Waivers and Appeals



This section provides for a procedure to relieve practical difficulties or unnecessary hardships which would result from strict compliance with the regulations of Section 3.16 ("Plat Approval") and Article 8, Subdivisions. The waiver process shall not be available for any regulation which states that it cannot be waived.

3.15.1 *Approval.* For the purposes of these regulations a waiver shall be considered a waiver from a specific required element of these regulations. A waiver request may be granted by the County Board under the following conditions:

1. When the developer has demonstrated that strict adherence to these regulations would impose an unnecessary or undue hardship;
2. When the developer has demonstrated that topographical or other conditions peculiar to the site prevail, which justify a waiver to the regulations provided that such waiver will not be contrary to the intent or purpose of these regulations, and will be in the general public interest;
3. When the developer has demonstrated that his proposed solution will not have a negative impact on the health, safety, and general welfare of the community; and
4. The developer complies with all specific waiver conditions required elsewhere in Section 3.15 ("Subdivision Waivers and Appeals") or Section 3.16 ("Plat Approval") and Article 8, Subdivisions.

3.15.2 *Process.* The waiver process shall be as follows:

1. Pre-Application Meeting
2. Application
3. Department Review and Recommendation
4. Land Use and Transportation Committee Meeting and Recommendation
5. County Board Action

3.15.3 *Application.* Only a complete application will be accepted upon filing. A complete application shall include at a minimum the following:

1. Name, address, phone number of the property owner, and developer (if different).
2. Location and other specifics of the property to be developed, including: parcel address (if assigned), parcel identification number, township in which the parcel is located, and parcel size.
3. Brief description of proposed development, including type of development (i.e. planned development, tract survey, minor subdivision, moderate subdivision or major subdivision), number of lots to be created, list of lot sizes to be created, public improvements to be made.
4. Section of Section 3.16 ("Plat Approval") or Article 8, Subdivisions for which a waiver is being requested.
5. Description of reason for waiver.
6. Responses to review criteria.
7. Any additional information deemed necessary by the Plat Officer.
8. Site Plan that is readable and reproducible, drawn to scale, on a sheet of paper 8.5" x 11", and includes the following:
  - a. North Arrow.
  - b. All existing and proposed public improvements.
  - c. All existing parcel boundaries, and proposed lot lines.
  - d. Development Name, if applicable.

3.15.4 *Review Criteria.* The County Board may consider the following general criteria when rendering a decision on a waiver request:

1. That the request is consistent with the Peoria County Comprehensive Land Use Plan, Future Land Use Form Map, their respective intents, and any amendments thereto.
  2. If applicable, that the request is consistent with any adopted municipal land use plan.
  3. That the request is consistent with the character of the surrounding area.
  4. That the property is suitable for the proposed development.
  5. That a genuine hardship exists for the developer. Mere loss in property value shall not be considered.
  6. That the adjacent transportation system is capable of handling the traffic that could be generated by the proposed development.
  7. That the local groundwater supply will not be negatively impacted by the proposed development.
  8. That the request is consistent with the zoning regulations of this chapter.
  9. That the request will not have a negative impact on the health, safety, morals, and general welfare of the County.
- 3.15.5 *Appeals.* An appeal of the Plat Officer's determination shall be made to the County Board through the Land Use and Transportation Committee, or any other duly appointed committee of the County Board within thirty-five (35) days of the developer receiving a written notice of the Plat Officer's determination.

#### Sec. 3.16 - Plat Approval

3.16.1 *Intent.* In order to allow for accurate, consistent and efficient review of development proposals, information must be provided that adheres to minimum standards for the form, submission and review of planned development, subdivision and tract survey requests within the jurisdiction of Peoria County.

#### 3.16.2 *Procedures for Tract Survey Approval.*

##### 1. *Purpose and Reference to Plat Act.*

##### a. A tract survey shall be required:

1. When any parcel is split into two (2) or more new parcels, all of which are greater than five (5) acres in size but any of which cannot be described without using a metes and bounds description; or
2. When any parcel is split into two (2) or more new parcels, any of which is less than five (5) acres in size and qualify under exemptions 2, 3, 8, or 9 of the Plat Act (765 ILCS 205/1(b)), cannot be described without using a metes and bounds description.
  - a. Exemption 2: 765 ILCS 205/1(b)2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access.
  - b. Exemption 3: 765 ILCS 205/1(b)3. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
  - c. Exemption 8: 765 ILCS 205/1(b)8. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
  - d. Exemption 9: 765 ILCS 205/1(b)9. The sale of a single lot less than five (5) acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this

exemption does not invalidate any local requirements applicable to the subdivision of land.

3. Subsections (1) and (2) notwithstanding, if a new street or easement of access is necessary for access to any parcel then the parcel(s) must be subdivided pursuant to the other procedures and standards of this article.
2. *Pre-Application Conference Purpose.* The Department is aware and appreciates the investment of resources incurred by developers. The pre-application conference will provide an opportunity for the developer and staff to meet informally; openly discuss a proposal; and allow the staff to provide comment prior to the developer having to make a great investment of resources into a project. The developer shall initiate contact with the Department, and may request a time to meet to discuss a proposal.
3. *Submission Requirements.* In order to ensure consistency in form and data, and to provide minimum design criteria, clearly delineated standards are established and required, as follows:
  - a. *Form and Data for Survey Plats.* For final review and eventual recording, the original mylar tracing of the proposed tract survey together with nine (9) copies are required to be prepared with the following information:
    1. Land Reference shall conform with the Plat Act, to which all dimensions, angles, bearing and similar data on the tract survey shall have accurate dimensions, bearing or deflection angles, and radii arcs, and central angle of all curves, and shall include at a minimum:
      - a. Tract boundary lines;
      - b. Right-of-way lines of streets and those street names;
      - c. Easements and other right-of-ways, including their location and dimensions;
      - d. The existing parcel identification number;
      - e. The metes and bounds description of the parcel to be created;
      - f. All existing structures on the existing parcel;
      - g. Titles, scale, north arrow and date;
      - h. Minimum setback lines on all lots; and
      - i. Lot sizes of the tract to be created (to the hundredth of an acre).
    2. Certificates. Required language of certificates are found in Section 8.5 ("Certificates and Notations") of this chapter. All shall be sealed or notarized as noted.
      - a. Certification by Illinois Registered Land Surveyor as to accuracy of survey with the Surveyor's signature and seal affixed;
      - b. County Clerk's Certificate, signed and sealed, stating that all taxes are paid to date;
      - c. Certificate of all appropriate road officials, which may be the Township Road Commissioner, County Engineer, and/or IDOT District Engineer, stating that the survey has been approved by that road authority with respect to access and then signed;
      - d. Certificate of current ownership of parcel being split, stating that the person(s) signing are the owners of the parcel being split and have caused said tract survey to be prepared, and that to the best of their knowledge the school district(s) in which the parcel is located. Said certificate shall be signed and then notarized by a Notary Public; and
      - e. Certificate of Plat Officer, signed and sealed, stating conformance with the Peoria County Comprehensive Land Use Plan, the applicable provisions of Sections 3.14

("Subdivision"), 3.15 ("Subdivision Waivers and Appeals") and 3.16 ("Subdivisions"), and the appropriate sections of Article 8, Subdivisions.

- f. Municipal Certificates of Approval. For those municipalities exercising extraterritorial subdivision control, the certificate required in that municipality's subdivision ordinance shall be affixed to the tract survey.
3. Required Notations. The following shall be required on all tract surveys or only as noted.
    - a. Health Department Note. This shall be noted on every tract survey. *"This tract survey does not provide for, nor imply, assurance of the compatibility for future construction utilizing a private sewage disposal system. A permit shall be obtained from the Peoria City/County Health Department prior to start of construction."*
    - b. Water Note. If the parcel is served by a public water provider or water district, then *"Water for this parcel is provided by \_\_\_\_\_ . Notice of hook-up is required prior to start of construction."* shall appear on the tract survey. If the parcel is not served by any water provider, and an individual well is needed, then *"There is no public water provider to this parcel. Development of the parcel requires a well permit from the Peoria City/County Health Department before the start of construction."* shall appear on the tract survey.
    - c. Long Driveways. For any parcel being created by tract survey that extends greater than five hundred (500) feet from the adjacent right-of-way and street, the following shall appear on the tract survey: *"NOTICE TO THE PUBLIC: The creation of long private driveways may result in increased response time or inaccessibility by emergency service vehicles."*
    - d. Zoning. Every tract survey shall note the zoning of the parcel on the day of recording with the following note, *"On    (date)   , this parcel is known to be zoned \_\_\_\_\_."*
    - e. Floodplain. The surveyor shall determine if the parcel is located within any regulatory floodplain or floodway. If it is so located, it shall be noted graphically on the tract survey, and textually with the following language, *"This parcel is located in a special flood hazard area. Zone    , Community Panel    . Improvements to this parcel may require special approval."*
    - f. Waivers. The surveyor shall include as a textual note all waivers that were approved by the County Board, including the section of this article from which the waiver was sought.
  - b. *Minimum Standards.* In addition to the requirements of the appropriate Zoning District, as found in Article 4, Zoning Districts, Article 5, Use Regulations, and Article 6, Bulk Regulations, Density, and Dimensional Standards, in which the parcel being split is located, the following shall apply to all tract surveys:
    1. Land Use Plan. All tract surveys shall comply with the Peoria County Comprehensive Land Use Plan, Future Land Use Form Map, and any subsequent amendments thereto. An approved Special Use or Variance pursuant to Sections 3.5 ("Special Use Permits") and 3.7 ("Variances") of Chapter 20 of the County Code shall serve as compliance.
    2. Frontage. All tract surveys shall have frontage on a public right-of-way and street. As noted below, the amount of frontage shall be dependent upon the size of the parcel to be created. It shall also be applied to the "remaining parcel."
      - a. For parcels being created less than ten (10) acres in size, a minimum of thirty (30) feet of frontage shall be provided to that tract.
      - b. For parcels being created ten (10) or more acres in size, a minimum of sixty (60) feet of frontage shall be provided to that tract.

- c. Parcels with an access only to existing private streets or easements shall be permitted only in unusual circumstances, and with the approval of a waiver. If such waiver is granted, the private street or easement shall comply with subsections 8.3.3-2.d and 8.3.3-2.e in regard to street names and street signs.
3. Layout of Tract Survey.
    - a. All tract surveys shall be submitted on sheets of mylar and paper, respectively, that are sixteen inches by twenty-two inches (16" x 22") or greater in increments of six (6) inches.
    - b. All information on the tract survey shall be readable.
    - c. All datum and legal descriptions shall be organized and listed together.
    - d. All certificates shall be located no more than one inch from any edge of the survey.
    - e. There shall be a one-inch margin around the entire tract survey.
    - f. All signature blocks shall be flush with the required one-inch margin.
    - g. All notes shall be organized and listed together on the tract survey.
    - h. An area three inches by three inches (3" x 3") in the lower left corner of the tract survey shall be bordered and left blank for the Recorder of Deeds recording stamp and information.
  4. Recording. The developer shall have the responsibility and bear the cost of recording the tract survey in the Peoria County Recorder of Deeds Office after it has been approved by the Plat Officer and all appropriate signatures have been obtained.

### 3.16.3 *Procedures for Minor Subdivision Approval.*

1. *Minor Subdivisions, Defined.* As noted in Article 11, Definitions, of this chapter, a Minor Subdivision is any subdivision containing not more than seven (7) lots fronting on an existing street, not involving any new street or road, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Peoria County Comprehensive Land Use Plan and Map, or these regulations.
2. *Minimum Standards.* In addition to the requirements of the appropriate Zoning District, as found in Article 4, Zoning Districts, Article 5, Use Regulations, and Article 6, Bulk Regulations, Density, and Dimensional Standards, in which the parcel being split is located, the following shall apply to all minor subdivisions.
  - a. *Land Use Plan.* All minor subdivisions shall comply with the Peoria County Comprehensive Land Use Plan, Future Land Use Form Map, and any subsequent amendments thereto. An approved Special Use or Variance pursuant to Sections 3.5 ("Special Use Permits") and 3.7 ("Variances") of Chapter 20 of the County Code shall serve as compliance.
  - b. *Frontage.* All lots being created shall have frontage on a public right-of-way and street. As noted, below, the amount of frontage shall be dependent upon the size of the parcel to be created. It shall also be applied to the "remaining parcel."
    1. For parcels being created less than ten (10) acres in size, a minimum of thirty (30) feet of frontage shall be provided to that tract.
    2. For parcels being created ten (10) or more acres in size, a minimum of sixty (60) feet of frontage shall be provided to that tract.
    3. Parcels with an access only to existing private streets or easements shall be permitted only in circumstances in which an extraordinary hardship exists, and with the approval of a waiver. If such waiver is granted, the private street or easement shall comply with subsections 8.3.3-2.d and 8.3.3-2.e in regard to street names and street signs.

- c. Clustering. When only a portion of a parcel is to be developed, the developer shall cluster the lots being created in both the least productive portion of the existing parcel as it relates to row crop production, and in the least intrusive portion of the existing parcel as it relates to impact on any environmental corridor that may exist. The lots created shall share one access point on the adjacent improved right-of-way, unless granted additional access points by the appropriate road official.
3. *Pre-Application Conference, Purpose.* The Department is aware and appreciates the investment of resources incurred by developers. The pre-application conference will provide an opportunity for the developer and staff to meet informally; openly discuss a proposal; and allow the staff to provide comment prior to the developer having to make a great investment of resources into a project. The developer shall initiate contact with the Department, and may request a time to meet to discuss a proposal.
4. *Preliminary Plat.*
- a. Purpose. In order to allow for a fair and thorough review of proposals, information must be provided in a manner that is accurate, descriptive, and consistent.
  - b. Submittals. The developer shall submit a preliminary plat together with a completed plat review application, completed Health Department review application, statement of preliminary plat information, and the appropriate filing fees. The preliminary plat shall include information categorized as general, existing site and proposed site conditions.
    - 1. Copies required: Nine (9).
    - 2. General Information: A preliminary plat shall be accurately drawn to a scale of one inch equals one hundred (100) feet and include:
      - a. County parcel identification number(s) (PIN);
      - b. Legal description of parcel(s) to be divided;
      - c. North arrow;
      - d. Zoning of parcel(s) and surrounding parcels;
      - e. Subdivision name;
      - f. Name, address, and phone number of all owners and developers;
      - g. Acreage of parcel(s) to be divided;
      - h. Scale;
      - i. Benchmarks;
      - j. Certification of registered land surveyor and date of survey;
      - k. If within the area of jurisdiction of a city or village exercising its extraterritorial authority, a signature block for the municipal Plat Officer, with signature line not more than one inch from a side or bottom edge; and
      - l. Signature block for County Plat Officer, with signature line not more than one inch from a side or bottom edge.
    - 3. Existing Site Conditions. It is important to understand existing site conditions as they will aid in determining the suitability of the site for the proposed development, and at a minimum shall include:
      - a. Subdivision boundary and existing lot lines of parcel(s);
      - b. All existing subdivisions adjacent to the parcel(s);
      - c. All easements on, and adjacent to, the parcel(s);
      - d. Streets:

1. Name;
  2. Right-of-way width;
  3. Location;
  4. Width, type and elevation of surfacing; and
  5. Location of any curb, gutter, culverts and sidewalks.
- e. Utilities:
1. Type;
  2. Location of transmission lines and support structures;
  3. Size and flow direction of water and sewer mains; and
  4. If none available, then statement indicating direction and distance to nearest service location.
- f. Natural Conditions:
1. Watercourses and ponds;
  2. Wooded areas; and
  3. Other significant features.
- g. Other Improvements:
1. Structures, and indicate use and/or type;
  2. Wells and septic fields; and
  3. Other significant features.
- h. Ground elevations, based on U.S.G.S. datum, show contours at vertical intervals as follows:
1. Slope less than fifteen (15) percent, not required.
  2. Slope greater than or equal to fifteen (15) percent, show contours at ten-foot intervals.
- i. Proposed methods of water supply and sewage disposal with data as specified in Section 8.3.4, Utilities.
4. Proposed Site Conditions. Information regarding the proposed design of the subdivision shall be imposed upon the existing site information, and at a minimum shall include:
- a. Existing parcel(s) boundaries;
  - b. Lots:
    1. Lot lines;
    2. Sequential lot numbers; and
    3. Lot sizes (to the hundredth of an acre).
  - c. Building setback lines:
    1. Front/street;
    2. Side yard; and
    3. Rear yard.
  - d. Other improvements:
    1. Location of proposed onsite wastewater treatment system.

- c. Preliminary Plat Review and Response:
1. Purpose. The subdivision and development of land is an occurrence that will have a long-term impact upon both the site and adjacent properties, regardless of size or scope of the development proposal. The approval process needs to recognize this impact, and also recognize the legitimate interests of various parties, including the developer, adjacent property owners, tenants and the community as a whole. The Department will strive to provide a thorough review of submissions in a timely manner. Review standards will be consistently administered by Department staff, and the staff will strive to maintain a professional relationship with all applicants.
  2. Other Agencies and Review. Nine (9) copies of the plat shall be submitted by the developer to be distributed to the following agencies. Written notice of the subdivision shall be sent to the school district in which the subdivision is located.
    - a. County Clerk;
    - b. County Engineer;
    - c. Township Road Commissioner (if necessary);
    - d. Illinois Department of Transportation (if necessary);
    - e. City/County Health Department;
    - f. Soil and Water Conservation District;
    - g. Municipality, if within one and one-half (1.5) mile review authority; and
    - h. Fire Protection District.
  3. Review Process.
    - a. The agencies receiving a copy of the preliminary plat shall comment within twenty-five (25) days so that the Department can send a coordinated response to the developer.
    - b. The Department shall review the preliminary plat, checking the content against the items listed herein.
    - c. The Department shall send to the developer a coordinated response no more than thirty (30) working days after receipt of a preliminary plat. Situations when the thirty (30) days shall be extended are as follows:
      1. Filing of an incomplete submittal in which the thirty (30) days shall commence the day on which a complete preliminary plat is submitted;
      2. Need for filing of subdivision waiver, in which the thirty (30) days shall commence the day the County Board approves or denies any required waiver; or
      3. A municipality with mile-and-a-half jurisdiction has an approval process greater than thirty (30) days. The Department's thirty-day review period shall commence upon receipt of any required approval from said municipality.
  4. Action by the Plat Officer. Following the review of a preliminary plat and any additional information submitted with the preliminary plat, the Plat Officer shall take one of the following actions.
    - a. Approval. The Plat Officer may approve a preliminary plat conditionally or unconditionally.
    - b. Rejection. The Plat Officer may reject a preliminary plat when deficiencies require a resubmittal. The Plat Officer, in such a case, shall identify in writing the deficiencies.



c. The preliminary plat shall be deemed approved if the thirty-day review period, as extended if applicable, expires with no action by the Plat Officer.

5. Term of Approval. The Department's approval of a preliminary plat shall be valid for one year from the date of approval, or a longer period of time specified, in writing, by the Plat Officer.

5. *Final Plat.*

a. Submittal: After approval of the preliminary plat, the developer shall submit the executed original mylar tracing of the intended final plat, together with at least ten (10) copies, all with original signatures.

b. Approval: Within fifteen (15) working days after receipt of the final plat and any additional information submitted with the final plat, the Plat Officer shall approve the final plat if it meets the requirements of this article or any applicable provisions of Article 8, Subdivisions. If the plat does not meet the requirements of this article or of Article 8, Subdivisions, the Plat Officer shall identify in writing the deficiencies.

c. Form and Data: The final plat of a minor subdivision shall include all of the area of the approved preliminary plat.

1. Land Reference shall conform with the Plat Act, to which all dimensions, angles, bearing and similar data on the final plat shall have accurate dimensions, bearing or deflection angles, and radii arcs, and central angle of all curves, and shall include at a minimum:

a. Subdivision boundary and individual lot lines;

b. Titles, scale, north arrow and date;

c. Right-of-way lines of adjacent streets and those street names;

d. Easements and other right-of-ways, including their location and dimensions;

e. Minimum setback lines on all lots pursuant to the applicable setback requirements in Article 6, Bulk Regulations, Density, and Dimensional Standards, of this chapter;

f. Location and description of monuments, according to the Plat Act;

g. Reference to recorded subdivision plats of adjoining lands; and

h. If not for residential use, stated purpose for which sites are dedicated or reserved.

2. Certificates. Required verbiage of certificates are found in Section 8.5 ("Certificates and Notations") of this chapter. All shall be sealed or notarized as noted.

a. Illinois Registered Land Surveyor.

1. A statement as to accuracy of survey and plat with the Surveyor's signature and seal affixed; and

2. A statement that the land being subdivided does or does not lie within one and one-half (1½) miles of the corporate limits of any municipality exercising extraterritorial subdivision control.

b. Statement by the developer reserving any and all easements and any sites for public uses;

c. County Clerk's Certificate, signed and sealed, stating that all taxes are paid to date;

d. Health Department's Certificate, signed, stating compliance with all Health Department regulations;

e. Certificate of all appropriate road officials, which may be the Township Road Commissioner, County Engineer, and/or IDOT District Engineer, stating that the

subdivision has been approved by that road authority with respect to access and then signed;

- f. Certificate of current ownership of parcel(s) being split, stating that the person(s) signing the plat are the owners of parcel(s) being split and have caused said minor subdivision to be prepared, and to the best of their knowledge the school district(s) in which the parcel is located. Said certificate shall be signed by all owners and then notarized by a Notary Public;
  - g. If the subdivision is within the area of jurisdiction of a municipality exercising its extraterritorial subdivision approval, it shall have endorsed and signed thereon the requisite municipal approvals;
  - h. Certificate of Plat Officer, signed and sealed, stating conformance with the Peoria County Comprehensive Land Use Plan and the provisions of the appropriate sections of this article; and
  - i. Protective covenants in form of recording.
3. Required Notations. The following shall be required on all minor subdivisions as noted;
- a. Water Note. If the parcel is served by a public water provider or water district, then *"Water for this parcel is provided by \_\_\_\_\_. Notice of hook-up is required prior to start of construction."* shall appear on the minor subdivision final plat. If the parcel is not served by any water provider, and an individual well would be needed, then *"There is no public water provider to this parcel. Development of the parcel requires a well permit from the Peoria City/County Health Department before the start of construction."* shall appear on the final plat.
  - b. Long Driveways. For any parcel being created by minor subdivision that extends greater than five hundred (500) feet from the adjacent right-of-way and street, the following shall appear on the minor subdivision: *"NOTICE TO THE PUBLIC: The creation of long private driveways may result in increased response time or inaccessibility by emergency service vehicles."*
  - c. Zoning. Every minor subdivision shall note the zoning of the parcel on the day of recording with the following note, *"On    (date)   , this parcel is known to be zoned \_\_\_\_\_."*
  - d. Floodplain. The surveyor shall determine if the parcel is located within any regulatory floodplain or floodway. If so, it shall be noted graphically on the final plat, and textually with the following language, *"This parcel is located in a special flood hazard area. Zone \_\_\_\_, Community Panel \_\_\_\_\_. Improvements to this parcel may require special approval."*
  - e. Waivers. The surveyor shall include as a textual note all waivers that were approved by the County Board, including the Section of the County Code from which the waiver was sought.
- d. *Layout of the Final Plat.*
- 1. All final plats shall be submitted on sheets of mylar (one original) and paper (minimum of ten (10) copies), that are sixteen inches by twenty-two inches (16" x 22") or greater in increments of six (6) inches.
  - 2. All information on the final plat shall be readable.
  - 3. All datum and legal descriptions shall be organized and listed together.
  - 4. All certificates shall be located no more than one inch from any edge of the plat.
  - 5. There shall be a one-inch margin around the entire final plat.
  - 6. All signature blocks shall be flush with the required one-inch margin.

7. All notes shall be organized and listed together on the plat.
  8. An area three inches by three inches (3" x 3") in the lower left corner of the final plat shall be bordered and left blank for the Recorder of Deeds recording stamp and information.
6. *Recording.* The developer shall have the responsibility and bear the cost of recording the final plat in the Peoria County Recorder of Deeds Office after it has been approved by the Plat Officer and all appropriate signatures obtained.

#### 3.16.4 *Procedures for Moderate Subdivision Approval.*

1. *Moderate Subdivisions, Defined.* As noted in Article 11, Definitions, of this chapter, a Moderate Subdivision is any subdivision of eight (8) to twenty (20) lots or any subdivision of one to twenty (20) lots requiring any new street or extension of the local government facilities or the creation of any public improvements.
2. *Minimum Standards.* In addition to the requirements of the appropriate Zoning District, as found in Article 4, Zoning Districts, Article 5, Use Regulations, and Article 6, Bulk Regulations, Density, and Dimensional Standards, in which the parcel being split is located, the following shall apply to all moderate subdivisions.
  - a. *Land Use Plan.* All subdivisions shall comply with the Peoria County Comprehensive Land Use Plan, Future Land Use Form Map, and any subsequent amendments thereto. An approved Special Use or Variance shall serve as compliance.
  - b. *Frontage.* All lots being created shall have frontage on a public right-of-way and street. As noted below, the amount of frontage shall be dependent upon the size of the parcel to be created. It shall also be applied to the "remaining parcel."
    1. For parcels being created less than ten (10) acres in size, a minimum of thirty (30) feet of frontage shall be provided to that tract.
    2. For parcels being created ten (10) or more acres in size, a minimum of sixty (60) feet of frontage shall be provided to that tract.
    3. Parcels with an access only to existing private streets or easements shall be permitted only in circumstances in which an extraordinary hardship exists, and with the approval of a waiver. If such waiver is granted, the private street or easement shall comply with subsections 8.3.3-2.d and 8.3.3-2.e in regard to street names and street signs.
  - c. *Clustering.* When only a portion of a parcel is to be developed, the developer shall cluster the lots being created in both the least productive portion of the existing parcel as it relates to row crop production, and in the least intrusive portion of the existing parcel as it relates to impact on any environmental corridor that may exist.
3. *Pre-Application Conference.* The pre-application conference will provide an opportunity for the developer and staff to meet informally; openly discuss a proposal; and allow the staff to provide comment prior to the developer having to make a great investment of resources into a project. The developer shall initiate contact with the Department, and may request a time to meet to discuss a proposal.
4. *Preliminary Plat.*
  - a. *Purpose.* In order to allow for a fair and thorough review of proposals, information must be provided in a manner that is accurate, descriptive, and consistent.
  - b. *Submittals.* The developer shall submit a preliminary plat together with a completed plat review application, statement of preliminary plat information, and the appropriate filing fee. The preliminary plat shall include information categorized as general, existing site and proposed site conditions.
    1. Copies required: Eleven (11).

2. General Information: A preliminary plat shall be accurately drawn to a scale of one inch equals one hundred (100) feet and include:
  - a. County parcel identification number(s) (PIN);
  - b. Legal description of parcel(s) to be divided;
  - c. North arrow;
  - d. Zoning of parcel(s) and surrounding parcels;
  - e. Subdivision name;
  - f. Name, address, and phone number of all owners and developers, if not the same;
  - g. Acreage of parcel(s) to be divided;
  - h. Scale;
  - i. Benchmarks;
  - j. Certification of registered land surveyor and date of survey;
  - k. If within the area of jurisdiction of a city or village exercising its extraterritorial authority, a signature block for the municipal Plat Officer, with signature line not more than one inch from a side or bottom edge; and
  - l. Signature block for plat officer, with signature line not more than one inch from a side or bottom edge.
3. Existing Site Conditions: It is important to understand existing site conditions as they will aid in determining the suitability of the site for the proposed development, and at a minimum shall include:
  - a. Subdivision boundary and existing lot lines of parcel;
  - b. All easements on, and adjacent to the parcel;
  - c. Streets:
    1. Name;
    2. Right-of-way width;
    3. Location;
    4. Type or classification;
    5. Width, type and elevation of surfacing; and
    6. Location or existence of curb, gutter, culverts and sidewalks.
  - d. Utilities:
    1. Type;
    2. Location, including transmission lines and support structures;
    3. Size and flow direction of water and sewer mains; and
    4. If none available, then statement indicating direction and distance to nearest service location.
  - e. Natural Conditions:
    1. Watercourses and ponds;
    2. Wooded areas; and
    3. Other significant features.

- f. Other Improvements:
  - 1. Structures, and indicate use and/or type;
  - 2. Wells and septic fields; and
  - 3. Other significant features.
- g. Ground elevations, based on U.S.G.S. datum, show contours at vertical intervals as follows:
  - 1. Slope of six (6) percent or less: Two-foot intervals;
  - 2. Slope of over six (6) percent but less than fifteen (15) percent: Five-foot intervals;
  - 3. Slope of over fifteen (15) percent: Ten-foot intervals.
- 4. Proposed Site Conditions: Information regarding the proposed design of the subdivision shall be imposed upon the existing site information, and at a minimum shall include:
  - a. Lots:
    - 1. Lot lines;
    - 2. Sequential numbers; and
    - 3. Lot sizes (to hundredth of an acre).
  - b. Building setback lines:
    - 1. Front/street;
    - 2. Side yard; and
    - 3. Rear yard.
  - c. Streets:
    - 1. Names. All new street names, for both public streets and private streets, shall be reviewed and approved by the Transportation Committee of the County Board or other committee as deemed appropriate by the County Board;
    - 2. Right-of-way widths; and
    - 3. Approximate grade.
  - d. Sites for either public or non-public uses.
  - e. Proposed methods of water supply and sewage disposal with data as specified in Section 8.3.4, Utilities.
- c. Preliminary Plat Review and Response.
  - 1. Purpose. The subdivision and development of land is an occurrence that will have a long-term impact upon both the site and adjacent properties, regardless of size or scope of the development proposal. The approval process needs to recognize this impact, and also recognize the legitimate, vested interest of various parties, including the developer, adjacent property owners, tenants and the community as a whole. The Department will strive to provide a thorough review of submissions in a timely manner.
  - 2. Other Agencies and Review. Eleven (11) copies of the plat shall be submitted by the developer to be distributed to:
    - a. County Clerk;
    - b. County Engineer;
    - c. Township Road Commissioner;

- d. Illinois Department of Transportation (if necessary);
  - e. City/County Health Department;
  - f. Soil and Water Conservation District;
  - g. School district parcel is located within;
  - h. Municipality, if within one and one-half (1½) mile review authority;
  - i. Park District (if applicable); and
  - j. Fire Protection District.
3. Review Process.
- a. The agencies receiving a copy of the preliminary plat shall comment within twenty-five (25) days so that the Department can send a coordinated response to the developer.
  - b. The Department shall review the preliminary plat, checking the content against the items listed herein.
  - c. The Department shall send to the developer a coordinated response no more than thirty (30) working days after receipt of a preliminary plat. Situations when the thirty (30) days shall be extended are as follows:
    - 1. Filing of an incomplete submittal, in which case the thirty (30) days shall commence the day on which a complete preliminary plat is submitted;
    - 2. Need for filing of subdivision waiver, in which the thirty (30) days shall commence the day the County Board approves or denies any required waiver; or
    - 3. A municipality with mile-and-a-half jurisdiction has an approval process greater than thirty (30) days. The Department's thirty-day review period shall commence upon receipt of any required approval from said municipality.
4. Action by the Plat Officer. Following the review of a preliminary plat and any additional information submitted with the preliminary plat, the Plat Officer shall take one of the following actions:
- a. Approval. The Plat Officer may approve a preliminary plat conditionally or unconditionally.
  - b. Rejection. The Plat Officer may reject a preliminary plat when deficiencies require a resubmittal. The Plat Officer, in such a case, shall identify in writing the deficiencies.
  - c. The preliminary plat shall be deemed approved if the thirty-day review period, as extended if applicable, expires with no action by the Plat Officer.
5. Term of Approval. The Department's approval of a preliminary plat shall be valid for one year from the date of approval, or a longer period of time specified, in writing, by the Plat Officer.
5. *Construction Plans for Public Improvements.*
- a. Submittal: Within one year of the approval of the preliminary plat, or such other time as the Plat Officer may allow in writing, the developer shall submit three (3) complete sets of construction plans for public improvements that are under the jurisdiction of the County.
  - b. Form and Data: The construction plans shall be prepared by the developer's registered professional engineer, and shall include, at a minimum, the following information:
    - 1. Streets.

- a. Plans and Specifications for the construction of any and all streets, pursuant to Article 8, Subdivisions, of this chapter.
      - b. Cost and Quantity Estimates.
    2. Erosion and Stormwater Control.
      - a. Plans and Specifications pursuant to Sections 3.13 ("Erosion, Sediment, and Stormwater Control Permits") and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.
      - b. Cost and Quantity Estimates pursuant to Sections 3.13 ("Erosion, Sediment, and Stormwater Control Permits") and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.
  - c. Review and Comment.
    1. The plans shall be distributed by this department to the following review agencies:
      - a. Planning and Zoning Department;
      - b. County Highway Department; and
      - c. Erosion, Sediment and Stormwater Control Review Consultant.
    2. Period of Review.
      - a. Streets. The County Engineer shall submit to the Plat Officer any comments in a timely manner so that the Plat Officer can send a coordinated response to the developer within forty-five (45) days of receipt of the Construction Plans. If the Plat Officer does not notify the developer of any comments within the specified forty-five (45) days, then the Construction Plans shall be approved as submitted.
      - b. Erosion and Stormwater Control. The Erosion, Sediment and Stormwater Control Review Consultant shall follow the procedures set forth in Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of the County Code for review and comment. If the Plat Officer does not notify the developer of any comments within the specified forty-five (45) days, then the Construction Plans shall be approved as submitted.
  - d. Approval.
    1. Streets. Construction Plans for the streets shall be approved when the submitted plans have met or exceeded all of the Specifications for street construction as noted in Section 8.3.3, Streets, as determined by the County Engineer.
    2. Erosion and Stormwater Control. Construction Plans for erosion and stormwater control shall be approved when the submitted plans meet or exceed all of the specifications for erosion and stormwater control as noted in Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter as determined by the Erosion Control Administrator.
6. *Financial Security.* Appropriate means of financial security shall be required when improvements are proposed as part of the development. The security shall be for one hundred (100) percent of the estimated cost of construction of the streets and erosion and stormwater control systems in moderate subdivisions. Financial security shall be maintained by the developer until said improvements have been completed and approved.
- a. Security may be in the form of one of the following:
    1. Irrevocable Letter of Credit.
    2. Surety Bond.

3. Cash Escrow Account.
- b. Inspection of Improvements. The Plat Officer shall coordinate inspections of improvements with the County Highway Department and the developer's licensed engineer for street construction and the County's Erosion, Sediment and Stormwater Control Review Consultant for erosion and stormwater control.
  1. Streets. Inspections of the proposed streets shall conform with the requirements in subsection 8.3.3-4.b of this chapter.
  2. Erosion and stormwater control. The Erosion, Sediment and Stormwater Control Review Consultant shall conduct as many inspections as needed throughout the construction of the improvements, including a final inspection for final compliance and release of financial security to the developer.
- c. Maintenance Before Release. The developer shall be responsible for the maintenance of all improvements until the release of the financial security. Where a subdivision has been platted in phases, the developer shall be responsible for the improvements of the respective phase, and those improvements applicable to the entire subdivision. The developer shall also be responsible for the following:
  1. Snow Removal. The developer shall be required to provide snow removal on all streets until the required financial security has been released as per subsection 3.16.4-6.d.
  2. Erosion Control. All exposed earth surfaces and areas prone to erosion caused by the construction of required improvements shall be properly protected in accordance with Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.
  3. Debris Removal. The developer shall clean and maintain or cause to be cleaned and maintained, all improvements until the final acceptance of said improvements. The improvements shall be kept free from debris, sediment deposits, trash and other extraneous material prior to acceptance and at such other times during construction as the County may deem necessary to prevent the creation of a public nuisance. Failure to do so shall result in violation of this Ordinance and Chapter 12 of the County Code (Building and Property Maintenance Code).
- d. Release of Financial Security. The Plat Officer shall not release the financial security until the completed improvements have been approved, as determined below:
  1. The developer's engineer shall submit to the Plat Officer documentation that has been certified. Said documentation shall include at a minimum, the following:
    - a. A statement that the construction of the proposed improvements is complete, and the proposed improvements have been built to the approved construction plans.
    - b. A request for a final inspection of the improvements.
    - c. As-built plans certifying the actual location of all improvements and containing at a minimum the following:
      1. The location of all improvements as shown on the construction plans approved by the Plat Officer, Erosion Control Administrator, and County Engineer;
      2. The location of all improvements as built in the field; and
      3. Certification by the engineer as regard to the accuracy of these plans
  2. The County Engineer, Township Road Commissioner, County Erosion Control Consultant, developer, and developer's engineer shall visit the site and inspect the improvements. If the streets are in compliance, the County Engineer shall notify the Township Road Commissioner and Plat Officer in writing of compliance. If the erosion



and stormwater control improvements are in compliance with the Erosion, Sediment and Stormwater Control Permit, the County Erosion Control Consultant shall notify the Plat Officer in writing of compliance.

3. After notification from the County Engineer as to the compliance of all street improvements, and the County Erosion Control Consultant as to the compliance of all erosion control and stormwater improvements, the Plat Officer may release the financial security. The developer shall have the option of having a partial amount of the financial security for the street improvements released as outlined below:
  - a. After notification from the County Engineer as to the compliance of the requirements of subsection 8.3.3-4.b.1, the Plat Officer may release 25% of the financial security. The developer must submit revised financial security acceptable to the Plat Officer which covers the adjusted amount of financial security.
  - b. After notification from the County Engineer as to the compliance of the requirements of subsection 8.3.3-4.b.2, the Plat Officer may release an additional 25% of the financial security. The developer must submit revised financial security acceptable to the Plat Officer which covers the adjusted amount of financial security.

7. *Final Plat.*

- a. Submittal: After the filing of financial security, the developer shall submit the executed original mylar tracing of the intended final plat, together with at least ten (10) copies, all with original signatures.
- b. Approval: Within fifteen (15) working days after receipt of the final plat and any additional information submitted with the final plat, the Plat Officer shall approve the final plat if it meets the requirements of this article and Article 8, Subdivisions. If the plat does not meet the requirements of this article and Article 8, Subdivisions, the Plat Officer shall identify in writing the deficiencies.
- c. Form and Data: The final plat of a moderate subdivision shall include all of the area of the approved preliminary plat.
  1. Land Reference shall comply with the Plat Act, to which all dimensions, angles, bearing and similar data on the final plat shall have accurate dimensions, bearing or deflection angles, and radii arcs, and central angle of all curves, and include:
    - a. Subdivision boundary and individual lot lines;
    - b. Titles, scale, north arrow and date;
    - c. Right-of-way lines of adjacent streets and those street names;
    - d. Easements and other rights-of-way, including their location and dimensions;
    - e. Minimum setback lines on all lots;
    - f. Location and description of monuments, according to the Plat Act;
    - g. Reference to recorded subdivision plats of adjoining platted lands; and
    - h. If not for residential use, stated purpose for which sites are dedicated or reserved.
  2. Certificates. Required verbiage of certificates are found in Section 8.5 ("Certificates and Notations") of this chapter. All certificates shall be sealed or notarized as noted.
    - a. Illinois Registered Land Surveyor.
      1. A statement as to accuracy of survey and plat with the Surveyor's signature and seal affixed;

2. A statement that the land being subdivided does or does not lie within one and one-half (1½) miles of the corporate limits of any municipality exercising extraterritorial subdivision control.
  3. A statement that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the developer has a 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 adjoining property because of the construction of the subdivision.
- b. Statement by the developer reserving any and all easements and any sites for public uses;
  - c. County Clerk's Certificate, signed and sealed, stating that all taxes are paid to date;
  - d. Health Department's Certificate, signed, stating compliance with all Health Department regulations;
  - e. Certificate of all appropriate road officials, which may be the Township Road Commissioner, County Engineer, and/or IDOT District Engineer, stating that the subdivision has been approved by that road authority with respect to access and then signed;
  - f. Certificate of current ownership of parcel being split, stating that the person(s) signing the plats are owners of parcel being split and have caused said moderate subdivision to be prepared, and to the best of their knowledge the school district(s) in which the parcel is located. Said certificate shall be signed by all the owners and then notarized by a Notary Public;
  - g. If the subdivision is within the area of jurisdiction of a city or village exercising extraterritorial subdivision approval, it shall have endorsed and signed thereon the requisite municipal approvals;
  - h. Certificate of Plat Officer, signed and sealed, stating that conformance with the Peoria County Comprehensive Land Use Plan and the provisions of the appropriate sections of this article and all other applicable Articles of the County Code, and that the developer has posted a good and sufficient financial security with the County Clerk in the penal sum sufficient to cover the estimate by a qualified engineer of the probable expenditures necessary to enable the developer to conform with the standards of street and erosion and stormwater control construction established pursuant to the provisions of this article. The financial security shall be conditioned upon faithful adherence to the rules and regulations contained in this article; and
  - i. Any Protective covenants in form of recording.
3. Required Notations. The following shall be required on all moderate subdivision as noted.
    - a. Water Note. If the parcel shall be served by a public water provider or water district or by a community water supply system, then: "*Water for this parcel is provided by \_\_\_\_\_.* Notice of hook-up is required prior to start of construction." shall appear on the moderate subdivision final plat. If the parcel is not served by any water provider, and an individual well would be needed, then "*There is no public water provider to this parcel. Development of the parcel requires a well permit from the Peoria City/County Health Department before the start of construction.*" shall appear on the final plat.

- b. Long Driveways. For any parcel being created by moderate subdivision that extends greater than five hundred (500) feet from the adjacent right-of-way and street, the following shall appear on the final plat: *"NOTICE TO THE PUBLIC: The creation of long private driveways may result in increased response time or inaccessibility by emergency service vehicles."*
- c. Zoning. Every moderate subdivision shall note the zoning of the parcel on the day of recording with the following note, *"On     (date)    , this parcel is known to be zoned                     ."*
- d. Floodplain. The surveyor shall determine if the parcel is located within any regulatory floodplain or floodway. If so, it shall be noted graphically on the final plat, and textually with the following language, *"This parcel is located in a special flood hazard area. Zone     , Community Panel     . Improvements to this parcel may require special approval."*
- e. Waivers. The surveyor shall include as a textual note all waivers that were approved by the County Board, including the Section of the County Code from which the waiver was sought.

4. Layout of the Final Plat.

- a. All final plats shall be submitted on sheets of mylar and paper, respectively, that are sixteen inches by twenty-two inches (16" x 22".)
- b. All information on the final plat shall be legible.
- c. All datum and legal descriptions shall be organized and listed together.
- d. All certificates shall be located no more than one inch from any edge of the plat.
- e. There shall be a one-inch margin around the entire final plat.
- f. All signature blocks shall be flush with the required one-inch margin.
- g. All notes shall be organized and listed together on the plat.
- h. An area three inches by three inches (3" x 3") in the lower left corner of the final plat shall be bordered and left blank for the Recorder of Deeds recording stamp and information.

- 8. *Recording.* The developer shall have the responsibility and bear the cost of recording the final plat in the Peoria County Recorder of Deeds Office after it has been approved by the Plat Officer and all appropriate signatures obtained.

3.16.5 *Procedures for Major Subdivision Approval.*

- 1. *Major Subdivisions, Defined.* As noted in Article 11, Definitions, of this chapter, a Major Subdivision is any subdivision not classified as a minor subdivision or moderate subdivision, including but not limited to subdivisions of twenty-one (21) or more lots or any subdivision of twenty-one (21) or more lots requiring any new street or extension of the local government facilities or the creation of any public improvements.
- 2. *Minimum Standards.* In addition to the requirements of the appropriate Zoning District, as found in Article 4, Zoning Districts, Article 5, Use Regulations, and Article 6, Bulk Regulations, Density and Dimensional Standards, in which the parcel being split is located, the following shall apply to all major subdivisions.
  - a. Land Use Plan. All subdivisions shall comply with the Peoria County Comprehensive Land Use Plan, Future Land Use Form Map, and any subsequent amendments thereto. An approved Special Use or Variance shall serve as compliance.

- b. **Frontage.** All lots being created shall have frontage on a public right-of-way and street. As noted, below, the amount of frontage shall be dependent upon the size of the parcel to be created. It shall also be applied to the "remaining parcel."
    1. For parcels being created less than ten (10) acres in size, a minimum of thirty (30) feet of frontage shall be provided to that tract.
    2. For parcels being created ten (10) or more acres in size, a minimum of sixty (60) feet of frontage shall be provided to that tract.
    3. Parcels with an access only to existing private streets or easements shall be permitted only in circumstances in which an extraordinary hardship exists, and with the approval of a waiver. If such waiver is granted, the private street or easement shall comply with subsections 8.3.3-2.d and 8.3.3-2.e in regard to street names and street signs.
  - c. **Clustering.** When only a portion of a parcel is to be developed, the developer shall cluster the lots being created in both the least productive portion of the existing parcel as it relates to row crop production, and in the least intrusive portion of the existing parcel as it relates to impact on any environmental corridor that may exist.
3. **Pre-Application Conference.** The pre-application conference will provide an opportunity for the developer and staff to meet informally; openly discuss a proposal; and allow the staff to provide comment prior to the developer having to make a great investment of resources into a project. The developer shall initiate contact with the Department, and may request a time to meet to discuss a proposal.
  4. **Preliminary Plat.**
    - a. **Purpose.** In order to allow for a fair and thorough review of proposals, information must be provided in a manner that is accurate, descriptive, and consistent.
    - b. **Submittals.** The developer shall submit a preliminary plat together with a completed plat review application, statement of preliminary plat information, and the appropriate filing fee. The preliminary plat shall include information categorized as general, existing site and proposed site conditions.
      1. Copies required: Eleven (11).
      2. **General Information:** A preliminary plat shall be accurately drawn to a scale of one inch equals one hundred (100) feet and include:
        - a. County parcel identification number(s) (PIN);
        - b. Legal description of parcel(s) to be divided;
        - c. North arrow;
        - d. Zoning of parcel(s) and surrounding parcels;
        - e. Subdivision name;
        - f. Name, address, and phone number of all owners and developers, if not the same;
        - g. Acreage of parcel(s) to be divided;
        - h. Scale;
        - i. Benchmarks;
        - j. Certification of registered land surveyor and date of survey;
        - k. If within the area of jurisdiction of a city or village exercising its extraterritorial authority, a signature block for the municipal Plat Officer, with signature line not more than one (1) inch from a side or bottom edge; and



3. Lot sizes (to hundredth of an acre).
  - b. Building setback lines:
    1. Front/street;
    2. Side yard; and
    3. Rear yard.
  - c. Streets:
    1. Names. All new street names, for both public streets and private streets, shall be reviewed and approved by the Transportation Committee of the County Board or other committee as deemed appropriate by the County Board;
    2. Right-of-way widths; and
    3. Approximate grade.
  - d. Sites for either public or non-public uses.
  - e. Proposed methods of water supply and sewage disposal with data as specified in Section 8.3.4, Utilities.
- c. Preliminary Plat Review and Response.
  1. Purpose. The subdivision and development of land is an occurrence that will have a long-term impact upon both the site and adjacent properties, regardless of size or scope of the development proposal. The approval process needs to recognize this impact, and also recognize the legitimate interests of various parties, including the developer, adjacent property owners, tenants and the community as a whole. The Department will strive to provide a thorough review of submissions in a timely manner.
  2. Other Agencies and Review. Eleven (11) copies of the plat shall be submitted by the developer to be distributed to:
    - a. County Clerk;
    - b. County Engineer;
    - c. Township Road Commissioner;
    - d. Illinois Department of Transportation (if necessary);
    - e. City/County Health Department;
    - f. Soil and Water Conservation District;
    - g. School district parcel is located within;
    - h. Municipality, if within one and one-half (1½) mile review authority;
    - i. Park District (if applicable); and
    - j. Fire Protection District.
  3. Review Process.
    - a. The agencies receiving a copy of the preliminary plat shall comment within twenty-five (25) days so that the Department can send a coordinated response to the developer.
    - b. The Department shall review the preliminary plat, checking the content against the items listed herein.
    - c. The Department shall send to the developer a coordinated response no more than thirty (30) working days after receipt of a preliminary plat. Situations when the thirty (30) days shall be extended are as follows:

1. Filing of an incomplete submittal, in which case the thirty (30) days shall commence the day on which a complete preliminary plat is submitted;
    2. Need for filing of subdivision waiver, in which the thirty (30) days shall commence the day the County Board approves or denies any required waiver; or
    3. A municipality with mile-and-a-half jurisdiction has an approval process greater than thirty (30) days. The Department's thirty (30) day review period shall commence upon receipt of any required approval from said municipality.
  4. Action by the Plat Officer. Following the review of a preliminary plat and any additional information submitted with the preliminary plat, the Plat Officer shall take one of the following actions.
    - a. Approval. The Plat Officer may approve a preliminary plat conditionally or unconditionally.
    - b. Rejection. The Plat Officer may reject a preliminary plat when deficiencies require a resubmittal. The Plat Officer, in such a case, shall identify in writing the deficiencies.
    - c. The preliminary plat shall be deemed approved if the thirty-day review period, as extended if applicable, expires with no action by the Plat Officer.
  5. Term of Approval. The Department's approval of a preliminary plat shall be valid for one year from the date of approval, or a longer period of time specified, in writing, by the Plat Officer.
5. *Construction Plans for Public Improvements.*
- a. Submittal. Within one year of the approval of the preliminary plat, or such other time as the Plat Officer may allow in writing, the developer shall submit three (3) complete sets of construction plans for public improvements that are under the jurisdiction of the County.
  - b. Form and Data. The construction plans shall be prepared by the developer's registered professional engineer, and shall include, at a minimum, the following information:
    1. Streets.
      - a. Plans and Specifications for the construction of any and all streets, pursuant to Article 8, Subdivisions, of this chapter.
      - b. Cost and Quantity Estimates.
    2. Erosion and Stormwater Control.
      - a. Plans and Specifications pursuant to Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.
      - b. Cost and Quantity Estimates pursuant to Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.
  - c. Review and Comment.
    1. The plans shall be distributed by this department to the following review agencies:
      - a. Planning and Zoning Department;
      - b. County Highway Department; and
      - c. Erosion, Sediment and Stormwater Control Review Consultant.
    2. Period of Review.

- a. Streets. The County Engineer shall submit to the Plat Officer any comments in a timely manner so that the Plat Officer can send a coordinated response to the developer within forty-five (45) days of receipt of the Construction Plans. If the Plat Officer does not notify the developer of any comments within the specified forty-five (45) days, then the Construction Plans shall be approved as submitted.
    - b. Erosion and Stormwater Control. The Erosion, Sediment and Stormwater Control Review Consultant shall follow the procedures set forth in Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter for review and comment. If the Plat Officer does not notify the developer of any comments within the specified forty-five (45) days, then the Construction Plans shall be approved as submitted.
  - d. Approval.
    1. Streets. Construction Plans for the streets shall be approved when the submitted plans have met or exceeded all of the Specifications for street construction as noted in Section 8.3.3 Streets, as determined by the County Engineer.
    2. Erosion and Stormwater Control. Construction Plans for erosion and stormwater control shall be approved when the submitted plans meet or exceed all of the specifications for erosion and stormwater control as noted in Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater") of this chapter as determined by the Erosion Control Administrator.
6. *Financial Security.* Appropriate means of financial security shall be required when improvements are proposed as part of the development. The security shall be for one hundred (100) percent of the estimated cost of construction of the streets and erosion and stormwater control systems in major subdivisions. Financial security shall be maintained by the developer until said improvements have been completed and approved.
  - a. Security may be in the form of one of the following:
    1. Irrevocable Letter of Credit.
    2. Surety Bond.
    3. Cash Escrow Account.
  - b. Inspection of Improvements. The Plat Officer shall coordinate inspections of improvements with the County Highway Department and the developer's licensed engineer for street construction and the County's Erosion, Sediment and Stormwater Control Review Consultant for erosion and stormwater control.
    1. Streets. Inspections of the proposed streets shall conform with the requirements in subsection 8.3.3-4.b of this article.
    2. Erosion and stormwater control. The Erosion, Sediment and Stormwater Control Review Consultant shall conduct as many inspections as needed throughout the construction of the improvements, including a final inspection for final compliance and release of financial security to the developer.
  - c. Maintenance Before Release. The developer shall be responsible for the maintenance of all improvements until the release of the financial security. Where a subdivision has been platted in phases, the developer shall be responsible for the improvements of the respective phase, and those improvements applicable to the entire subdivision. The developer shall also be responsible for the following:
    1. Snow Removal. The developer shall be required to provide snow removal on all streets until the required financial security has been released as per subsection 3.16.4-6.d.



2. Erosion Control. All exposed earth surfaces and areas prone to erosion caused by the construction of required improvements shall be properly protected in accordance with Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.
  3. Debris Removal. The developer shall clean and maintain or cause to be cleaned and maintained, all improvements until the final acceptance of said improvements. The improvements shall be kept free from debris, sediment deposits, trash and other extraneous material prior to acceptance and at such other times during construction as the County may deem necessary to prevent the creation of a public nuisance. Failure to do so shall result in violation of this Ordinance and Chapter 12 of the County Code (Building and Property Maintenance Code).
- d. Release of Financial Security. The Plat Officer shall not release the financial security until the completed improvements have been approved, as determined below:
1. The developer's engineer shall submit to the Plat Officer documentation that has been certified and contains at a minimum the following:
    - a. A statement that the construction of the proposed improvements are complete, and the proposed improvement have been built to the approved construction plans.
    - b. A request for a final inspection of the improvements; and
    - c. As-built plans certifying the actual location of all improvements and containing at a minimum the following:
      1. The location of all improvements as shown on the construction plans approved by the Plat Officer, Erosion Control Administrator, and County Engineer;
      2. The location of all improvements as built in the field; and
      3. Certification by the engineer as regard to the accuracy of these plans.
  2. The County Engineer, Township Road Commissioner, County Erosion Control Consultant, developer, and developer's engineer shall visit the site and inspect the improvements. If the streets are in compliance, the County Engineer shall notify the Township Road Commissioner and Plat Officer in writing of compliance. If the erosion and stormwater control improvements are in compliance with the Erosion, Sediment and Stormwater Control Permit, the County Erosion Control Consultant shall notify the Plat Officer in writing of compliance.
  3. After notification from the County Engineer as to the compliance of all street improvements, and the County Erosion Control Consultant as to the compliance of all erosion control and stormwater improvements, the Plat Officer may release the financial security. The developer shall have the option of having a partial amount of the financial security for the street improvements released as outlined below.
    - a. After notification from the County Engineer as to the compliance of the requirements of subsection 8.3.3-4.b.1, the Plat Officer may release twenty-five (25) percent of the financial security. The developer must submit revised financial security acceptable to the Plat Officer which covers the adjusted amount of financial security.
    - b. After notification from the County Engineer as to the compliance of the requirements of subsection 8.3.3-4.b.2, the Plat Officer may release an additional twenty-five (25) percent of the financial security. The developer must submit revised financial security acceptable to the Plat Officer which covers the adjusted amount of financial security.

7. *Final Plat.*

- a. Submittal: After the filing of financial security, the developer shall submit the executed original mylar tracing of the intended final plat, together with at least ten (10) copies, all with original signatures.
- b. Approval: Within fifteen (15) working days after receipt of the final plat and any additional information submitted with the final plat, the Plat Officer shall approve the final plat if it meets the requirements of this article and Article 8, Subdivisions. If the plat does not meet the requirements of this article and Article 8, Subdivisions, the Plat Officer shall identify in writing the deficiencies.
- c. Form and Data: The final plat of a major subdivision shall include all of the area of the approved preliminary plat.
  1. Land Reference shall comply with the Plat Act, to which all dimensions, angles, bearing and similar data on the final plat shall have accurate dimensions, bearing or deflection angles, and radii arcs, and central angle of all curves, and include:
    - a. Subdivision boundary and individual lot lines;
    - b. Titles, scale, north arrow and date;
    - c. Right-of-way lines of adjacent streets and those street names;
    - d. Easements and other rights-of-way, including their location and dimensions;
    - e. Minimum setback lines on all lots;
    - f. Location and description of monuments, according to the Plat Act;
    - g. Reference to recorded subdivision plats of adjoining platted lands; and
    - h. If not for residential use, stated purpose for which sites are dedicated or reserved.
  2. Certificates. Required verbiage of certificates are found in Section 8.5 ("Certificates and Notifications") of this chapter. All certificates shall be sealed or notarized as noted.
    - a. Illinois Registered Land Surveyor.
      1. A statement as to accuracy of survey and plat with the Surveyor's signature and seal affixed;
      2. A statement that the land being subdivided does or does not lie within one and one-half (1½) miles of the corporate limits of any municipality exercising extraterritorial subdivision control.
      3. A statement that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the developer has a 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 adjoining property because of the construction of the subdivision.
    - b. Statement by the developer reserving any and all easements and any sites for public uses;
    - c. County Clerk's Certificate, signed and sealed, stating that all taxes are paid to date;
    - d. Health Department's Certificate, signed, stating compliance with all Health Department regulations;
    - e. Certificate of all appropriate road officials, which may be the Township Road Commissioner, County Engineer, and/or IDOT District Engineer, stating that the

subdivision has been approved by that road authority with respect to access and then signed;

- f. Certificate of current ownership of parcel being split, stating that the person(s) signing the plats are owners of parcel being split and have caused said major subdivision to be prepared, and to the best of their knowledge the school district(s) in which the parcel is located. Said certificate shall be signed by all the owners and then notarized by a Notary Public;
  - g. If the subdivision is within the area of jurisdiction of a city or village exercising extraterritorial subdivision approval, it shall have endorsed and signed thereon the requisite municipal approvals;
  - h. Certificate of Plat Officer, signed and sealed, stating that conformance with the Peoria County Comprehensive Land Use Plan and the provisions of the appropriate sections of this article and all other applicable Sections of the County Code, and that the developer has posted a good and sufficient financial security with the County Clerk in the penal sum sufficient to cover the estimate by a qualified engineer of the probable expenditures necessary to enable the developer to conform with the standards of street and erosion and stormwater control construction established pursuant to the provisions of this article. The financial security shall be conditioned upon faithful adherence to the rules and regulations contained in this article; and
  - i. Any Protective covenants in form of recording.
3. Required Notations. The following shall be required on all major subdivision as noted.
- a. Water Note. The parcel shall be served by a public water provider or water district or by a community water supply system, therefore: *"Water for this parcel is provided by \_\_\_\_\_. Notice of hook-up is required prior to start of construction."* shall appear on the major subdivision final plat.
  - b. Long Driveways. For any parcel being created by major subdivision that extends greater than five hundred (500) feet from the adjacent right-of-way and street, the following shall appear on the final plat: *"NOTICE TO THE PUBLIC: The creation of long private driveways may result in increased response time or inaccessibility by emergency service vehicles."*
  - c. Zoning. Every major subdivision shall note the zoning of the parcel on the day of recording with the following note, *"On    (date)   , this parcel is known to be zoned \_\_\_\_\_."*
  - d. Floodplain. The surveyor shall determine if the parcel is located within any regulatory floodplain or floodway. If so, it shall be noted graphically on the final plat, and textually with the following language, *"This parcel is located in a special flood hazard area. Zone \_\_\_\_, Community Panel \_\_\_\_\_. Improvements to this parcel may require special approval."*
  - e. Waivers. The surveyor shall include as a textual note all waivers that were approved by the County Board, including the Section of this Code from which the waiver was sought.
4. Layout of the Final Plat.
- a. All final plats shall be submitted on sheets of mylar and paper, respectively, that are sixteen inches by twenty-two inches (16" x 22").
  - b. All information on the final plat shall be legible.
  - c. All datum and legal descriptions shall be organized and listed together.
  - d. All certificates shall be located no more than one inch from any edge of the plat.

- e. There shall be a one-inch margin around the entire final plat.
  - f. All signature blocks shall be flush with the required one-inch margin.
  - g. All notes shall be organized and listed together on the plat.
  - h. An area three inches by three inches (3" x 3") in the lower left corner of the final plat shall be bordered and left blank for the Recorder of Deeds recording stamp and information.
8. *Recording.* The developer shall have the responsibility and bear the cost of recording the final plat in the Peoria County Recorder of Deeds Office after it has been approved by the Plat Officer and all appropriate signatures obtained.

(Res. of 7-12-12; Ord. of 3-13-14)

#### ARTICLE 4. - ZONING DISTRICTS

##### Sec. 4.1 - Zoning Districts Established

In order to carry out the purpose and intent of these regulations, the unincorporated areas of the County and incorporated areas not zoned by municipal authorities under the provisions of the Illinois Municipal Code, 65 ILCS 5/11-13-1 et seq., as amended, is hereby divided into the following districts:

###### Agricultural Districts

- A-1 Agricultural Preservation
- A-2 Agricultural

###### Residential Districts

- R-R Rural Residential
- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-3 High Density, Multifamily Residential

###### Commercial Districts

- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Regional Commercial

###### Industrial Districts

- I-1 Light Industrial
- I-2 Heavy Industrial

###### Overlay District

- RCC Rural Community Conservation

(Res. of 7-12-12)

##### Sec. 4.2 - Zoning District Map

- 4.2.1 *Purpose.* The purpose of the Zoning District Map is to set forth the boundaries of the zoning districts established in Section 4.1 ("Zoning Districts Established").

- 4.2.2 *Zoning Maps.* The location and boundaries of the districts established by these regulations are described on the Zoning District Map of each township of the County, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these regulations as if they were fully described herein.
- 4.2.3 *Maintenance of Map.* The Zoning District Map, as amended from time to time in accordance with the provisions of Section 3.6 ("Text and Map Amendments"), shall be kept on file and made available for public reference in the office of the Zoning Administrator.
- 4.2.4 *Interpretation of Boundaries.* Where uncertainty exists with respect to the boundaries of the various zoning districts shown on the Zoning District Map, as amended, the Zoning Administrator shall determine the boundaries in accordance with the following rules:
1. District boundary lines are the center lines of highways, streets, alleys, easements, railroad rights-of-way, rivers and other bodies of water, or section, division of sections, tract and lot lines, or such lines extended, unless otherwise indicated.
  2. Where a district boundary line divides a lot or tract in single ownership, the district regulations for either portion of the lot may extend to the entire lot, but not more than twenty-five (25) feet beyond the boundary line of the district.
  3. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.
- 4.2.5 *Territory Added to Unincorporated Area of County.*
1. All territory which may hereafter be added to the County by disconnection from a municipal corporation zoned under the provisions of these regulations shall retain the zoning district classification provided for by these regulations until otherwise reclassified by amendment.
  2. All territory which may hereafter be added to the County by annexation or disconnection from a municipal corporation which has adopted zoning regulations under the provisions of the Illinois Municipal Code, 65 ILCS 5/11-13-1 et seq., as amended, shall be classified as R-1 until otherwise reclassified by amendment.

#### Sec. 4.3 - "A-1" Agricultural Preservation District

- 4.3.1 *Purpose.* The A-1 Agricultural District is established to conserve farmland and to encourage continued agricultural activities, thereby helping to ensure that sustainable agriculture will continue as a long term land use and a viable economic activity within the County. The A-1 District is also established to preserve natural features and the rural landscape, while allowing low density residential development that minimizes its impact on agricultural land, farming operations and sensitive environmental features. The preferred land use in the A-1 District is agriculture. The District is intended to permit a range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. More specifically, the District is established to severely restrict non-farm development in predominantly agricultural areas in order to:
1. Preserve productive agricultural land for continued food and fiber production;
  2. Protect productive farms from encroachment by incompatible non-farm uses;
  3. Maintain the County's existing agricultural base to support agricultural processing and related service industries; and
  4. Preserve the maximum freedom of operation for those legitimate agricultural purposes permitted in this District.
- 4.3.2 *Uses.* Uses are allowed in the A-1 District in accordance with Section 5.1 ("A-1 Agricultural Preservation District").
- 4.3.3 *Dimensional Standards.* All development in the A-1 District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

#### Sec. 4.4 - "A-2" Agricultural District

4.4.1 *Purpose.* The A-2 Agricultural District is established to protect and maintain the agricultural economy and the open space and natural features of rural areas of the County in order to:

1. Protect lands for continued farming;
2. Allow non-farm residential development on a limited basis; and
3. Minimize conflicts between agricultural and non-agricultural areas.

The A-2 District is also established to protect those agricultural lands which, due to their location, soils, and use for agricultural activities, warrant protection from indiscriminate development. However, their proximity to existing development, combined with pressures for new development, makes these lands unsuitable for preservation according to the more restrictive regulations of the A-1 Agricultural Preservation District. The A-2 District is also intended to protect those agricultural lands that would otherwise be subject to residential subdivision activity which could render these important farmlands useless for farming.

4.4.2 *Uses.* Uses are allowed in the A-2 District in accordance with Section 5.2 ("A-2 Agricultural District").

4.4.3 *Dimensional Standards.* All development in the A-2 District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

#### Sec. 4.5 - "R-R" Rural Residential District

4.5.1 *Purpose.* The R-R Rural Residential District is established to provide an opportunity for rural residential development in the County, to maintain areas that are developed with single family detached housing on larger parcels, and to preserve open space and natural features. Parcels zoned R-R should be low density development with larger lots to accommodate the need for individual wells and septic systems. The R-R Rural Residential District is intended to be consistent with the concepts of the rural designation established during the County's land use planning process, adopted in the Peoria County Comprehensive Land Use Plan and shown on the County's Land Use Form map.

4.5.2 *Uses.* Uses are allowed in the R-R District in accordance with Section 5.3 ("R-R Rural Residential District").

4.5.3 *Dimensional Standards.* All development in the R-R District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

#### Sec. 4.6 - "R-1" Low Density Residential District

4.6.1 *Purpose.* The R-1 Low Density Residential District is established to provide for single-family detached housing opportunities in an urban setting at a low density and to preserve open space and natural features. Parcels zoned R-1 could be served by either individual septic systems or public sewer based on requirements established by the Peoria City/County Health Department. This district is intended to be consistent with the concepts of the urban designation established during the County's land use planning process, adopted in the Peoria County Comprehensive Land Use Plan and shown on the County's Land Use Form map.

4.6.2 *Uses.* Uses are allowed in the R-1 District in accordance with Section 5.4 ("R-1 Low Density Residential District").

4.6.3 *Dimensional Standards.* All development in the R-1 District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

#### Sec. 4.7 - "R-2" Medium Density Residential District

4.7.1 *Purpose.* The R-2 Medium Density Residential District is established to provide a limited selection of residential opportunities at a medium density, including both single-family detached and two-family housing, and to preserve open space and natural features. Parcels in the R-2 District may be served

by either individual septic systems or public sewer. It is intended that new development in this district will be at a density capable of being served by urban services such as public water and sewer based on requirements established by the Peoria City and County Health Department. This district is intended to be consistent with the concepts of the urban designation established during the County's land use planning process, adopted in the Peoria County Comprehensive Land Use Plan and shown on the County's Land Use Form map.

4.7.2 *Uses.* Uses are allowed in the R-2 District in accordance with Section 5.5 ("R-2 Medium Density Residential District").

4.7.3 *Dimensional Standards.* All development in the R-2 District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

#### Sec. 4.8 - "R-3" High Density, Multifamily Residential District

4.8.1 *Purpose.* The R-3 High Density, Multifamily Residential District is established to provide a variety of residential opportunities at a high density, including single-family detached, single-family attached, two-family, and multifamily housing. Parcels zoned R-3 should have direct access to both public water and sewer service so as to accommodate the denser population, and access to an arterial street to accommodate the increase in traffic generation. As with the R-2 District, parcels in the R-3 District are intended to be consistent with the concepts of the urban designation established during the County's land use planning process, adopted in the Peoria County Comprehensive Land Use Plan and shown on the County's Land Use Form map.

4.8.2 *Uses.* Uses are allowed in the R-3 District in accordance with Section 5.6 ("R-3 High Density, Multifamily Residential District").

4.8.3 *Dimensional Standards.* All development in the R-3 District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

#### Sec. 4.9 - "C-1" Neighborhood Commercial District

4.9.1 *Purpose.* The C-1 Neighborhood Commercial District is established to provide for limited residential and nonresidential uses meeting the day-to-day convenience shopping and service needs of persons residing in the district and adjacent residential areas. The desired character of the district will be attained by providing substantial buffering, restricting the maximum size of all buildings, encouraging innovative design techniques, and by preserving open spaces and natural features, all of which are intended to minimize the impacts to adjacent residential districts. This District is intended to provide uses that are on a more intimate, pedestrian-oriented scale than those uses located in the more intensive commercial districts. In addition, this District is meant to contain uses that are developed on public water and sewer.

4.9.2 *Uses.* Uses are allowed in the C-1 District in accordance with Section 5.7 ("C-1 Neighborhood Commercial District").

4.9.3 *Dimensional Standards.* All development in the C-1 District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

#### Sec. 4.10 - "C-2" General Commercial District

4.10.1 *Purpose.* The C-2 General Commercial District is established to provide a location for higher-volume and higher intensity commercial uses than the C-1 District, including establishment involving heavy equipment, and the processing and distribution of goods which provide employment and revenues for the County. Due to the higher volume of these uses, and the automobile and truck traffic they typically generate, it is intended that the C-2 District be located only along major and minor collectors and arterials in order to ensure that the traffic generated by such uses does not adversely impact nearby residential neighborhoods. Recognizing the impacts such uses may have on adjacent residential areas, the development standards for the C-2 District are designed to preserve open space and natural resources, as well as buffer the C-2 District from nearby residential properties and maintain the general appearance of major thoroughfares through the County.

4.10.2 *Uses.* Uses are allowed in the C-2 District in accordance with Section 5.8 ("C-2 General Commercial District").

4.10.3 *Dimensional Standards.* All development in the C-2 District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

#### Sec. 4.11 - "C-3" Regional Commercial District

4.11.1 *Purpose.* The C-3 Regional Commercial District is established to provide locations for sizable commercial, office, institutional, research, and light industries, as well as the smaller commercial and service uses on which they rely (i.e., those designated as special uses). The uses in this district must be located on large (ten (10) acres or more) land parcels in coordinated commercial, office and industrial structures in a "park-like" atmosphere. To encourage accessibility, this district is generally located on primary thoroughfares. In addition, through the encouragement of planned developments which are the preferred use in this District, the C-3 District is intended to accommodate a variety of uses, whereby the developer can establish different combinations of uses on a site over time, as the market dictates, as long as all uses and development conform to the standards established by the County to protect adjacent land uses and preserve open spaces and the natural environment.

4.11.2 *Uses.* Uses are allowed in the C-3 District in accordance with Section 5.9 ("C-3 Regional Commercial District").

4.11.3 *Dimensional Standards.* All development in the C-3 District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

#### Sec. 4.12 - "I-1" Light Industrial District

4.12.1 *Purpose.* The I-1 Light Industrial District is intended to allow industrial and office uses that have minimal adverse impacts. Development in this district is therefore limited to those manufacturing, wholesaling, and office activities which can be operated in a clean and quiet manner, as well as certain commercial and recreational activities which are needed to serve the occupants of the district and the residents of adjoining residential districts. Whenever possible, this district should be separated from residential districts by natural or structural boundaries such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries, and similar features.

4.12.2 *Uses.* Uses are allowed in the I-1 District in accordance with Section 5.10 ("I-1 Light Industrial District").

4.12.3 *Dimensional Standards.* All development in the I-1 District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

#### Sec. 4.13 - "I-2" Heavy Industrial District

4.13.1 *Purpose.* The purpose of the I-2 Heavy Industrial District is to create and protect areas for heavy industrial uses, manufacturing, assembling, processing, servicing and storing of parts and products, and distribution of products at wholesale. To further protect adjacent residential districts, the I-2 District should be surrounded by natural or structural boundaries such as drainage channels, sharp breaks in topography, and strips of vegetation, traffic arteries, and similar features.

4.13.2 *Uses.* Uses are allowed in the I-2 District in accordance with Section 5.11 ("I-2 Heavy Industrial District").

4.13.3 *Dimensional Standards.* All development in the I-2 District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

#### Sec. 4.14 - "RCC" Rural Community Conservation District

4.14.1 *Purpose.* The purpose of the RCC Rural Community Conservation District is to provide a "safety net" for people developing property on existing parcels in established communities; however, if new development can conform to the requirements of the underlying district, then those shall govern. The



RCC District is established as an overlay district to maintain conformity and promote a mix of residential, commercial and institutional uses in the incorporated and unincorporated rural communities of Peoria County. The RCC designation is meant for parcels in established "village centers" and surrounding neighborhoods where existing residential development is predominantly high density single-family detached housing. The RCC District allows the reasonable, continued use of property in these established centers, but is not intended to be an area into which people can rezone. These center or "nodal" areas are intended to provide goods and services for the rural community residents as well as a pedestrian-friendly shopping area for surrounding neighborhoods. The RCC District, however, is not intended to be a commercial area for the entire region (the C-3 District is designed to serve this purpose) or a location for large freestanding apartment buildings (as per the R-3 District). In addition, parking decks and parking lots are encouraged in the RCC District as long as their placement will not interfere with the pedestrian-oriented nature of this district.

4.14.2 *Uses.* Uses are allowed in the RCC District in accordance with Section 5.12 ("RCC Rural Community Conservation District").

4.14.3 *Dimensional Standards.* All development in the RCC District is subject to the density and dimensional standards of Article 6, Bulk Regulations, Density, and Dimensional Standards.

4.14.4 *RCC Communities.* The following areas are covered under the RCC District:

1. Alta
2. Dunlap
3. Edwards
4. Edelstein
5. Elmwood
6. Hanna City
7. Kickapoo
8. Laura
9. Monica
10. Mossville
11. Norwood
12. Trivoli

## ARTICLE 5. - USE REGULATIONS

### Sec. 5.1 - "A-1" Agricultural Preservation District

5.1.1 *Applicability.* The provisions of this section are intended to apply to legitimate agricultural purposes that may be identified by the following criteria:

1. The size of the particular tract in relation to the size reasonably required to economically engage in the specified type of productive agricultural activity;
2. Sale of produce or livestock from the activity;
3. Type of land to be used (soil type, slope, etc.);
4. Percentage of time spent in employment elsewhere by the person seeking to have the activity classified as agricultural, percentage of income received from other activities, and plans of the person to employ other qualified and experienced persons to do the agricultural work on the tract already being used for agricultural purpose;

5. Specific uses to which the land is or will be put (i.e., production, pleasure, service, or consumption); and
  6. Qualification of the tract under soil conservation programs and other federal and state agricultural programs.
- 5.1.2 *Permitted Uses.* The following uses may be established as permitted uses in the A-1 District, in accordance with the procedures established in Section 3.4 ("Development Permitted as of Right"):
1. *Agriculture-Related Uses.*
    - a. Agriculture.
  2. *Residential Uses.*
    - a. Dwellings, single-family detached;
    - b. Home occupations, non-impact or minor, as provided in Section 7.3 ("Home Occupations");
    - c. Home occupations, major, as provided in Section 7.3 ("Home Occupations"), provided that the lot is greater than five (5) acres and is not located in a platted subdivision.
  3. *Recreational Uses.*
    - a. Public parks, forest preserves and recreational areas, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").
  4. *Miscellaneous Uses.*
    - a. Accessory structures, dwellings and uses, as provided in Section 5.13 ("Accessory Structures and Uses");
    - b. Exempt public utility structures;
    - c. Governmental uses, essential;
    - d. Non-exempt public utility structures, provided that:
      1. No building is located within twenty-five (25) feet of a side lot line;
      2. The facility is constructed and operated to comply with all applicable local, state, and federal regulations; and
      3. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within three hundred (300) feet of any stream or other body of water or any existing or proposed dwelling.
    - e. Signs, as provided in Section 7.5 ("Signs"); and
    - f. Small Wind Energy Conversion Systems (noncommercial), provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems"), of these regulations are met.
  5. *Commercial Uses.*
    - a. Child care homes, provided that the use is licensed by or registered with the Illinois Department of Children in accordance with the Child Care Act of 1969, as amended, 225 ILCS 10/1 et seq.
- 5.1.3 *Special Uses.* The following uses may be established as special uses in the A-1 District, in accordance with the procedures and standards set forth in Section 3.5 ("Special Use Permits"):
1. *Residential Uses.*
    - a. Home occupations, major, as provided in Section 7.3 ("Home Occupations"), if the lot is less than five (5) acres and/or is located in a platted subdivision;
    - b. Mobile homes on individually owned parcels of land, subject to the provisions of Section 7.9 ("Mobile Homes") of these regulations;

- c. Mobile homes occupied by retired or disabled persons, subject to the provisions of Section 7.9 ("Mobile Homes") of these regulations;
  - d. Mobile homes, when all towing apparatus, wheels, tongue and hitch are permanently removed and the structure is attached to a permanent foundation and assessed as real property.
2. *Commercial Uses.*
- a. Agriculturally-related businesses;
  - b. Airports, private, landing fields, and heliports, provided that the location and layout plan have been approved by the Department of Aeronautics of Illinois or the Federal Aviation Administration (FAA), and if within its jurisdiction, the Metropolitan Airport Authority of Peoria;
  - c. Animal hospitals, animal clinics, and commercial kennels, provided:
    - 1. Lot size shall be two (2) or more acres;
    - 2. No treatment rooms or pens for large animals and no kennel shall be located closer than two hundred (200) feet from any off-site residential building or one hundred (100) feet from any property line, unless maintained within a completely enclosed building; and
    - 3. No objectionable odors are noticeable at or beyond the lot line.
  - d. Greenhouses, commercial.
  - e. Commercial Wind Energy Conversion Systems, provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems"), of these regulations are met;
  - f. Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations, are met.
3. *Miscellaneous Uses.*
- a. Places of worship;
  - b. Schools, other than boarding schools, provided that no building is located within twenty-five (25) feet of a side lot line;
  - c. Historic sites;
  - d. Meteorological towers, provided that the conditions in Section 5.14.3-3, of these regulations are met.

(Ord. of 3-13-14; Ord. of 1-11-18(2))

Sec. 5.2 - "A-2" Agricultural District

5.2.1 *Permitted Uses.* The following uses may be established as permitted uses in the A-2 District, in accordance with the procedures established in Sections 3.4 ("Development Permitted as of Right"):

- 1. *Agriculture-Related Uses.*
  - a. Agriculture.
- 2. *Residential Uses.*
  - a. Dwellings, single-family detached, up to four (4) new dwellings at a density not to exceed one new dwelling per twenty-five (25) contiguously owned acres, and provided the requirements for residential planned developments set forth in subsection 6.14.3-1.a are met; and

1. Lots are created at the rate of one lot of one to two (2) acres per each twenty-five (25) contiguously owned acres.
  2. Parcels created pursuant to this subsection may not be divided again, even if subsequently combined with other parcels.
  - b. Home occupations, non-impact or minor, as provided in Section 7.3 ("Home Occupations");
  - c. Home occupations, major, as provided in Section 7.3 ("Home Occupations"), provided that the lot is greater than five (5) acres and is not located in a platted subdivision; and
  - d. Residential-care homes, small, provided that the use is licensed by the applicable State agency.
  3. *Commercial Uses.*
    - a. Greenhouses, commercial;
    - b. Child care homes, provided that the use is licensed by or registered with the Illinois Department of Children in accordance with the Child Care Act of 1969, as amended, 225 ILCS 10/1 et seq.
  4. *Recreational Uses.*
    - a. Public parks, forest preserves and recreational areas, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").
  5. *Miscellaneous Uses.*
    - a. Accessory structures, dwellings and uses, as provided in Section 5.13 ("Accessory Structures and Uses");
    - b. Cemeteries, human;
    - c. Exempt public utility structures;
    - d. Governmental uses, essential;
    - e. Non-exempt public utility structures, provided that:
      1. No building is located within twenty-five (25) feet of a side lot line;
      2. The facility is constructed and operated to comply with all applicable local, state, and federal regulations; and
      3. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within three hundred (300) feet of any stream or other body of water or any existing or proposed dwelling.
    - f. Schools, other than boarding, provided that no building is located within twenty-five (25) feet of a side lot line;
    - g. Signs, as provided in Section 7.5 ("Signs");
    - h. Airports, public, provided that the location and layout plan have been approved by the Department of Aeronautics of Illinois or the Federal Aviation Administration (FAA);
    - i. Places of worship;
    - j. Small Wind Energy Conversion Systems (noncommercial), provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems"), of these regulations are met.
- 5.2.2 *Special Uses.* The following uses may be established as special uses in the A-2 District, in accordance with the procedures and standards set forth in Section 3.5 ("Special Use Permits"):
1. *Residential Uses.*

- a. Dwellings, single-family detached, where the requirements for planned developments set forth in subsection 6.14.3-1.a are met, and:
    1. Parcels created pursuant to this subsection may not be divided again, even if subsequently combined with other parcels, unless a rezoning is granted by the County Board or unless each lot to be created meets the twenty-five-acre minimum lot size of the "A-2" Zoning District.
  - b. Home occupations, major, as provided in Section 7.3 ("Home Occupations"), if the lot is less than five (5) acres and/or is located in a platted subdivision;
  - c. Mobile homes on individually-owned parcels of land, subject to the provisions of Section 7.9 ("Mobile Homes") of these regulations;
  - d. Mobile homes occupied by retired or disabled persons, subject to the provisions of Section 7.9 ("Mobile Homes") of these regulations;
  - e. Mobile homes, when all towing apparatus, wheels, tongue and hitch are permanently removed and the structure is attached to a permanent foundation and assessed as real property;
  - f. Mobile home parks, provided they meet the requirements of Section 7.10 ("Mobile Home Parks"); and
  - g. Residential-care homes (medium), with six (6) to eight (8) residents, provided that the use is licensed by the applicable State agency.
2. *Commercial Uses.*
- a. Agriculturally-related businesses;
  - b. Airports, private landing fields, and heliports, provided that the location and layout plan have been approved by the Department of Aeronautics of Illinois or the Federal Aviation Administration (FAA), and if within its jurisdiction, the Metropolitan Airport Authority of Peoria;
  - c. Animal hospitals, animal clinics, and commercial kennels, provided:
    1. Lot size shall be two (2) or more acres;
    2. No treatment rooms or pens for large animals and no kennel shall be located closer than two hundred (200) feet from any off-site residential building or one hundred (100) feet from any property line, unless maintained within a completely enclosed building; and
    3. No objectionable odors are noticeable at or beyond the lot line.
  - d. Auction houses;
  - e. Landscape contractors, provided:
    1. The minimum lot size is two (2) acres;
    2. No retail sales are permitted; and
    3. The business shall not be located in a recorded subdivision.
  - f. Overnight accommodations, provided that they meet the requirements set forth in Section 7.8 ("Overnight Accommodations") and provided that:
    1. No more than five (5) rooms or suites of rooms are rented; and
    2. Rooms are not rented for a period of more than fourteen (14) days.
  - g. Commercial Wind Energy Conversion Systems, provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems"), of these regulations are met;

- h. Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations, are met.
3. *Recreational Uses.*
- a. Camps;
  - b. Campgrounds;
  - c. Fairgrounds, state or county;
  - d. Golf courses, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards");
  - e. Recreational areas or facilities, private, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards");
  - f. Recreational vehicle parks, subject to the provisions of Section 7.11 ("Recreational Vehicle Parks");
  - g. Sportsman's clubs, including accessory retail sales and services, provided they are:
    - 1. Directly related to the outdoor recreational use or natural feature; and
    - 2. Dependent on the nearness of such uses or features.
  - h. Speedways; and
  - i. Zoos.
4. *Miscellaneous Uses.*
- a. Cemeteries, pet;
  - b. Convents, monasteries and seminaries, provided that the use is located on a lot at least five (5) acres in area;
  - c. Governmental uses, non-essential;
  - d. Mausoleums;
  - e. Mineral extraction facilities, as provided for in Section 7.12 ("Mineral Extraction Facilities");
  - f. Public facilities;
  - g. Schools, boarding, and colleges and universities, provided that the use is located on a lot at least five (5) acres in area;
  - h. Historic sites; and
  - i. Meteorological towers, provided that the conditions in Section 5.14.3-3, of these regulations are met.

(Ord. of 3-13-14; Ord. of 1-11-18(2))

Sec. 5.3 - "R-R" Rural Residential District

5.3.1 *Permitted Uses.* The following uses may be established as permitted uses in the R-R District, in accordance with the procedures established in Sections 3.4 ("Development Permitted as of Right"):

- 1. *Agriculture-Related Uses.*
  - a. Agriculture.
- 2. *Residential Uses.*
  - a. Dwellings, single-family detached;

- b. Home occupations, non-impact or minor, as provided in Section 7.3 ("Home Occupations"); and
  - c. Residential-care homes, small, provided that the use is licensed by the applicable State agency.
3. *Recreational Uses.*
- a. Public parks, forest preserves and recreational areas, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").
4. *Miscellaneous Uses.*
- a. Accessory structures, dwellings and uses, as provided in Section 5.13 ("Accessory Structures and Uses");
  - b. Exempt public utility structures;
  - c. Governmental uses, essential;
  - d. Non-exempt public utility structures, provided that:
    - 1. No building is located within twenty-five (25) feet of a side lot line;
    - 2. The facility is constructed and operated to comply with all applicable local, state, and federal regulations; and
    - 3. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within three hundred (300) feet of any stream or other body of water or any existing or proposed dwelling.
  - e. Schools, other than boarding schools, provided that no building is located within twenty-five (25) feet of a side lot line; and
  - f. Signs, as provided in Section 7.5 ("Signs").
5. *Commercial Uses*
- a. Child care homes, provided that the use is licensed by or registered with the Illinois Department of Children in accordance with the Child Care Act of 1969, as amended, 225 ILCS 10/1 et seq.
- 5.3.2 *Special Uses.* The following uses may be established as special uses in the R-R District, in accordance with the procedures and standards set forth in Section 3.5 ("Special Use Permits"):
1. *Residential Uses.*
- a. Home occupations, major, as provided in Section 7.3 ("Home Occupations");
  - b. Mobile homes on individually-owned parcels of land, subject to the provisions of Section 7.9 ("Mobile Homes") of these regulations;
  - c. Mobile homes occupied by retired or disabled persons, subject to the provisions of Section 7.9 ("Mobile Homes") of these regulations;
  - d. Mobile homes, when all towing apparatus, wheels, tongue and hitch are permanently removed and the structure is attached to a permanent foundation and assessed as real property;
  - e. Mobile home parks, provided they meet the requirements of Section 7.10 ("Mobile Home Parks");
  - f. Nursing homes;
  - g. Residential-care homes, medium and large, provided that the use is licensed by the applicable State agency;

- h. Residential planned developments, provided that they meet the requirements set forth in Section 6.14 ("Planned Developments").
2. *Commercial Uses.*
- a. Animal hospitals, animal clinics, and commercial kennels, provided:
    - 1. Lot size shall be two (2) or more acres if large animals (such as horses, cows, sheep, llamas, ostriches, and hogs) are to be treated;
    - 2. No treatment rooms or pens for large animals and no kennel shall be located closer than two hundred (200) feet from any off-site residential building or one hundred (100) feet from any property line, unless maintained within a completely enclosed building; and
    - 3. No objectionable odors are noticeable at or beyond the lot line.
  - b. Clinics, and medical and dental offices;
  - c. Greenhouses, commercial;
  - d. Landscape contractors, provided:
    - 1. The minimum lot size is two (2) acres;
    - 2. No retail sales are permitted; and
    - 3. The business shall not be located in a recorded subdivision.
  - e. Overnight accommodations, provided that they meet the requirements set forth in Section 7.8 ("Overnight Accommodations") and provided that:
    - 1. No more than five (5) rooms or suites of rooms are rented; and
    - 2. Rooms are not rented for a period of more than fourteen (14) days.
3. *Recreational Uses.*
- a. Golf courses, including uses normally ancillary to such uses, such as restaurants, but not including commercially operated miniature golf courses, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards"); and
  - b. Recreational areas or facilities, private, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").
4. *Miscellaneous Uses.*
- a. Cemeteries, human;
  - b. Cemeteries, pet;
  - c. Community centers;
  - d. Convents, monasteries and seminaries, provided that:
    - 1. The use is located on a lot at least five (5) acres in area;
    - 2. No building is located within twenty-five (25) feet of a side lot line; and
    - 3. The use is located no closer than one thousand (1,000) feet to any other boarding school, college, seminary, convent, or monastery.
  - e. Governmental uses, non-essential;
  - f. Mausoleums;
  - g. Places of worship;
  - h. Schools, boarding, and colleges and universities provided that:



1. The use is located on a lot at least five (5) acres in area;
  2. No building is located within twenty-five (25) feet of a side lot line;
  3. The use is located no closer than one thousand (1,000) feet to any other boarding school, college, seminary, convent, or monastery.
- i. Historic sites;
  - j. Small Wind Energy Conversion Systems (noncommercial), provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems"), of these regulations are met.

#### Sec. 5.4 - "R-1" Low Density Residential District

5.4.1 *Permitted Uses.* The following uses may be established as permitted uses in the R-1 District, in accordance with the procedures established in Sections 3.4 ("Development Permitted as of Right"):

1. *Agriculture-Related Uses.*
  - a. Agriculture.
2. *Residential Uses.*
  - a. Dwellings, single-family detached;
  - b. Home occupations, non-impact or minor, as provided in Section 7.3 ("Home Occupations");
  - c. Residential-care homes, small, provided that the use is licensed by the applicable State agency.
3. *Recreational Uses.*
  - a. Public parks, forest preserves and recreational areas, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").
4. *Miscellaneous Uses.*
  - a. Accessory structures, dwellings and uses, as provided in Section 5.13 ("Accessory Structures and Uses");
  - b. Exempt public utility structures;
  - c. Governmental uses, essential;
  - d. Non-exempt public utility structures, provided that:
    1. No building is located within twenty-five (25) feet of a side lot line;
    2. The facility is constructed and operated to comply with all applicable local, state, and federal regulations; and
    3. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within three hundred (300) feet of any stream or other body of water or any existing or proposed dwelling.
  - e. Schools, other than boarding schools, provided that no building is located within twenty-five (25) feet of a side lot line; and
  - f. Signs, as provided in Section 7.5 ("Signs").
5. *Commercial Uses.*
  - a. Child care homes, provided that the use is licensed by or registered with the Illinois Department of Children in accordance with the Child Care Act of 1969, as amended, 225 ILCS 10/1 et seq.

5.4.2 *Special Uses.* The following uses may be established as special uses in the R-1 District, in accordance with the procedures and standards set forth in Section 3.5 ("Special Use Permits"):

1. *Residential Uses.*
  - a. Home occupations, major, as provided in Section 7.3 ("Home Occupations");
  - b. Mobile homes on individually owned parcels of land, subject to the provisions of Section 7.9 ("Mobile Homes") of these regulations;
  - c. Mobile homes occupied by retired or disabled persons, subject to the provisions of Section 7.9 ("Mobile Homes") of these regulations;
  - d. Mobile homes, when all towing apparatus, wheels, tongue and hitch are permanently removed and the structure is attached to a permanent foundation and assessed as real property;
  - e. Nursing homes;
  - f. Residential-care homes, medium and large, provided that the use is licensed by the applicable State agency;
  - g. Residential planned developments, provided that they meet the requirements set forth in Section 6.14 ("Planned Developments").
2. *Commercial Uses.*
  - a. Clinics, and medical and dental offices;
  - b. Landscape contractors, provided:
    1. The minimum lot size is two (2) acres;
    2. No retail sales are permitted; and
    3. The business shall not be located in a recorded subdivision.
  - c. Overnight accommodations, provided that they meet the requirements set forth in Section 7.8 ("Overnight Accommodations") and provided that:
    1. No more than five (5) rooms or suites of rooms are rented; and
    2. Rooms are not rented for a period of more than fourteen (14) days.
3. *Recreational Uses.*
  - a. Golf courses, including uses normally ancillary to such uses, such as restaurants, but not including commercially operated miniature golf courses, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards"); and
  - b. Recreational areas or facilities, private, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").
4. *Miscellaneous Uses.*
  - a. Cemeteries, human;
  - b. Community centers;
  - c. Convents, monasteries and seminaries, provided that:
    1. The use is located on a lot at least five (5) acres in area;
    2. No building is located within twenty-five (25) feet of a side lot line; and
    3. The use is located no closer than one thousand (1,000) feet to any other boarding school, college, seminary, convent, or monastery.
  - d. Governmental uses, non-essential;
  - e. Mausoleums;
  - f. Places of worship;

- g. Schools, boarding, and colleges and universities provided that:
  - 1. The use is located on a lot at least five (5) acres in area;
  - 2. No building is located within twenty-five (25) feet of a side lot line; and
  - 3. The use is located no closer than one thousand (1,000) feet to any other boarding school, college, seminary, convent, or monastery.
- h. Historic sites; and
- i. Small Wind Energy Conversion Systems (noncommercial), provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems") of these regulations are met.

#### Sec. 5.5 - "R-2" Medium Density Residential District

5.5.1 *Permitted Uses.* The following uses may be established as permitted uses in the R-2 District, in accordance with the procedures established in Sections 3.4 ("Development Permitted as of Right"):

1. *Agriculture-Related Uses.*
  - a. Agriculture.
2. *Residential Uses.*
  - a. Dwellings, single-family detached and two-family;
  - b. Home occupations, non-impact or minor, as provided in Section 7.3 ("Home Occupations");
  - c. Residential-care homes, small, provided that the use is licensed by the applicable State agency; and
  - d. Residential-care homes, medium, provided that the use is licensed by the applicable State agency.
3. *Recreational Uses.*
  - a. Public parks, forest preserves and recreational areas, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").
4. *Miscellaneous Uses.*
  - a. Accessory structures, dwellings and uses, as provided in Section 5.13 ("Accessory Structures and Uses");
  - b. Exempt public utility structures;
  - c. Governmental uses, essential;
  - d. Non-exempt public utility structures, provided that:
    1. No building is located within twenty-five (25) feet of a side lot line;
    2. The facility is constructed and operated to comply with all applicable local, state, and federal regulations; and
    3. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within three hundred (300) feet of any stream or other body of water or any existing or proposed dwelling.
  - e. Schools, other than boarding schools, provided that no building is located within twenty-five (25) feet of a side lot line; and
  - f. Signs, as provided in Section 7.5 ("Signs").
5. *Commercial Uses.*

- a. Child care homes, provided that the use is licensed by or registered with the Illinois Department of Children in accordance with the Child Care Act of 1969, as amended, 225 ILCS 10/1 et seq.

5.5.2 *Special Uses.* The following uses may be established as special uses in the R-2 District, in accordance with the procedures and standards set forth in Section 3.5 ("Special Use Permits"):

1. *Residential Uses.*

- a. Home occupations, major, as provided in Section 7.3 ("Home Occupations");
- b. Mobile homes, when all towing apparatus, wheels, tongue and hitch are permanently removed and the structure is attached to a permanent foundation and assessed as real property;
- c. Nursing homes;
- d. Residential-care homes, large, provided that the use is licensed by the applicable State agency;
- e. Residential planned developments, provided that they meet the requirements set forth in Section 6.14 ("Planned Developments").

2. *Commercial Uses.*

- a. Clinics, and medical and dental offices;
- b. Funeral parlors; and
- c. Overnight accommodations, provided that they meet the requirements set forth in Section 7.8 ("Overnight Accommodations") and provided that:
  1. No more than five (5) rooms or suites of rooms are rented; and
  2. Rooms are not rented for a period of more than fourteen (14) days.

3. *Recreational Uses.*

- a. Golf courses, including uses normally ancillary to such uses, such as restaurants, but not including commercially operated miniature golf courses, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards"); and
- b. Recreational areas or facilities, private, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").

4. *Miscellaneous Uses.*

- a. Cemeteries, human;
- b. Community centers;
- c. Convents, monasteries and seminaries, provided that:
  1. The use is located on a lot at least five (5) acres in area;
  2. No building is located within twenty-five (25) feet of a side lot line; and
  3. The use is located no closer than one thousand (1,000) feet to any other boarding school, college, seminary, convent, or monastery.
- d. Governmental uses, non-essential;
- e. Mausoleums;
- f. Places of worship;
- g. Schools, boarding, and colleges and universities provided that:
  1. The use is located on a lot at least five (5) acres in area;

2. No building is located within twenty-five (25) feet of a side lot line; and
  3. The use is located no closer than one thousand (1,000) feet to any other boarding school, college, seminary, convent, or monastery.
- h. Historic sites; and
- i. Small Wind Energy Conversion Systems (noncommercial), provided that the condition in Section 7.2 ("Wind Energy Conversion Systems") of these regulations are met.

Sec. 5.6 - "R-3" High Density, Multifamily Residential District

5.6.1 *Permitted Uses.* The following uses may be established as permitted uses in the R-3 District, in accordance with the procedures established in Sections 3.4 ("Development Permitted as of Right"):

1. *Agriculture-Related Uses.*

- a. Agriculture.

2. *Residential Uses.*

- a. Dwellings, single-family detached, two-family, townhouse, and multifamily;
- b. Home occupations, non-impact or minor, as provided in Section 7.3 ("Home Occupations");
- c. Residential-care homes, small, provided that the use is licensed by the applicable State agency;
- d. Residential-care homes, medium, provided that the use is licensed by the applicable State agency; and
- e. Residential-care homes, large, provided that the use is licensed by the applicable State agency.

3. *Permitted, Commercial Uses.*

- a. Child care homes, provided that the use is licensed by or registered with the Illinois Department of Children in accordance with the Child Care Act of 1969, as amended, 225 ILCS 10/1 et seq.

4. *Recreational Uses.*

- a. Public parks and recreational areas, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").

5. *Miscellaneous Uses.*

- a. Accessory structures, dwellings and uses, as provided in Section 5.13 ("Accessory Structures and Uses");
- b. Exempt public utility structures;
- c. Governmental uses, essential;
- d. Non-exempt public utility structures, provided that:
  1. No building is located within twenty-five (25) feet of a side lot line;
  2. The facility is constructed and operated to comply with all applicable local, state, and federal regulations; and
  3. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within three hundred (300) feet of any stream or other body of water or any existing or proposed dwelling.
- e. Schools, other than boarding schools, provided that no building is located within twenty-five (25) feet of a side lot line; and

f. Signs, as provided in Section 7.5 ("Signs").

5.6.2 *Special Uses.* The following uses may be established as special uses in the R-3 District, in accordance with the procedures and standards set forth in Section 3.5 ("Special Use Permits"):

1. *Residential Uses.*

- a. Mobile homes, when all towing apparatus, wheels, tongue and hitch are permanently removed and the structure is attached to a permanent foundation and assessed as real property;
- b. Nursing homes; and
- c. Residential planned developments, provided that they meet the requirements set forth in Section 6.14 ("Planned Developments").

2. *Commercial Uses.*

- a. Automated teller machines;
- b. Clinics, and medical and dental offices;
- c. Commercial retail establishments, not exceeding a floor area of five thousand (5,000) square feet;
- d. Convenience stores;
- e. Financial institutions;
- f. Funeral parlors;
- g. Hospitals;
- h. Offices;
- i. Overnight accommodations, provided that they meet the requirements set forth in Section 7.8 ("Overnight Accommodations") and provided that:
  - 1. No more than five (5) rooms or suites of rooms are rented; and
  - 2. Rooms are not rented for a period of more than fourteen (14) days.
- j. Personal service establishments, not exceeding a floor area of five thousand (5,000) square feet; and
- k. Restaurants.

3. *Recreational Uses.*

- a. Clubs and lodges;
- b. Golf courses, including uses normally ancillary to such uses, such as restaurants, but not including commercially operated miniature golf courses, provided that such ancillary uses, and parking, are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards");
- c. Recreational areas or facilities, private, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").

4. *Miscellaneous Uses.*

- a. Community centers;
- b. Convents, monasteries and seminaries, provided that the use is located no closer than one thousand (1,000) feet to any other private school, college, seminary, convent, or monastery;
- c. Governmental uses, nonessential;
- d. Museums, civic and cultural centers;

- e. Places of worship;
- f. Schools, boarding, and colleges and universities provided that the use is located no closer than one thousand (1,000) feet to any other private school, college, seminary, convent, or monastery;
- g. Historic sites; and
- h. Small Wind Energy Conversion Systems (noncommercial), provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems") of these regulations are met.

Sec. 5.7 - "C-1" Neighborhood Commercial District

5.7.1 *Permitted Uses.* The following uses may be established as permitted uses in the C-1 District, in accordance with the procedures set forth in Section 3.4 ("Development Permitted as of Right"):

1. *Agriculture-Related Uses.*

- a. Agriculture.

2. *Residential Uses.*

- a. Dwellings, multifamily and townhouses, provided that no dwelling units are located on the street level;
- b. Home occupations, non-impact, as provided in Section 7.3 ("Home Occupations").

3. *Commercial/Office Uses.*

- a. Automated teller machines;
- b. Child care centers, provided that the use is licensed by or registered with the Illinois Department of Children in accordance with the Child Care Act of 1969, as amended, 225 ILCS 10/1 et seq;
- c. Clinics, and medical and dental offices;
- d. Clubs and lodges, not exceeding a floor area of five thousand (5,000) square feet;
- e. Commercial retail establishments, not exceeding a floor area of five thousand (5,000) square feet, located in clustered arrangements and adjacent to collector or arterial roads;
- f. Convenience stores;
- g. Drive-through service windows, provided that:
  - 1. The principal use is an office, retail establishment, or financial institution located on the same lot; and
  - 2. The amount of stacking space and circulation patterns on the lot meet the requirements set forth in Section 7.7 ("Parking and Loading Requirements").
- h. Financial institutions;
- i. Funeral parlors;
- j. Markets, open and outside;
- k. Offices, not exceeding a floor area of five thousand (5,000) square feet;
- l. Overnight accommodations, provided that they meet the requirements set forth in Section 7.8 ("Overnight Accommodations") and provided that:
  - 1. No more than eight (8) rooms or suites are rented; and
  - 2. No rooms are rented for a period of more than fourteen (14) days.
- m. Personal service establishments, not exceeding a floor area of five thousand (5,000) square feet;

- n. Restaurants, not exceeding a floor area of five thousand (5,000) square feet;
- o. Gas station convenience stores, provided that, no more than four (4) fuel stations are provided and the accessory retail space is less than five thousand (5,000) square feet in gross floor area. Included in that five thousand (5,000) square feet is space for restaurant facilities;
- p. Automobile sales, provided the use is located on a parcel less than one-half (½) acre or twenty-one thousand seven hundred eighty (21,780) square feet;
- q. Dance hall.

4. *Recreational Uses.*

- a. Public parks, playgrounds and recreational areas, less than four (4) acres in area.

5. *Miscellaneous Uses.*

- a. Accessory structures, dwellings and uses, as provided in Section 5.13 ("Accessory Structures and Uses");
- b. Exempt public utility structures;
- c. Community centers;
- d. Governmental uses, essential and non-essential;
- e. Museums, civic and cultural centers;
- f. Non-exempt public utility structures, provided that:
  - 1. No building is located within twenty-five (25) feet of a side lot line;
  - 2. The facility is constructed and operated to comply with all applicable local, state, and federal regulations; and
  - 3. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within three hundred (300) feet of any stream or other body of water or any existing or proposed dwelling.
- g. Places of worship;
- h. Schools, other than boarding schools;
- i. Signs, as provided in Section 7.5 ("Signs");
- j. Historic sites.

5.7.2 *Special Uses.* The following uses may be established as special uses in the C-1 District, in accordance with the procedures and standards set forth in Section 3.5 ("Special Use Permits"):

1. *Residential Uses.*

- a. Home occupations, minor, as provided in Section 7.3 ("Home Occupations"); and
- b. Nursing homes.

2. *Commercial/Office Uses.*

- a. Animal hospitals, animal clinics, commercial kennels, and pounds;
- b. Automobile service stations;
- c. Car washes;
- d. Clubs and lodges with a floor area of greater than five thousand (5,000) square feet;
- e. Commercial retail establishments with a floor area of greater than five thousand (5,000) square feet;



- f. Drive-through service windows, provided that:
    - 1. The principal use is a restaurant located on the same lot; and
    - 2. The amount of stacking space and circulation patterns on the lot meet the requirements set forth in Section 7.7 ("Parking and Loading Requirements").
  - g. Hospitals;
  - h. Offices, exceeding a floor area of five thousand (5,000) square feet;
  - i. Personal service establishments with a floor area of greater than five thousand (5,000) square feet;
  - j. Planned developments, nonresidential, provided that they meet the requirements set forth in Section 6.14 ("Planned Developments");
  - k. Restaurants, exceeding a floor area of five thousand (5,000) square feet;
  - l. Taverns, not exceeding a floor area of five thousand (5,000) square feet, provided they are located no closer than five hundred (500) feet from any residential district, religious institution, or school;
  - m. Theaters, except open-air drive-in;
  - n. Gas station convenience stores when more than four (4) fuel stations are desired or when the accessory retail space, which may include restaurant facilities, is greater than five thousand (5,000) square feet in gross floor area;
  - o. Automobile sales when the use is located on a parcel greater than one-half (½) acre or twenty-one thousand seven hundred eighty (21,780) square feet;
3. *Recreational Uses.*
- a. Health clubs and fitness centers;
  - b. Public parks, playgrounds and recreational areas, more than four (4) acres in area;
  - c. Recreational areas or facilities, private, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").
4. *Miscellaneous Uses.*
- a. Colleges and universities, including dormitories, fraternities, sororities, and other accessory buildings necessary for operation, provided that the use is located no closer than one thousand (1,000) feet to any other college or university;
  - b. Recycling drop-off centers; and
  - c. Small Wind Energy Conversion Systems (noncommercial), provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems") of these regulations are met.

(Ord. of 3-13-14)

#### Sec. 5.8 - "C-2" General Commercial District

5.8.1 *Permitted Uses.* The following uses may be established as permitted uses in the C-2 District, in accordance with the procedures set forth in Section 3.4 ("Development Permitted as of Right"):

- 1. *Agriculture-Related Uses.*
  - a. Agriculture.
- 2. *Commercial/Office Uses.*
  - a. Automated teller machines;

- b. Automobile repair;
- c. Automobile service stations, provided that:
  - 1. No more than four (4) fuel stations and no more than two (2) service bays are provided; and
  - 2. Any accessory retail establishment is less than five thousand (5,000) square feet.
- d. Automobile supply stores, not exceeding fifty thousand (50,000) square feet of floor area, including storage space, office space, and any other area on the lot devoted to the use, excluding parking and open space;
- e. Car washes, provided that no more than four (4) cars may be washed at the same time;
- f. Child care centers, provided that the use is licensed by or registered with the Illinois Department of Children in accordance with the Child Care Act of 1969, as amended, 225 ILCS 10/1 et seq;
- g. Clinics, and medical and dental offices;
- h. Clubs and lodges, not exceeding a floor area greater than five thousand (5,000) square feet;
- i. Commercial retail establishments, not exceeding fifty thousand (50,000) square feet of floor area;
- j. Contractors or construction offices, excluding storage yards;
- k. Convenience stores;
- l. Drive-through service windows, provided that:
  - 1. The principal use is an office, retail establishment, or financial institution located on the same lot; and
  - 2. The amount of stacking space and circulation patterns on the lot meet the requirements set forth in Section 7.7 ("Parking and Loading Requirements").
- m. Financial institutions;
- n. Funeral parlors;
- o. Greenhouses, commercial;
- p. Home improvement centers, not exceeding fifty thousand (50,000) square feet of floor area;
- q. Markets, open and outside;
- r. Medical rehabilitation centers;
- s. Offices;
- t. Overnight accommodations, provided that they meet the requirements set forth in Section 7.8 ("Overnight Accommodations") and provided that rooms are not rented for a period of more than thirty (30) days;
- u. Personal service establishments;
- v. Restaurants;
- w. Sale of monuments, provided there is no outdoor storage or display;
- x. Taverns, not exceeding a floor area of five thousand (5,000) square feet, provided they are located no closer than five hundred (500) feet from any residential district, religious institution, or school;
- y. Theaters, except open-air drive-in;

- z. Gas station convenience stores, provided that, no more than four (4) fuel stations are provided and the accessory retail space is less than five thousand (5,000) square feet in gross floor area. Included in that five thousand (5,000) square feet is space for restaurant facilities;
  - aa. Automobile sales, provided that any accessory uses are within an enclosed structure less than fifty thousand (50,000) square feet, and excludes automobile body repair;
  - bb. Dance hall;
  - cc. Drive-in theater;
  - dd. Marina;
  - ee. Sexually oriented adult businesses provided that:
    - 1. No sexually oriented adult business may be located within seven hundred fifty (750) feet of any residential dwelling not located in a residential district. Said distance shall be measured by following a straight line, without regard to intervening structures, from the property line of the sexually oriented adult business to the residential dwelling itself.
    - 2. No sexually oriented adult business may be located within seven hundred fifty (750) feet of any residential district. Said distance shall be measured by following a straight line, without regard to intervening structures, from the property line of the sexually oriented adult business to the property line of the residential district.
    - 3. No sexually oriented adult business may be located within one thousand (1,000) feet of any place of religious worship, public or private school, child care home or center, public park, public housing, or any other sexually oriented adult business. Said distances shall be measured by following a straight line, without regard to intervening structures, from the property line of the sexually oriented adult business to the property line of the protected uses identified herein in this subsection 5.8.1-2.ee.3.
    - 4. Notwithstanding any other provisions of these regulations, the distance restrictions set forth above cannot be varied or modified pursuant to Section 3.7 ("Variances") of these regulations.
3. *Recreational Uses.*
- a. Health clubs and fitness centers, not exceeding a floor area of fifteen thousand (15,000) square feet.
4. *Miscellaneous Uses.*
- a. Accessory structures, dwellings and uses, as provided in Section 5.13 ("Accessory Structures and Uses");
  - b. Exempt public utility structures;
  - c. Community centers;
  - d. Governmental uses, essential and non-essential;
  - e. Museums, civic and cultural centers;
  - f. Non-exempt public utility structures, provided that:
    - 1. No building is located within twenty-five (25) feet of a side lot line;
    - 2. The facility is constructed and operated to comply with all applicable local, state, and federal regulations; and
    - 3. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within three hundred (300) feet of any stream or other body of water or any existing or proposed dwelling.

- g. Places of worship;
- h. Schools—arts or vocational;
- i. Signs, as provided in Section 7.5 ("Signs"); and
- j. Historic sites.

5.8.2 *Special Uses.* The following uses may be established as special uses in the C-2 District, in accordance with the procedures and standards set forth in Section 3.5 ("Special Use Permits"):

1. *Commercial/Office Uses.*

- a. Animal hospitals, animal clinics, pounds, and commercial kennels;
- b. Auction houses;
- c. Automobile service stations, provided that:
  - 1. More than four (4) fuel stations and/or more than two (2) service bays are provided; and/or
  - 2. Any accessory retail establishment is more than five thousand (5,000) square feet.
- d. Automobile body repair;
- e. Car washes, provided that more than four (4) cars may be washed at the same time;
- f. Clubs and lodges with a floor area of greater than five thousand (5,000) square feet;
- g. Commercial retail establishments with a floor area of greater than fifty thousand (50,000) square feet or greater;
- h. Contractors or construction offices including storage yards;
- i. Drive-through service windows, provided that:
  - 1. The principal use is a restaurant located on the same lot; and
  - 2. The amount of stacking space and circulation patterns on the lot meet the requirements set forth in Section 7.7 ("Parking and Loading Requirements").
- j. Home improvement centers, exceeding fifty thousand (50,000) square feet of floor area;
- k. Hospitals;
- l. Pawn shops;
- m. Planned developments, nonresidential, provided that they meet the requirements set forth in Section 6.14 ("Planned Developments");
- n. Taverns:
  - 1. Tavern, not exceeding a floor area of five thousand (5,000) square feet, if located closer than five hundred (500) feet from any residential district, religious institution, or school;
  - 2. Taverns, exceeding a floor area of five thousand (5,000) square feet, provided they are located no closer than five hundred (500) feet from any residential district, religious institution, or school.
- o. Tattoo parlors;
- p. Vehicle mechanical repair;
- q. Vehicle sales or rental;
- r. Gas station convenience stores when more than four (4) fuel stations are desired or when the accessory retail space, which may include restaurant facilities, is greater than five thousand (5,000) square feet in gross floor area;

- s. Automobile sales, when any accessory uses are within an enclosed structure greater than fifty thousand (50,000) square feet or the accessory use includes automobile body repair;
- t. Mobile/modular home sales;
- u. Medical cannabis cultivation centers, in accordance with 410 ILCS 130/1 et al. provided that:
  - 1. No medical cannabis cultivation center may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- v. Medical Cannabis Dispensing Organizations, in accordance with 410 ILCS 130/1 et al. provided that:
  - 1. No medical cannabis dispensing organization may be located within five hundred (500) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- w. Adult Use cannabis cultivation centers, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
  - 1. No adult use cannabis cultivation center may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- x. Adult Use cannabis craft growers, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
  - 1. No adult use cannabis craft grower may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- y. Adult Use cannabis dispensing organizations, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
  - 1. No adult use cannabis dispensing organization may be located within five hundred (500) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- z. Adult Use cannabis infuser organizations, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
  - 1. No adult use cannabis infuser organization may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- aa. Adult Use cannabis processing organizations, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
  - 1. No adult use cannabis processing organization may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.

2. *Recreational Uses.*

- a. Health clubs and fitness centers, exceeding a floor area of fifteen thousand (15,000) square feet;
  - b. Public parks and recreational areas;
  - c. Speedways;
  - d. Zoos;
  - e. Recreational areas or facilities, private, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").
3. *Miscellaneous Uses.*
- a. Crematories;
  - b. Recycling drop-off centers; and
  - c. Small Wind Energy Conversion Systems (noncommercial), provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems") of these regulations are met.
4. *Manufacturing Uses.*
- a. Mini-storage facilities.

(Ord. of 3-13-14; Res. of 10-9-14; Ord. of 12-12-19)

Sec. 5.9 - "C-3" Regional Commercial District

5.9.1 *Permitted Uses.* The following uses may be established as permitted uses in the C-3 District, in accordance with the procedures set forth in Section 3.4 ("Development Permitted as of Right"):

- 1. *Agriculture-Related Uses.*
  - a. Agriculture.
- 2. *Commercial/Office Uses.*
  - a. Automobile repair;
  - b. Automobile service stations, provided that, no more than four (4) fuel stations are provided and the accessory retail space is less than five thousand (5,000) square feet in gross floor area;
  - c. Planned developments, nonresidential, provided that they meet the requirements set forth in Section 6.14 ("Planned Developments");
  - d. Automobile supply stores, not exceeding fifty thousand (50,000) square feet of floor area, including storage space, office space, and any other area on the lot devoted to the use, excluding off-street parking and open spaces;
  - e. Gas station convenience store, provided that, no more than four (4) fuel stations are provided and that accessory retail space is less than five thousand (5,000) square feet in gross floor area. Included in that five thousand (5,000) square feet is space for restaurant facilities;
  - f. Automobile sales, provided that any accessory uses are within an enclosed structure less than fifty thousand (50,000) square feet, and excludes automobile body repair;
  - g. Taverns, not exceeding a floor area of five thousand (5,000) square feet;
  - h. Dance hall;
  - i. Drive-in theater;
  - j. Marina;

3. *Miscellaneous Uses.*

- a. Accessory structures, dwellings and uses, as provided in Section 5.13 ("Accessory Structures and Uses");
- b. Exempt public utility structures;
- c. Governmental uses, essential and non-essential;
- d. Non-exempt public utility structures, provided that:
  - 1. No building is located within twenty-five (25) feet of a side lot line;
  - 2. The facility is constructed and operated to comply with all applicable local, state, and federal regulations; and
  - 3. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within three hundred (300) feet of any stream or other body of water or any existing or proposed dwelling.
- e. Signs, as provided in Section 7.5 ("Signs");
- f. Historic sites.

5.9.2 *Special Uses.* The following uses may be established as special uses in the C-3 District, in accordance with the procedures set forth in Section 3.5 ("Special Use Permit").

1. *Commercial/Office Uses.*

- a. Automated teller machines;
- b. Automobile body repair;
- c. Automobile service stations; when more than four (4) fuel stations are desired;
- d. Automobile supply stores; exceeding fifty thousand (50,000) square feet of floor area, including storage space, office space, and any other area on the lot devoted to the use, excluding off-street parking and open space;
- e. Car washes;
- f. Child care centers, provided that the use is licensed by or registered with the Illinois Department of Children in accordance with the Child Care Act of 1969, as amended, 225 ILCS 10/1 et seq.;
- g. Clinics, medical and dental offices;
- h. Commercial retail establishments whose primary purpose is to serve the work force within the district;
- i. Convenience stores;
- j. Drive-through service windows, provided that:
  - 1. The principal use is an office, retail establishment, financial institution, or restaurant located on the same lot; and
  - 2. The amount of stacking space and circulation patterns on the lot meet the requirements set forth in Section 7.7 ("Parking and Loading Requirements").
- k. Financial institutions;
- l. Funeral parlors;
- m. Greenhouses, commercial;
- n. Home improvement centers;
- o. Hospitals;

- p. Overnight accommodations, provided that they meet the requirements set forth in Section 7.8 ("Overnight Accommodations") and provided that rooms are not rented for a period of more than thirty (30) days;
- q. Personal service establishments whose primary purpose is to serve the work force within the district;
- r. Places of worship;
- s. Recycling drop-off centers;
- t. Restaurants;
- u. Shopping centers;
- v. Theaters;
- w. Vehicle mechanical repair;
- x. Vehicle sales and rental;
- y. Gas station convenience stores when more than four (4) fuel stations are desired or when the accessory retail space, which may include restaurant facilities is greater than five thousand (5,000) square feet in gross floor area;
- z. Automobile sales, when any accessory uses are within an enclosed structure greater than fifty thousand (50,000) square feet, or the accessory use includes automobile body repair;
- aa. Taverns, exceeding a floor area of five thousand (5,000) square feet.
- bb. Medical cannabis cultivation centers, in accordance with 410 ILCS 130/1 et al. provided that:
  - 1. No medical cannabis cultivation center may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- cc. Medical Cannabis Dispensing Organizations, in accordance with 410 ILCS 130/1 et al. provided that:
  - 1. No medical cannabis dispensing organization may be located within five hundred (500) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- dd. Adult Use cannabis cultivation centers, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
  - 1. No adult use cannabis cultivation center may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- ee. Adult Use cannabis craft growers, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
  - 1. No adult use cannabis craft grower may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- ff. Adult Use cannabis dispensing organizations, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:



1. No adult use cannabis dispensing organization may be located within five hundred (500) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- gg. Adult Use cannabis infuser organizations, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
  1. No adult use cannabis infuser organization may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
- hh. Adult Use cannabis processing organizations, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
  1. No adult use cannabis processing organization may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
2. *Recreational Uses.*
  - a. Health clubs and fitness centers, exceeding a floor area of fifteen thousand (15,000) square feet;
  - b. Public parks and recreational areas;
  - c. Speedways;
  - d. Zoos;
  - e. Recreational areas or facilities, private, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards").
3. *Miscellaneous Uses.*
  - a. Stadia, auditoria, and arenas;
  - b. Small Wind Energy Conversion Systems (noncommercial), provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems") of these regulations are met.

(Ord. of 3-13-14; Res. of 10-9-14; Ord. of 12-12-19)

#### Sec. 5.10 - "I-1" Light Industrial District

5.10.1 *Permitted Uses.* The following uses may be established as permitted uses in the I-1 District, in accordance with the procedures set forth in Section 3.4 ("Development Permitted as of Right"):

1. *Agriculture-Related Uses.*
  - a. Agriculture.
2. *Commercial/Office Uses.*
  - a. Agriculturally-related businesses;
  - b. Auction houses;
  - c. Automobile body repair;
  - d. Automobile repair;
  - e. Automobile service station, provided that, no more than four (4) fuel stations are provided;

- f. Automobile supply stores;
- g. Car washes;
- h. Contractors or construction offices, including storage yards;
- i. Greenhouses, commercial;
- j. Home improvement centers;
- k. Hospitals;
- l. Landscape contractors;
- m. Offices;
- n. Overnight accommodations, provided that they meet the requirements set forth in Section 7.8 ("Overnight Accommodations");
- o. Sale of monuments;
- p. Vehicle body repair;
- q. Vehicle mechanical repair;
- r. Vehicle sales and rental;
- s. Gas station convenience stores, provided that, no more than four (4) fuel stations are provided and the accessory retail space is less than five thousand (5,000) square feet in gross floor area. Included in that five thousand (5,000) square feet is space for restaurant facilities and;
- t. Automobile sales, provided any accessory uses are within an enclosed structure less than fifty thousand (50,000) square feet;
- u. Mobile/modular home sales;
- v. Marina;
- w. Sexually oriented adult businesses, provided that:
  1. No sexually oriented adult business may be located within seven hundred fifty (750) feet of any residential dwelling not located in a residential district. Said distance shall be measured by following a straight line, without regard to intervening structures, from the property line of the sexually oriented adult business to the residential dwelling itself.
  2. No sexually oriented adult business may be located within seven hundred fifty (750) feet of any residential district. Said distance shall be measured by following a straight line, without regard to intervening structures, from the property line of the sexually oriented adult business to the property line of the residential district.
  3. No sexually oriented adult business may be located within one thousand (1,000) feet of any place of religious worship, public or private school, child care home or center, public park, public housing, or any other sexually oriented adult business. Said distances shall be measured by following a straight line, without regard to intervening structures, from the property line of the sexually oriented adult business to the property line of the protected uses identified in this subsection 5.10.1-2.w.3.
  4. Notwithstanding any other provisions of these regulations, the distance restrictions set forth above cannot be varied or modified pursuant to Section 3.7 ("Variances") of these regulations.

### 3. *Manufacturing Uses.*

- a. Bus or truck storage yards or terminals and transfer terminals, provided they are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards");

- b. Industry, light;
- c. Warehousing, mini-storage;
- d. Wholesale establishments;
- e. Multi-modal center.

4. *Miscellaneous Uses.*

- a. Accessory structures and uses, as provided in Section 5.13 ("Accessory Structures and Uses");
- b. Exempt public utility structures;
- c. Crematories;
- d. Governmental uses, essential;
- e. Non-exempt public utility structures, provided that:
  - 1. No building is located within twenty-five (25) feet of a side lot line;
  - 2. The facility is constructed and operated to comply with all applicable local, state, and federal regulations; and
  - 3. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within three hundred (300) feet of any stream or other body of water or any existing or proposed dwelling.
- f. Recycling drop-off centers;
- g. Schools, arts or vocational;
- h. Signs, as provided in Section 7.5 ("Signs");
- i. Airports, public, provided that the location and layout plan have been approved by the Department of Aeronautics of Illinois or the Federal Aviation Administration (FAA);
- j. Small Wind Energy Conversion Systems (noncommercial), provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems"), of these regulations are met.

5.10.2 *Special Uses.* The following uses may be established as special uses in the I-1 District, in accordance with the procedures set forth in Section 3.5 ("Special Use Permits"):

1. *Residential Uses.*

- a. Caretaker facilities/dwellings, provided:
  - 1. The facility or dwelling meets the standards for that particular type of use (e.g., a mobile home must meet the requirements of Section 7.9 ("Mobile Homes"));
  - 2. The caretaker facility or dwelling is only occupied by a person(s) responsible for protecting, maintaining, and caring for an industrial use allowed in this District;
  - 3. If the facility/dwelling is a mobile home, the facility or dwelling is removed within thirty (30) days after caretaker services are no longer used; and
  - 4. If the facility/dwelling is a mobile home, the facility or dwelling is not used for office purposes or rental property.

2. *Commercial/Office Uses.*

- a. Airports, private, landing fields, and heliports, provided that the location and layout plan have been approved by the Department of Aeronautics of Illinois or the Federal Aviation Administration (FAA), and if within its jurisdiction, the Metropolitan Airport Authority of Peoria;
- b. Animal hospitals, animal clinics, and commercial kennels, provided:

1. Lot size shall be two (2) or more acres;
  2. No treatment rooms or pens for large animals and no kennel shall be located closer than two hundred (200) feet from any off-site residential building or one hundred (100) feet from any property line, unless maintained within a completely enclosed building; and
  3. No objectionable odors are noticeable at or beyond the lot line.
- c. Automated teller machines;
  - d. Automobile service stations, when more than four (4) fuel stations are desired;
  - e. Child care centers, provided that the use is licensed by or registered with the Illinois Department of Children in accordance with the Child Care Act of 1969, as amended, 225 ILCS 10/1 et seq.;
  - f. Clinics, and medical and dental offices;
  - g. Commercial retail establishments, provided they are accessory to a wholesale establishment;
  - h. Funeral parlors;
  - i. Health clubs and fitness centers;
  - j. Medical rehabilitation centers;
  - k. Personal service establishments;
  - l. Planned developments, nonresidential, provided that they meet the requirements set forth in Section 6.14 ("Planned Developments");
  - m. Recreational areas and facilities, private;
  - n. Tattoo parlors;
  - o. Taverns;
  - p. Vehicle repair establishments with outdoor storage, provided they are located at least one thousand (1,000) feet from a residential use or district;
  - q. Gas station convenience stores when more than four (4) fuel stations are desired or when the accessory retail space, which may include restaurant facilities, is greater than five thousand (5,000) square feet in gross floor area;
  - r. Automobile sales, when any accessory uses are within an enclosed structure greater than fifty thousand (50,000) square feet;
  - s. Commercial Wind Energy Conversion Systems, provided that the condition in Section 7.2 ("Wind Energy Conversion Systems"), of these regulations are met;
  - t. Medical cannabis cultivation centers, in accordance with 410 ILCS 130/1 et al. provided that:
    1. No medical cannabis cultivation center may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
  - u. Medical Cannabis Dispensing Organizations, in accordance with 410 ILCS 130/1 et al. provided that:
    1. No medical cannabis dispensing organization may be located within five hundred (500) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.

- v. Adult Use cannabis cultivation centers, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
    - 1. No adult use cannabis cultivation center may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
  - w. Adult Use cannabis craft growers, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
    - 1. No adult use cannabis craft grower may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
  - x. Adult Use cannabis dispensing organizations, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
    - 1. No adult use cannabis dispensing organization may be located within five hundred (500) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
  - y. Adult Use cannabis infuser organizations, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
    - 1. No adult use cannabis infuser organization may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
  - z. Adult Use cannabis processing organizations, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
    - 1. No adult use cannabis processing organization may be located within one thousand (1,000) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
  - aa. Adult Use cannabis transporting organizations, in accordance with Section 7.18 "Adult-Use Cannabis".
  - bb. Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations, are met.
3. *Manufacturing Uses.*
    - a. Warehousing and distribution establishments.
  4. *Recreational Uses.*
    - a. Public parks and recreational areas;
    - b. Speedways; and
    - c. Zoos.
  5. *Miscellaneous Uses.*
    - a. Governmental uses, non-essential;
    - b. Public facilities;
    - c. Stadia, auditoria, and arenas; and

- d. Meteorological towers, provided that the conditions in Section 5.14.3-3, of these regulations are met.

5.10.3 *Required Conditions.* The following conditions shall be met by all permitted and special uses in the I-1 District. These conditions do not apply to agriculture, telecommunications carrier facilities or exempt public utility structures.

1. All production, fabrication, servicing, assembling, testing, repair and processing shall be conducted wholly within an enclosed building or behind a uniformly painted solid fence of at least six (6) feet in height, as provided for in Section 7.4 ("Fences"), or behind screening as required in Section 7.6 ("Landscaping and Bufferyards"). However, accessory uses, equipment and structures (including but not limited to: storage, rail car loading, and uses related to experimentation, testing, inspection, and development of goods, materials, or products and equipment and structures incidental thereto) may be unenclosed, provided that the use is not adjacent to a residential district.
2. No storage, cleaning of equipment or accessory buildings may be located in front of the building line established by the principal building or in any required setback or buffer area.
3. Where a railroad right-of-way separates the district from a residential district, buildings and storage may be located within twenty (20) feet from the railroad right-of-way, provided that suitable landscaping or fencing is provided in accordance with Section 7.6 ("Landscaping and Bufferyards") or 7.4 ("Fences") of these regulations. No setback shall be required from a rail spur on privately owned ground.

(Ord. of 3-13-14; Res. of 10-9-14; Ord. of 1-11-18(2); Ord. of 12-12-19)

#### Sec. 5.11 - "I-2" Heavy Industrial District

5.11.1 *Permitted Uses.* The following uses may be established as permitted uses in the I-2 District, in accordance with the procedures set forth in Section 3.4 ("Development Permitted as of Right"):

1. *Agriculture-Related Uses.*
  - a. Agriculture.
2. *Commercial/Office Uses.*
  - a. Automobile body repair;
  - b. Automobile repair;
  - c. Automobile service station provided that auto body repair or mechanical repairs are conducted as part of the use;
  - d. Contractors or construction offices, including storage yards;
  - e. Greenhouses, commercial;
  - f. Landscape contractors;
  - g. Sale of monuments;
  - h. Vehicle body repair;
  - i. Vehicle mechanical repair;
  - j. Mobile/modular home sales;
  - k. Marina;
  - l. Sexually oriented adult businesses provided that:
    1. No sexually oriented adult business may be located within seven hundred fifty (750) feet of any residential dwelling not located in a residential district. Said distance shall

be measured by following a straight line, without regard to intervening structures, from the property line of the sexually oriented adult business to the residential dwelling itself.

2. No sexually oriented adult business may be located within seven hundred fifty (750) feet of any residential district. Said distance shall be measured by following a straight line, without regard to intervening structures, from the property line of the sexually oriented adult business to the property line of the residential district.
3. No sexually oriented adult business may be located within one thousand (1,000) feet of any place of religious worship, public or private school, child care home or center, public park, public housing, or any other sexually oriented adult business. Said distances shall be measured by following a straight line, without regard to intervening structures, from the property line of the sexually oriented adult business to the property line of the protected uses identified herein in this subsection 5.11.1-2.I.3.
4. Notwithstanding any other provisions of these regulations, the distance restrictions set forth above cannot be varied or modified pursuant to Section 3.7 ("Variances") of these regulations.

3. *Manufacturing Uses.*

- a. Bus or truck storage yards or terminals and transfer terminals, provided that any parking lots are landscaped in accordance with Section 7.6 ("Landscaping and Bufferyards");
- b. Industry, heavy;
- c. Industry, light;
- d. Multi-modal center; and
- e. Wholesale establishments.

4. *Miscellaneous Uses.*

- a. Accessory structures and uses, as provided in Section 5.13 ("Accessory Structures and Uses");
- b. Exempt public utility structures;
- c. Governmental uses, essential;
- d. Non-exempt public utility structures provided that:
  1. No building is located within twenty-five (25) feet of a side lot line;
  2. The facility is constructed and operated to comply with all applicable local, state, and federal regulations; and
  3. No above-ground structure for the treatment or disposal of wastewater and no surface disposal of wastewater is located within three hundred (300) feet of any stream or other body of water or any existing or proposed dwelling.
- e. Recycling drop-off centers;
- f. Signs, as provided in Section 7.5 ("Signs");
- g. Airports, public, provided that the location and layout plan have been approved by the Department of Aeronautics of Illinois or the Federal Aviation Administration (FAA); and
- h. Small Wind Energy Conversion Systems (noncommercial), provided that the condition in Section 7.2 ("Wind Energy Conversion Systems"), of these regulations are met.

5.11.2 *Special Uses.* The following uses may be established as special uses in the I-2 District, in accordance with the procedures set forth in Section 3.5 ("Special Use Permits"):

1. *Residential Uses.*

- a. Caretaker facilities/dwellings, provided:
  - 1. The facility or dwelling meets the standards for that particular type of use (e.g., a mobile home must meet the requirements of Section 7.9 ("Mobile Homes"));
  - 2. The caretaker facility or dwelling is only occupied by a person(s) responsible for protecting, maintaining, and caring for an industrial use allowed in this District;
  - 3. If the facility/dwelling is a mobile home, the facility or dwelling is removed within thirty (30) days after caretaker services are no longer used; and
  - 4. If the facility/dwelling is a mobile home, the facility or dwelling is not used for office purposes or rental property.
- 2. *Commercial/Office Uses.*
  - a. Agriculturally related businesses;
  - b. Airports, private, landing fields, and heliports, provided that the location and layout plan have been approved by the Department of Aeronautics of Illinois or the Federal Aviation Administration (FAA), and if within its jurisdiction, the Metropolitan Airport Authority of Peoria;
  - c. Automobile service stations;
  - d. Commercial retail establishments;
  - e. Home improvement centers;
  - f. Planned developments, nonresidential, provided that they meet the requirements set forth in Section 6.14 ("Planned Developments");
  - g. Tattoo parlors;
  - h. Towing services;
  - i. Taverns; and
  - j. Commercial Wind Energy Conversion Systems, provided that the conditions in Section 7.2 ("Wind Energy Conversion Systems"), of these regulations are met;
  - k. Medical cannabis cultivation centers, in accordance with 410 ILCS 130/1 et al.
  - l. Medical Cannabis Dispensing Organizations, in accordance with 410 ILCS 130/1 et al. provided that:
    - 1. No medical cannabis dispensing organization may be located within five hundred (500) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
  - m. Adult Use cannabis cultivation centers, in accordance with Section 7.18 "Adult-Use Cannabis;"
  - n. Adult Use cannabis craft growers, in accordance with Section 7.18 "Adult-Use Cannabis;"
  - o. Adult Use cannabis dispensing organizations, in accordance with Section 7.18 "Adult-Use Cannabis," provided that:
    - 1. No adult use cannabis dispensing organization may be located within five hundred (500) feet of the property line of a pre-existing public or private preschool, elementary or secondary school, day care facility, day care home, group day care home, part day child care facility, religious institution, public park, private park, or a residential zoning district.
  - p. Adult Use cannabis infuser organizations, in accordance with Section 7.18 "Adult-Use Cannabis;"



- q. Adult Use cannabis processing organizations, in accordance with Section 7.18 "Adult-Use Cannabis;"
- r. Adult Use cannabis transporting organizations, in accordance with Section 7.18 "Adult-Use Cannabis;"
- s. Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations, are met.

3. *Manufacturing Uses.*

- a. Junkyards; and
- b. Warehousing, mini-storage.

4. *Recreational Uses.*

- a. Public parks and recreation areas;
- b. Speedways; and
- c. Zoos.

5. *Miscellaneous Uses.*

- a. Governmental uses, non-essential;
- b. Mineral extraction facilities, as provided for in Section 7.12 ("Mineral Extraction Facilities");
- c. Public facilities;
- d. Schools, arts or vocational;
- e. Stadia, auditoria, and arenas; and
- f. Meteorological towers, provided that the conditions in Section 5.14.3-3, of these regulations are met.

5.11.3 *Required Conditions.* The following conditions shall be met by all permitted and special uses in the I-2 District. These conditions do not apply to agriculture, telecommunications carrier facilities or exempt public utility structures.

- 1. All production, fabrication, servicing, assembling, testing, repair and processing shall be conducted wholly within an enclosed building or behind a uniformly painted solid fence of at least six (6) feet in height, as provided for in Section 7.4 ("Fences"), or behind screening as required in Section 7.6 ("Landscaping and Bufferyards"). However, accessory uses, equipment and structures (including, but not limited to: storage, rail car loading, and uses related to experimentation, testing, inspection, and development of goods, materials or products and equipment and structures incidental thereto) may be unenclosed, provided that the use is not adjacent to a residential district.
- 2. No storage, cleaning of equipment, or accessory buildings may be located in front of the building line established by the principal building or in any required setback or buffer area.
- 3. Where a railroad right-of-way separates the district from a residential district, buildings and storage may be located within twenty (20) feet from the railroad right-of-way, provided that suitable landscaping or fencing is provided in accordance with Section 7.6 ("Landscaping and Bufferyards") or 7.4 ("Fences") of these regulations. No setback shall be required from a rail spur on privately owned ground.

(Ord. of 3-13-14; Res. of 10-9-14; Ord. of 1-11-18(2); Ord. of 12-12-19)

Sec. 5.12 - "RCC" Rural Community Conservation District

5.12.1 *Permitted Uses.* The uses allowed as permitted uses in the underlying district shall be allowed as permitted uses in the RCC District, even if such use is listed as a special use in the RCC District. In addition, those uses listed below shall be allowed as permitted uses in the RCC District, in accordance with the procedures set forth in Section 3.4 ("Development Permitted as of Right"), regardless of whether they are authorized in the underlying district.

1. *Residential Uses.*

- a. Dwellings, single-family detached and two-family.

2. *Commercial/Office Uses.*

- a. Commercial retail establishments, not exceeding a floor area of ten thousand (10,000) square feet;
- b. Financial institutions; and
- c. Restaurants.

3. *Mixed Residential and Commercial Uses.* In order to stimulate pedestrian activity at the street level in rural community centers, dwelling units shall be permitted in buildings that contain nonresidential uses provided that:

- a. The entrance to the dwelling units shall be from the street or a lobby;
- b. The dwelling units are constructed and located so as to protect tenants from undue noise, odors, and other impacts from nonresidential activities;
- c. The parking requirements for dwelling units shall be one-half ( $\frac{1}{2}$ ) the typical "dwelling, attached" requirements found in Section 7.7 ("Parking and Loading Requirements"); and
- d. All signs on the property are arranged so as not to shine or cause glare into the dwelling units.

5.12.2 *Special Uses.* The uses allowed as special uses in the underlying district shall be allowed as special uses in the RCC District. In addition, those uses listed below shall be allowed as special uses in the RCC District, in accordance with the procedures and standards set forth in Section 3.5 ("Special Use Permits"), regardless of whether they are authorized in the underlying district.

1. *Residential Uses.*

- a. Nursing homes, provided that the home is located no closer than one thousand (1,000) feet to any other nursing home.

2. *Commercial/Office Uses.*

- a. Automobile service stations;
- b. Commercial retail establishments, not exceeding a floor area of thirty-five thousand (35,000) square feet;
- c. Convenience stores;
- d. Funeral parlors;
- e. Offices;
- f. Overnight accommodations, provided that they meet the requirements set forth in Section 7.8 ("Overnight Accommodations") and provided that:
  1. No more than eight (8) rooms or suites are rented; and
  2. No rooms are rented for a period of more than fourteen (14) days.
- g. Personal service establishments; and
- h. Theaters, except open-air drive-in.

3. *Recreational Uses.*
  - a. Clubs and lodges; and
  - b. Health clubs and fitness centers.
4. *Miscellaneous Uses.*
  - a. Community centers;
  - b. Museums, civic and cultural centers; and
  - c. Recycling drop-off centers.

(Res. of 7-12-12)

#### Sec. 5.13 - Accessory Structures and Uses

5.13.1 *General Requirements.* In addition to other requirements, this section establishes further requirements and restrictions for particular accessory uses and structures. Any accessory use or structure shall be required to obtain the same type of approval under Article 3, Development Review Procedures, of these regulations as the principal use would have to obtain. Any accessory use or structure may be approved in conjunction with the approval of the principal use. However, no construction on an accessory use or structure shall be commenced before the principal use is approved and construction on the principal use has commenced in accordance with these regulations, except as allowed in Section 5.13.9, Accessory Structures Permitted without a Principal Structure, below.

5.13.2 *Accessory Dwellings.* An accessory dwelling shall be permitted in any residential district in accordance with the requirements in this subsection. Except as provided in subsection 5.13.2-7 below, all accessory dwellings shall be located within the primary dwelling.

1. The principal use of the lot shall be a detached dwelling.
2. No more than one accessory dwelling shall be located on a lot.
3. The accessory dwelling shall be owned by the same person as the principal dwelling.
4. The accessory dwelling shall share the driveway serving the principal dwelling.
5. The accessory dwelling shall have a floor area no greater than fifty (50) percent of the floor area of the principal dwelling, with a minimum of three hundred fifty (350) square feet and a maximum of eight hundred (800) square feet.
6. If the entrance to the accessory dwelling is separate from the entrance to the principal dwelling, then that entrance shall not face any street on which the lot fronts.
7. If the dwelling will be in a detached accessory structure, then, except for mobile homes that are regulated in Section 7.9 ("Mobile Homes") that structure shall also serve as a garage for residents of the principal dwelling.
8. The dwelling shall not be used for rental property for non-family members.

5.13.3 *Accessory Structures.* An accessory structure shall be permitted in accordance with the requirements that follow:

1. For lots and parcels used for residential purposes, the lot coverage for accessory structures shall be included as part of the calculation of "lot coverage" for each district.
2. For lots and parcels used for residential purposes in the A-1 or A-2 Agricultural Districts which are greater than five (5) acres and which are not in platted subdivisions, there shall be no limitations on the floor area of accessory buildings except as set forth in subsection 5.13.3-1, above.

3. For lots and parcels used for residential purposes in the A-1 or A-2 Agricultural Districts which are five (5) acres or less and which are not in platted subdivisions, the total floor area of any accessory building shall not exceed one thousand three hundred (1,300) square feet, plus three hundred (300) square feet per acre. Fractional acres shall be rounded to the nearest whole acre.
  4. For lots and parcels in platted subdivisions not created by tract surveys or in residentially zoned districts, the total floor area of all accessory buildings, attached or detached, shall not exceed the footprint of the principal structure or one thousand three hundred (1,300) square feet, whichever is less, plus seven hundred fifty (750) square feet for a private garage. No building shall be larger than the footprint of the principal structure, which includes any attached garage.
- 5.13.4 *Accessory Uses, Structures and Appurtenances.* All accessory uses, structures and appurtenances shall be permitted in accordance with the requirements that follow:
1. Accessory structures (including, but not limited to, detached garages, playhouses, sheds, storage buildings, and swimming pools,) shall be required to meet or exceed the minimum setback requirements of the underlying zoning district, unless otherwise provided for in this section. All attached garages shall be considered a portion of the principal structure for setback purposes.
  2. Appurtenances (including, but not limited to, air conditioners, arbors and trellises, awnings, balconies, bay or box windows, canopies and marquees, chimneys, cornices and other ornamental features, eaves and gutters and fire escapes) attached to the principal structure are exempt from all setback requirements.
  3. Appurtenances such as decks, patios, and porches shall meet or exceed the minimum accessory structure setbacks of the underlying zoning district.
- 5.13.5 *Outdoor Lighting.* The following restrictions shall apply to any outdoor lighting located in any district and should serve to protect against excessive glare and light spilling over to neighboring properties:
1. All outdoor lighting for nonresidential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.
  2. No outdoor lighting shall be of such an intensity or brilliance so as to cause glare or to impair the vision of drivers.
  3. Except as specifically exempted in subsection 5.13.5-4 below, the maximum permitted luminaire height shall be forty (40) feet.
  4. Outdoor recreational uses permitted as part of a special use shall meet all of the requirements of this section, with the exception that the permitted post height cannot exceed eighty (80) feet.
  5. Conditions relating to the location and hours of operation for outdoor lighting may be imposed on outdoor recreational uses.
  6. No flickering or flashing lights shall be permitted, other than holiday decorations.
- 5.13.6 *Stadia and Auditoria.* Stadia and auditoria that are accessory to schools are permitted, provided that:
1. The use shall be located on a lot of at least five (5) acres;
  2. Direct vehicular access to the use shall not be provided by way of a local street;
  3. No direct beams of light from outdoor lighting features, signs, or vehicles maneuvering on the site shall shine into any abutting property located in a residential district; and
  4. Off-street parking areas shall be designed and screened in accordance with the provisions of Section 7.6 ("Landscaping and Bufferyards").
- 5.13.7 *Automobile Rental.* Automobile rental shall be permitted as an accessory use where the principal use is an automobile dealership, a commercial retail establishment, or an airport.
- 5.13.8 *Commercial Accessory.* The following uses may be considered accessory to an associated principal use of the property they are located on, and the following standards shall apply:

1. Detached ATM: May be located in any side or rear yard, but no closer than ten (10) feet from a property line as measured from the foundation or footings of the structure, and if an eve, canopy or awning is used, then the drip line of such shall be no closer than five (5) feet of any property line, but in no case shall either encroach into any required buffer yard. Standards established within Section 7.7.11, Drive-Through Service Windows, shall be incorporated into the design and location of such use, with care taken to ensure buffering of adjacent properties from vehicle headlights.
  2. Freestanding Canopy: The supports of a canopy shall be located no closer than twenty (20) feet of a front lot line and fifteen (15) feet of a side or rear lot line, nor shall the drip line be closer than five (5) feet from any property line. In no case shall such canopy supports or drip line be located within any required buffer yard.
  3. Fuel Stations: Shall be located no closer than twenty (20) feet of a front lot line and fifteen (15) feet of a side or rear lot line, but may not be located within any required bufferyard.
- 5.13.9 *Accessory Structures Permitted Without a Principal Structure.* The following accessory structure shall be permitted without a principal structure:
1. Agricultural structures.
  2. Detached ATM's.
  3. Open picnic shelters.

#### Sec. 5.14 - Temporary Uses

- 5.14.1 *Temporary Use Permit Required.* Unless expressly provided to the contrary in this section, the following temporary uses are permitted in any district without a permit, subject to the applicable setback regulations of the district in which the use is located:
1. Contractor's Offices and Construction Equipment Sheds;
  2. Real Estate Offices;
  3. Garage and Yard Sales;
  4. Tents;
  5. Christmas Tree Sales;
  6. Roadside Stands for the Seasonal Sale of Farm Produce;
  7. Arts and Crafts Shows;
  8. Carnivals and Circuses;
  9. Temporary Sales; and
  10. Religious Events.
- 5.14.2 *Use Limitations.* Whenever a temporary use listed in Section 5.14.1, Temporary Use Permit Required, is established, the temporary use shall be subject to the specific regulations that follow, and to other applicable regulations of the district in which the use is located:
1. Any temporary use, together with any principal use, shall not jointly exceed the land use density or intensity that is applicable to the district in which it is located.
  2. No signs in connection with the temporary use shall be permitted except in accordance with Section 7.5 ("Signs").
  3. Off-street parking that will reasonably be required for such temporary use shall be provided if the Zoning Administrator determines that the use would otherwise unreasonably reduce the amount of off-street parking spaces available for nearby permanent uses. The operator of the temporary use shall be responsible for guiding patrons to such parking lots.

4. The site of the temporary use shall be cleared of all debris at the termination of the event.

5.14.3 *Permitted Temporary Uses.* The following uses are the temporary uses permitted in the County:

1. Temporary shelter.

- a. When a natural disaster or fire renders any residence unfit for habitation, the temporary use of a mobile home or recreational vehicle located on the parcel is permitted during the rehabilitation or reconstruction of a new residence.
- b. The person occupying or intending to occupy the mobile home or recreational vehicle shall apply for a temporary use permit as soon as practicable after the emergency occupation has begun.
- c. The mobile home or recreational vehicle shall be located at least ten (10) feet from the dwelling unit that is being rebuilt and shall meet all applicable side and rear setbacks for the principal structure.
- d. The maximum length of the temporary use permit shall be six (6) months but may be extended by the Zoning Administrator if the need for such continuance is demonstrated.
- e. The Zoning Administrator shall require appropriate health department permits for water supply and sewage disposal prior to the issuance of the temporary use permit.
- f. The temporary shelter shall be removed from the parcel after an occupancy permit has been issued for the new or rehabilitated residence.

2. Two (2) dwellings on one parcel.

- a. A temporary use permit may be issued to allow an individual to live in the existing residence while building a new residence on the same parcel.
- b. The temporary use permit shall be issued for a period of not more than two (2) years, and shall not be extended without a variance.
- c. The Zoning Administrator shall require appropriate health department permits for water supply and sewage disposal prior to the issuance of the temporary use permit.
- d. The original residence shall be removed from the parcel within thirty (30) days after a certificate of occupancy has been issued for the new residence. Removal includes: demolition of the original residence after issuance of a demolition permit; moving the original residence to another parcel after issuance of a moving permit; or conversion of the original residence into an accessory building, that meets all requirements of this code, following issuance of a building permit.

3. Meteorological towers.

- a. A temporary use permit shall be issued for a period of not more than three (3) years, and shall not be extended without a variance.
- b. Meteorological towers are permitted, with a special use permit, in the "A-1" Agricultural Preservation, "A-2" Agricultural, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts.
- c. Meteorological tower height must comply with all FAA regulations.
- d. Setbacks from public roads and property lines shall be established in the underlying zoning district.
- e. For towers over one hundred (100) feet in height, orange safety balls shall be installed on all guy wires.

## ARTICLE 6. - BULK REGULATIONS, DENSITY AND DIMENSIONAL STANDARDS

### Sec. 6.1 - Bulk Regulations

#### 6.1.1 *General.*

1. All development, except for exempt public utilities and telecommunications carrier facilities and except as provided by special use, must conform to the minimum bulk regulations as set out in this section.
2. No building, structure, or land located within the County's zoning jurisdiction shall be used or occupied, and no building or structure shall be erected, moved, reconstructed, extended, enlarged, or altered unless in accordance with the minimum lot area, lot width, setback, and open space requirements as required by these regulations or as permitted by Article 9, Nonconformities.
3. No setbacks existing on the effective date of these regulations shall subsequently be reduced below, or further reduced below if already less than the minimum setback requirements as required by these regulations, for equivalent new construction.
4. No lot shall hereafter be divided into two (2) or more lots unless all lots resulting from such division conform with all applicable minimum lot size requirements of the zoning district in which such lots are located or as otherwise provided by these regulations.
5. When two (2) or more contiguous developed and/or vacant lots, each of which lacks adequate area and dimension to comply with minimum lot size requirements of the district in which it is located, are held in common ownership, the lots shall be used as one lot, except when doing so results in a violation of these regulations.
6. Any lot that is not held in common ownership with a contiguous lot which was of record at the time of the adoption of these regulations, and which does not meet the requirements for minimum lot width and area as required by these regulations, may still be utilized for a use permitted under the zoning district in which the lot is located, provided that the applicable setbacks and other provisions of these regulations are met.

#### 6.1.2 *Lot Coverage.*

1. *Location of Required Open Space.*
  - a. All setbacks, and other open spaces allocated to a building(s), shall be located on the same lot as such building(s).
  - b. No required setbacks, other open space, or minimum lot area allocated to a building shall be used to satisfy the setbacks or other open space or minimum lot area requirements for any other building.
2. *Uses and Structures Prohibited in Required Setbacks.*
  - a. No principal building or structure shall be located within any setback required by these regulations.
  - b. No outdoor storage of goods and materials or refuse container shall be located within any required road setback, except for the temporary placement of refuse containers for curbside pick-up in residential districts.
3. *Maintenance of Setbacks and Other Open Spaces.* The maintenance of required setbacks and other open spaces and minimum lot areas set forth on Sections 6.2 ("A-1" Agricultural Preservation District) through 6.14 ("Planned Developments") shall be a continuing obligation of the owner(s) of the property.

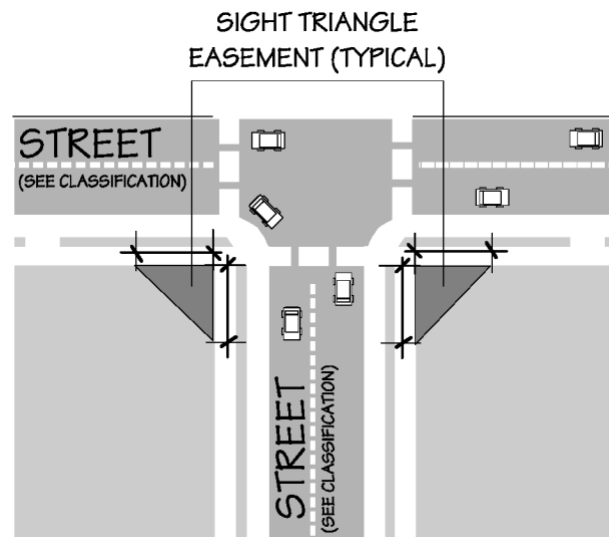
6.1.3 *Number of Buildings Per Lot.* Except for communication support structures which are allowed as a secondary principal use on a property, no more than one principal building shall be located on a lot, except as approved as a special use or temporary use in accordance with these regulations.

6.1.4 *Height Limitations.* Except as otherwise provided in this subsection and listed below, height limitations for all structures are listed in each district in Sections 6.2 ("A-1" Agricultural Preservation District) through 6.12 ("I-2" Heavy Industrial District) and 6.14 ("Planned Developments").

1. The height limitations established for each district shall not apply to public utility poles and lines, skylights, fire towers, spires, cooling towers, parapet walls, and roof structures for elevators, stairways, tanks, heating, ventilation, and air-conditioning equipment or similar equipment for the operation and maintenance of a building.
2. Unless located in or adjacent to a residential district, the height limitation shall not apply to steeples, chimneys, and water tanks.
3. Except for the distributing equipment of public utilities which are exempt from these regulations pursuant to 55 ILCS 5/5-12001, structures exempt from the maximum height provisions by subsections (1) and (2) above may not exceed a height of fifteen (15) feet above the average roof line of the building to which they are affixed unless permitted by a special use permit.

6.1.5 *Clear Sight Triangles at Street Intersections.*

1. The restrictions set out in this subsection shall apply to the following triangles of land abutting street intersections:
  - a. State Highways and County Primary Streets: The triangle bounded on two (2) sides by the intersecting right-of-way lines, measured fifty (50) feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the fifty-foot sides;
  - b. County Non-Primary and Collector Streets: The triangle bounded on two (2) sides by the intersecting right-of-way lines, measured thirty-five (35) feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the thirty-five-foot sides; and
  - c. Local Streets: The triangle bounded on two (2) sides by the intersecting right-of-way lines, measured fifteen (15) feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the fifteen-foot sides.



2. Within the triangles identified in subsection (1) above, and except as provided in subsection (3) below, no structure, sign, plant, shrub, tree, berm, fence, wall or other object of any kind shall be installed, constructed, set out or maintained so as to obstruct cross-visibility at a level between thirty (30) and seventy-two (72) inches above the height of the curb.
3. The restrictions of this subsection shall not apply to the following:
  - a. Existing natural grades which, by reason of natural topography, rise thirty (30) or more inches above the level of the center of the adjacent intersection;



- b. Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between thirty (30) and seventy-two (72) inches above the level of the center of the adjacent intersection; and
- c. Fire hydrants, public utility poles, telecommunications carrier facilities, street markers, and traffic control devices.

6.1.6 *Obstruction of Public Right-of-Way.* Except as otherwise permitted by these regulations, no structure, fence, landscaping, driveway, parking lot, newspaper vending machine, or mailbox shall be permitted which obstructs or otherwise interferes with public use of a street right-of-way or other public easement.

Sec. 6.2 - "A-1" Agricultural Preservation District

6.2.1 *Minimum Lot Sizes.* Except as provided by special use permit, all uses and structures in the A-1 Agricultural Preservation District shall have the minimum lot size set forth below.

1. *Minimum Lot Area.*

- a. Agriculture, telecommunications carrier facilities and exempt public utility structures: n/a.
- b. Other uses: Forty (40) acres.
- c. Dwellings existing prior to January 1, 1997, may be sold off of an existing parcel, provided at least one acre is deeded with the residence and the split meets exception 9 of the State Plat Act, as follows: the sale of a single lot of less than five (5) acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

2. *Minimum Lot Width at Building Line:*

- a. Agriculture, telecommunications carrier facilities and exempt public utility structures: n/a.
- b. Other uses: Two hundred (200) feet.

6.2.2 *Minimum Setbacks.* The following minimum setback standards shall apply in the A-1 District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.

1. *Road.*

a. *State:*

- 1. Residential: Seventy-five (75) feet from the right-of-way or one hundred thirty-five (135) feet from the center of the right-of-way, whichever distance is greater.
- 2. Nonresidential: Seventy-five (75) feet from the right-of-way or one hundred sixty (160) feet from the center of the right-of-way, whichever distance is greater.
- 3. Telecommunications Carrier Facilities: n/a.
- 4. WECS Towers: 1.1 times the WECS total height.
- 5. Meteorological Towers: 1.1 times tower height.

b. *County Primary:*

- 1. Residential: Seventy-five (75) feet from the right-of-way or one hundred fifteen (115) feet from the center of the right-of-way, whichever distance is greater.

2. Nonresidential: One hundred (100) feet from the right-of-way or one hundred forty (140) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. WECS Towers: 1.1 times the WECS total height.
  5. Meteorological Towers: 1.1 times tower height.
- c. County Non-Primary:
1. Residential: Forty (40) feet from the right-of-way or one hundred (100) feet from the center of the right-of-way, whichever distance is greater.
  2. Nonresidential: Sixty-five (65) feet from the right-of-way or one hundred twenty-five (125) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. WECS Towers: 1.1 times the WECS total height.
  5. Meteorological Towers: 1.1 times tower height.
- d. Collector Street:
1. Residential: Forty (40) feet from the right-of-way or seventy (70) feet from the center of the right-of-way, whichever distance is greater.
  2. Nonresidential: Sixty-five (65) feet from the right-of-way or ninety-five (95) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. WECS Towers: 1.1 times the WECS total height.
  5. Meteorological Towers: 1.1 times tower height.
- e. Local Street:
1. Residential: Twenty-five (25) feet from the right-of-way.
  2. Nonresidential: Fifty (50) feet from the right-of-way.
  3. Telecommunications Carrier Facilities: n/a.
  4. WECS Towers: 1.1 times the WECS total height.
  5. Meteorological Towers: 1.1 times tower height.
2. *Side.*
- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
  - b. WECS Towers: 1.1 times the WECS total height from adjacent property lines.
    1. Property lines that are shared with other properties included in the same WECS development may forego this requirement, provided written acceptance of this waiver is obtained from all affected property owners prior to or at the public hearing before the Zoning Board of Appeals.
  - c. Meteorological Towers: 1.1 times tower height.
  - d. Other Uses:
    1. Principal Structure: Not less than thirty (30) feet from the property line.
    2. Accessory Structure:
      - a. If accessory structure is less than two thousand (2,000) square feet, not less than fifteen (15) feet from the property line.

- b. If accessory structure is two thousand (2,000) square feet or larger, not less than thirty (30) feet from the property line.
- 3. *Rear.*
  - a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
  - b. WECS Towers: 1.1 times the WECS total height from adjacent property lines.
    - 1. Property lines that are shared with other properties included in the same WECS development may forego this requirement, provided written acceptance of this waiver is obtained from all affected property owners prior to or at the public hearing before the Zoning Board of Appeals.
  - c. Meteorological Towers: 1.1 times tower height.
  - d. Other Uses:
    - 1. Principal Structure: Not less than thirty (30) feet from the property line.
    - 2. Accessory Structure:
      - a. If accessory structure is less than two thousand (2,000) square feet, not less than fifteen (15) feet from the property line.
      - b. If accessory structure is two thousand (2,000) square feet or larger, not less than thirty (30) feet from the property line.
- 4. *Front.*
  - a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
  - b. WECS Towers: 1.1 times the WECS total height from adjacent property lines.
    - 1. Property lines that are shared with other properties included in the same WECS development may forego this requirement, provided written acceptance of this waiver is obtained from all affected property owners prior to or at the public hearing before the Zoning Board of Appeals.
  - c. Meteorological Towers: 1.1 times tower height.

#### 6.2.3 *Maximum Lot Coverage.*

- 1. Agriculture, telecommunications carrier facilities, exempt public utility structures, and solar energy generation facilities: n/a
- 2. Other Uses: No more than ten (10) percent of the area of the lot may be occupied by structures.

#### 6.2.4 *Height.*

- 1. Agriculture and Exempt Public Utility Structures: n/a.
- 2. Telecommunications Carrier Facilities: subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
- 3. Wind Energy Conversion Systems: subject to standards set forth in Section 7.2 ("Wind Energy Conversion Systems").
- 4. Meteorological Towers: subject to standards set forth in Section 5.14.3-3.
- 5. Other Uses: Three (3) stories or thirty-six (36) feet, whichever is less.

#### 6.2.5 *Maximum Density/Intensity.*

- 1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
- 2. Single-Family Dwellings: One dwelling unit per forty (40) acres.
- 3. Other Uses: n/a.

(Ord. of 1-11-18(2))

Sec. 6.3 - "A-2" Agricultural District

6.3.1 *Minimum Lot Sizes.* Except as provided by subsection 5.2.1-2 or by special use permit, all uses and structures in the A-2 Agricultural District shall have the minimum lot size set forth below.

1. *Minimum Lot Area.*

- a. Agriculture, telecommunications carrier facilities and exempt public utility structures: n/a.
- b. Lots or parcels for land which a deed has been recorded in the office of the Peoria County Recorder of Deeds upon or prior to October 8, 1996, or a lot or parcel of land that would have been a lot of record if the document conveying the lot had been recorded on the date of its execution: One acre.
- c. Other uses: Twenty-five (25) acres.

2. *Minimum Lot Width at Building Line.*

- a. Agriculture, telecommunications carrier facilities and exempt public utility structures: n/a.
- b. Other uses: Two hundred (200) feet.

6.3.2 *Minimum Setbacks.* The following minimum setback standards shall apply in the A-2 District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.

1. *Road.*

a. State:

1. Residential: Seventy-five (75) feet from the right-of-way or one hundred thirty-five (135) feet from the center of the right-of-way whichever is greater.
2. Nonresidential: Seventy-five (75) feet from the right-of-way or one hundred sixty (160) feet from the center of the right-of-way whichever is greater.
3. Telecommunications Carrier Facilities: n/a.
4. WECS Towers: 1.1 times the WECS total height.
5. Meteorological Towers: 1.1 times tower height.

b. County Primary:

1. Residential: Seventy-five (75) feet from the right-of-way or one hundred fifteen (115) feet from the center of the right-of-way, whichever distance is greater.
2. Nonresidential: One hundred (100) feet from the right-of-way or one hundred forty (140) feet from the center of the right-of-way, whichever distance is greater.
3. Telecommunications Carrier Facilities: n/a.
4. WECS Towers: 1.1 times the WECS total height.
5. Meteorological Towers: 1.1 times tower height.

c. County Non-Primary:

1. Residential: Forty (40) feet from the right-of-way or one hundred (100) feet from the center of the right-of-way, whichever distance is greater.
2. Nonresidential: Sixty-five (65) feet from the right-of-way or one hundred twenty-five (125) feet from the center of the right-of-way, whichever distance is greater.

3. Telecommunications Carrier Facilities: n/a.
  4. WECS Towers: 1.1 times the WECS total height.
  5. Meteorological Towers: 1.1 times tower height.
- d. Collector Street:
1. Residential: Forty (40) feet from the right-of-way or seventy (70) feet from the center of the right-of-way, whichever distance is greater.
  2. Nonresidential: Sixty-five (65) feet from the right-of-way or ninety-five (95) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. WECS Towers: 1.1 times the WECS total height.
  5. Meteorological Towers: 1.1 times tower height.
- e. Local Street:
1. Residential: Twenty-five (25) feet from the right-of-way.
  2. Nonresidential: Fifty (50) feet from the right-of-way.
  3. Telecommunications Carrier Facilities: n/a.
  4. WECS Towers: 1.1 times the WECS total height.
  5. Meteorological Towers: 1.1 times tower height.
2. *Side.*
- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the property line.
  - b. WECS Towers: 1.1 times the WECS total height from adjacent property lines.
    1. Property lines that are shared with other properties included in the same WECS development may forgo this requirement, provided written acceptance of this waiver is obtained from all affected property owner prior to or at the public hearing before the Zoning Board of Appeals.
  - c. Meteorological Towers: 1.1 times tower height.
  - d. Other Uses:
    1. Principal Structure: Not less than thirty (30) feet from the property line.
    2. Accessory Structure:
      - a. If accessory structure is less than two thousand (2,000) square feet, not less than fifteen (15) feet from the property line.
      - b. If accessory structure is two thousand (2,000) square feet or larger, not less than thirty (30) feet from the property line.
3. *Rear.*
- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
  - b. WECS Towers: 1.1 times the WECS total height from adjacent property lines.
    1. Property lines that are shared with other properties included in the same WECS development may forgo this requirement, provided written acceptance of this waiver is obtained from all affected property owner prior to or at the public hearing before the Zoning Board of Appeals.
  - c. Meteorological Towers: 1.1 times tower height.

d. Other Uses:

1. Principal Structure: Not less than thirty (30) feet from the property line.
2. Accessory Structure:
  - a. If accessory structure is less than two thousand (2,000) square feet, not less than fifteen (15) feet from the property line.
  - b. If accessory structure is two thousand (2,000) square feet or larger, not less than thirty (30) feet from the property line.

4. *Front.*

- a. Telecommunications Carrier Facilities: Not less than fifteen (15) feet from the lot line.
- b. WECS Towers: 1.1 times the WECS total height from adjacent property lines.
  1. Property lines that are shared with other properties included in the same WECS development may forgo this requirement, provided written acceptance of this waiver is obtained from all affected property owner prior to or at the public hearing before the Zoning Board of Appeals.
- c. Meteorological Towers: 1.1 times tower height.

6.3.3 *Lot Coverage.*

1. Agriculture, telecommunications carrier facilities, exempt public utility structures, and solar energy generation facilities: n/a
2. All Other Uses: No more than ten (10) percent of the area of the lot may be occupied by structures.

6.3.4 *Maximum Height.*

1. Agriculture and Exempt Public Utilities: n/a.
2. Telecommunications Carrier Facilities: Subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
3. Wind Energy Conversion Systems: Subject to standards set forth in Section 7.2 ("Wind Energy Conversion Systems").
4. Meteorological Towers: Subject to standards set forth in Section 5.14.3-3.
5. All Other Uses: Three (3) stories or thirty-six (36) feet, whichever is less.

6.3.5 *Maximum Density/Intensity.*

1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utilities: n/a.
2. Single-Family Dwellings: One dwelling unit per twenty-five (25) acres.
3. Commercial Uses: 0.1 Floor Area Ratio.

(Res. of 7-12-12; Ord. of 1-11-18(2))

Sec. 6.4 - "R-R" Rural Residential District

6.4.1 *Minimum Lot Sizes.* Except as provided by special use permit, all uses and structures in the R-R Rural Residential District shall have the minimum lot size set forth below.

1. *Minimum Lot Area.*

- a. Agriculture and exempt public utility structures: n/a.
- b. Telecommunications carrier facilities: subject to standards set forth in Section 7.1 ("Telecommunication Carrier Facilities").

c. Other uses: One acre (forty-three thousand five hundred sixty (43,560) square feet).

2. *Minimum Lot Width.*

a. Agriculture, telecommunications carrier facilities, and exempt public utility structures: n/a.

b. Other uses: One hundred fifty (150) feet at the building line.

6.4.2 *Minimum Setbacks.* The following minimum setback standards shall apply in the R-R District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.

1. *Road.*

a. State:

1. Residential: Seventy-five (75) feet from the right-of-way or one hundred thirty-five (135) feet from the center of the right-of-way whichever distance is greater.
2. Nonresidential: Seventy-five (75) feet from the right-of-way or one hundred sixty (160) feet from the center of the right-of-way whichever distance is greater.
3. Telecommunications Carrier Facilities: n/a.
4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

b. County Primary:

1. Residential: Seventy-five (75) feet from the right-of-way or one hundred fifteen (115) feet from the center of the right-of-way, whichever distance is greater.
2. Nonresidential: One hundred (100) feet from the right-of-way or one hundred forty (140) feet from the center of the right-of-way, whichever distance is greater.
3. Telecommunications Carrier Facilities: n/a.
4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

c. County Non-Primary:

1. Residential: Forty (40) feet from the right-of-way or one hundred (100) feet from the center of the right-of-way, whichever distance is greater.
2. Nonresidential: Sixty-five (65) feet from the right-of-way or one hundred twenty-five (125) feet from the center of the right-of-way, whichever distance is greater.
3. Telecommunications Carrier Facilities: n/a.
4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

d. Collector Street:

1. Residential: Forty (40) feet from the right-of-way or seventy (70) feet from the center of the right-of-way, whichever distance is greater.
2. Nonresidential: Seventy-five (75) feet from the right-of-way or one hundred ten (110) feet from the center of the right-of-way, whichever distance is greater.
3. Telecommunications Carrier Facilities: n/a.
4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

- e. Local Street:
  - 1. Residential: Twenty-five (25) feet from the right-of-way.
  - 2. Nonresidential: Fifty (50) feet from the right-of-way.
  - 3. Telecommunications Carrier Facilities: n/a.
  - 4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

2. *Side.*

- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
- b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- c. Other Uses:
  - 1. Principal Structure:
    - a. Not less than thirty (30) feet from the property line if on septic system.
    - b. Not less than fifteen (15) feet from the property line if on public sewer.
  - 2. Accessory Structure:
    - a. If accessory structure is less than two thousand (2,000) square feet, not less than fifteen (15) feet from the property line.
    - b. If accessory structure is two thousand (2,000) square feet or larger, not less than thirty (30) feet from the property line.

3. *Rear.*

- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
- b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- c. Other Uses:
  - 1. Principal Structures: Not less than thirty (30) feet from the property line.
  - 2. Accessory Structures:
    - a. If accessory structure is less than two thousand (2,000) square feet, not less than fifteen (15) feet from the property line.
    - b. If accessory structure is two thousand (2,000) square feet or larger, not less than twenty-five (25) feet from the property line.

4. *Front.*

- a. Telecommunications Carrier Facilities: Not less than fifteen (15) feet from the lot line.
- b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height from adjacent property lines.

6.4.3 *Maximum Lot Coverage.*

- 1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
- 2. All Other Uses: No more than twenty (20) percent of the area of the lot may be occupied by structures.

6.4.4 *Maximum Height.*

- 1. Agriculture and Exempt Public Utility Structures: n/a.
- 2. Telecommunications Carrier Facilities: Subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").



3. Wind Energy Conversion Systems: Subject to standards set forth in Section 7.2 ("Wind Energy Conversion systems").
4. All Other Uses: Three (3) stories or thirty-six (36) feet, whichever is less.

6.4.5 *Maximum Density/Intensity.*

1. Agriculture, Telecommunications Carrier and Exempt Public Utility Structures: n/a.
2. Single-Family Dwellings: One dwelling unit per one acre.
3. Nonresidential Uses: 0.2 Floor Area Ratio.

(Res. of 7-12-12)

Sec. 6.5 - "R-1" Low Density Residential District

6.5.1 *Minimum Lot Sizes.* Except as provided by special use permit, all uses and structures in the R-1 Low Density Residential District shall have the minimum lot size set forth below.

1. *Minimum Lot Area.*

- a. Agriculture and exempt public utility structures: n/a.
- b. Telecommunications carrier facilities: subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
- c. Other uses: One-half ( $\frac{1}{2}$ ) acre (twenty-one thousand seven hundred eighty (21,780) square feet)

2. *Minimum Lot Width.*

- a. Agriculture, telecommunications carrier facilities and exempt public utility structures: n/a.
- b. Other uses: One hundred twenty-five (125) feet at the building line if served by septic system one hundred (100) feet at the building line if on public sewer.

6.5.2 *Minimum Setbacks.* The following minimum setback standards shall apply in the R-1 District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.

1. *Road.*

a. State:

1. Residential: Seventy-five (75) feet from the right-of-way or one hundred thirty-five (135) feet from the center of the right-of-way whichever distance is greater.
2. Nonresidential: Seventy-five (75) feet from the right-of-way or one hundred sixty (160) feet from the center of the right-of-way whichever distance is greater.
3. Telecommunications Carrier Facilities: n/a.
4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

b. County Primary:

1. Residential: Seventy-five (75) feet from the right-of-way or one hundred fifteen (115) feet from the center of the right-of-way, whichever distance is greater.
2. Nonresidential: One hundred (100) feet from the right-of-way or one hundred forty (140) feet from the center of the right-of-way, whichever distance is greater.

3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - c. County Non-Primary:
    1. Residential: Forty (40) feet from the right-of-way or one hundred (100) feet from the center of the right-of-way, whichever distance is greater.
    2. Nonresidential: Sixty-five (65) feet from the right-of-way or one hundred twenty-five (125) feet from the center of the right-of-way, whichever distance is greater.
    3. Telecommunications Carrier Facilities: n/a.
    4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - d. Collector Street:
    1. Residential: Forty (40) feet from the right-of-way or seventy (70) feet from the center of the right-of-way, whichever distance is greater.
    2. Nonresidential: Seventy-five (75) feet from the right-of-way or one hundred ten (110) feet from the center of the right-of-way, whichever distance is greater.
    3. Telecommunications Carrier Facilities: n/a.
    4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - e. Local Street:
    1. Residential: Twenty-five (25) feet from the right-of-way.
    2. Nonresidential: Fifty (50) feet from the right-of-way.
    3. Telecommunications Carrier Facilities: n/a.
    4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
2. *Side.*
    - a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
    - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
    - c. Other Uses:
      1. Principal Structure: Not less than fifteen (15) feet from the property line.
      2. Accessory Structure: Not less than fifteen (15) feet from the property line.
  3. *Rear.*
    - a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
    - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
    - c. Other Uses:
      1. Principal Structure: Not less than twenty-five (25) feet from the property line.
      2. Accessory Structure: Not less than fifteen (15) feet from the property line.
  4. *Front.*
    - a. Telecommunications Carrier Facilities: Not less than fifteen (15) feet from the lot line.
    - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

6.5.3 *Maximum Lot Coverage.*

1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
2. All Other Uses: No more than thirty (30) percent of the area of the lot may be occupied by structures.

6.5.4 *Maximum Height.*

1. Agriculture and Exempt Public Utility Structures: n/a.
2. Telecommunications Carrier Facilities: Subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
3. Wind Energy Conversion Systems: Subject to standards set forth in Section 7.2 ("Wind Energy Conversion Systems").
4. All Other Uses: Three (3) stories or thirty-six (36) feet, whichever is less.

6.5.5 *Maximum Density/Intensity.*

1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
2. Single-Family Dwellings: One dwelling unit per .5 acre.
3. Nonresidential Uses: 0.2 Floor Area Ratio.

(Res. of 7-12-12)

Sec. 6.6 - "R-2" Medium Density Residential District

6.6.1 *Minimum Lot Sizes.* Except as provided by special use permit, all uses and structures in the R-2 Medium Density Residential District shall have the minimum lot size set forth below:

1. *Minimum Lot Area.*
  - a. Agriculture and Exempt Public Utility Structures: n/a.
  - b. Telecommunications Carrier Facilities: subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
  - c. Other Uses: One-half ( $\frac{1}{2}$ ) acre (twenty-one thousand seven hundred eighty (21,780) square feet) if served by private sewage disposal or one-quarter ( $\frac{1}{4}$ ) acre (ten thousand eight hundred ninety (10,890) square feet) if served by community sewer system. Each additional unit shall add four thousand (4,000) square feet.
2. *Minimum Lot Width.*
  - a. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
  - b. Other Uses: One hundred (100) feet at the building line if private sewage disposal; or eighty (80) feet at the building line if community sewer system.

6.6.2 *Minimum Setbacks.* The following minimum setback standards shall apply in the R-2 District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.

1. *Road.*
  - a. State:
    1. Residential: Seventy-five (75) feet from the right-of-way or one hundred thirty-five (135) feet from the center of the right-of-way whichever distance is greater.

2. Nonresidential: Seventy-five (75) feet from the right-of-way or one hundred sixty (160) feet from the center of the right-of-way whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- b. County Primary:
1. Residential: Seventy-five (75) feet from the right-of-way or one hundred fifteen (115) feet from the center of the right-of-way, whichever distance is greater.
  2. Nonresidential: One hundred (100) feet from the right-of-way or one hundred forty (140) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- c. County Non-Primary:
1. Residential: Forty (40) feet from the right-of-way or one hundred (100) feet from the center of the right-of-way, whichever distance is greater.
  2. Nonresidential: Sixty-five (65) feet from the right-of-way or one hundred twenty-five (125) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- d. Collector Street:
1. Residential: Forty (40) feet from the right-of-way or seventy (70) feet from the center of the right-of-way, whichever distance is greater.
  2. Nonresidential: Seventy-five (75) feet from the right-of-way or one hundred ten (110) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- e. Local Street:
1. Residential: Twenty-five (25) feet from the right-of-way.
  2. Nonresidential: Fifty (50) feet from the right-of-way.
  3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
2. *Side.*
- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
  - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - c. Other Uses:
    1. Principal Structure: excepting duplexes: Not less than ten (10) percent of the lot width at the building line. The maximum shall be fifteen (15) feet, and the minimum shall be five (5) feet from the property line.

2. Duplex Principal Structure: A zero lot line setback shall be permitted for the interior side setback (common wall), provided that the required minimum lot width and minimum lot area of Section 6.6.1, Minimum Lot Sizes, are met. Exterior side setback shall be not less than ten (10) percent of the lot width at the building line. The maximum shall be fifteen (15) feet, and the minimum shall be five (5) feet from the property line.
  3. Accessory Structure: Not less than five (5) feet from the property line. The side yard may be reduced to three (3) feet provided the accessory structure is in the rear one-third ( 1/3 ) of the lot.
3. *Rear.*
    - a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
    - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
    - c. Other Uses:
      1. Principal Structure: Not less than fifteen (15) feet from the property line.
      2. Accessory Structure: Not less than five (5) feet from the property line.
  4. *Front.*
    - a. Telecommunications Carrier Facilities: Not less than fifteen (15) feet from the lot line.
    - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

#### 6.6.3 *Maximum Lot Coverage.*

1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
2. All Other Uses: No more than forty (40) percent of the area of the lot may be occupied by structures.

#### 6.6.4 *Maximum Height.*

1. Agriculture and Exempt Public Utility Structures: n/a.
2. Telecommunication Carrier Facilities: Subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
3. Wind Energy Conversion Systems: Subject to standards set forth in Section 7.2 ("Wind Energy Conversion Systems").
4. All Other Uses: Three (3) stories or thirty-six (36) feet, whichever is less.

#### 6.6.5 *Maximum Density/Intensity.*

1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
2. Single-Family Dwellings:
  - a. One dwelling unit per .5 acre with private sewage disposal system.
  - b. One dwelling unit per .25 acre with community sewer system.
3. Two-Family Dwellings: Add four thousand (4,000) square feet per additional unit.
4. Other Uses: 0.2 Floor Area Ratio.

(Res. of 7-12-12)

### Sec. 6.7 - "R-3" High Density, Multifamily Residential District

6.7.1 *Minimum Lot Sizes.* Except as provided by special use permit, all uses and structures in the R-3 High Density Residential District shall have the minimum lot size set forth below:

1. *Minimum Lot Area.*

- a. Agriculture and Exempt Public Utility Structures: n/a.
- b. Telecommunications Carrier Facilities: subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
- c. Other Uses: One-half (½) acre if served by private sewage disposal; or six thousand (6,000) square feet if served by community sewer system. Each additional unit shall add three thousand (3,000) square feet.

2. *Minimum Lot Width.*

- a. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
- b. Other Uses: One hundred (100) feet at the building line if private sewage disposal; or fifty (50) feet at the building line if community sewer system.

6.7.2 *Minimum Setbacks.* The following minimum setback standards shall apply in the R-3 District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.

1. *Road.*

a. State:

1. Residential: Seventy-five (75) feet from the right-of-way or one hundred thirty-five (135) feet from the center of the right-of-way whichever distance is greater.
2. Nonresidential: Seventy-five (75) feet from the right-of-way or one hundred sixty (160) feet from the center of the right-of-way whichever distance is greater.
3. Telecommunications Carrier Facilities: n/a.
4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

b. County Primary:

1. Residential: Seventy-five (75) feet from the right-of-way or one hundred fifteen (115) feet from the center of the right-of-way, whichever distance is greater.
2. Nonresidential: One hundred (100) feet from the right-of-way or one hundred forty (140) feet from the center of the right-of-way, whichever distance is greater.
3. Telecommunications Carrier Facilities: n/a.
4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

c. County Non-Primary:

1. Residential: Forty (40) feet from the right-of-way or one hundred (100) feet from the center of the right-of-way, whichever distance is greater.
2. Nonresidential: Sixty-five (65) feet from the right-of-way or one hundred twenty-five (125) feet from the center of the right-of-way, whichever distance is greater.
3. Telecommunications Carrier Facilities: n/a.
4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

d. Collector Street:

1. Residential: Forty (40) feet from the right-of-way or seventy (70) feet from the center of the right-of-way, whichever distance is greater.
  2. Nonresidential: Seventy-five (75) feet from the right-of-way or one hundred ten (110) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- e. Local Street:
1. Residential: Twenty-five (25) feet from the right-of-way.
  2. Nonresidential: Fifty (50) feet from the right-of-way.
  3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

2. *Side.*

- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
- b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- c. Other Uses:
  1. Principal Structure:
    - a. Single-family and two-family dwellings, excepting duplexes: Not less than ten (10) percent of the lot width at the building line. The maximum shall be fifteen (15) feet, and the minimum shall be five (5) feet from the property line.
    - b. Duplexes: A zero lot line setback shall be permitted for the interior side setback (common wall), provided that the required minimum lot width and minimum lot area of Section 6.7.1, Minimum Lot Sizes, are met. Exterior side setback shall be not less than ten (10) percent of the lot width at the building line. The maximum shall be fifteen (15) feet, and the minimum shall be five (5) feet from the property line.
    - c. Other uses: Not less than twenty (20) feet from the property line.
  2. Accessory Structure: Not less than ten (10) percent of the width of the lot at the building line. The Maximum shall be fifteen (15) feet, and the minimum shall be five (5) feet from the property line.

3. *Rear.*

- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
- b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- c. Other Uses:
  1. Principal Structures: Not less than twenty (20) feet from the property line.
  2. Accessory Structures: Not less than five (5) feet from the property line.

4. *Front.*

- a. Telecommunications Carrier Facilities: Not less than fifteen (15) feet from the lot line.
- b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

6.7.3 *Maximum Lot Coverage.*

1. Agriculture, Telecommunications Facilities and Exempt Public Utility Structures: n/a.

2. All Other Uses: No more than fifty (50) percent of the area of the parcel proposed for residential development and no more than sixty (60) percent of the area of the parcel proposed for nonresidential development shall be impervious.

6.7.4 *Maximum Height.*

1. Agriculture and Exempt Public Utility Structures: n/a.
2. Telecommunications Carrier Facilities: Subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
3. Wind Energy Conversion Systems: Subject to standards set forth in Section 7.2 ("Wind Energy Conversion Systems").
4. Single-Family Attached And Detached: Three (3) stories or thirty-six (36) feet, whichever is less and no more than fourteen (14) feet higher than an adjacent structure.
5. All Other Uses: Six (6) stories or seventy-five (75) feet in height to the highest point, provided that the applicant receives approval from the local fire official stating that the fire department will be able to provide adequate fire protection for the proposed development.

6.7.5 *Maximum Density/Intensity.*

1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
2. Single-Family Dwellings:
  - a. One dwelling unit per .5 acre with private sewage disposal system.
  - b. One dwelling unit per six thousand (6,000) square feet with community sewer system.
3. Two-Family and Multifamily Dwellings: Add three thousand (3,000) square feet per additional unit.
4. Other Uses: 0.2 Floor Area Ratio.

(Res. of 7-12-12)

Sec. 6.8 - "C-1" Neighborhood Commercial District

6.8.1 *Minimum Lot Size.* Except as provided by special use permit, all uses and structures in the C-1 Neighborhood Commercial District shall have the minimum lot size set forth below:

1. *Minimum Lot Area.*
  - a. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
  - b. Other Uses: Six thousand (6,000) square feet.
2. *Minimum Lot Width.*
  - a. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
  - b. Other Uses: Sixty (60) feet.

6.8.2 *Minimum Setbacks.* The following minimum setback standards shall apply in the C-1 District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.

1. *Road.*
  - a. State:
    1. Residential: Seventy-five (75) feet from the right-of-way or one hundred thirty-five (135) feet from the center of the right-of-way whichever distance is greater.



2. Nonresidential: Twenty-five (25) feet from the right-of-way or one hundred (100) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- b. County Primary:
1. Residential: Seventy-five (75) feet from the right-of-way or one hundred fifteen (115) feet from the center of the right-of-way, whichever distance is greater.
  2. Nonresidential: Twenty-five (25) feet from the right-of-way or one hundred (100) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- c. County Non-Primary:
1. Residential: Forty (40) feet from the right-of-way or one hundred (100) feet from the center of the right-of-way, whichever distance is greater.
  2. Nonresidential: Twenty-five (25) feet from the right-of-way or sixty (60) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- d. Collector Street:
1. Residential: Forty (40) feet from the right-of-way or seventy (70) feet from the center of the right-of-way, whichever distance is greater.
  2. Nonresidential: Twenty-five (25) feet from the right-of-way or sixty (60) feet from the center of the right-of-way, whichever distance is greater.
  3. Telecommunications Carrier Facilities: n/a.
  4. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- e. Local Street:
1. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  2. Other Uses: Twenty-five (25) feet from the right-of-way.
2. *Side.*
- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
  - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - c. Other Uses:
    1. Principal Structure: Not less than ten (10) feet from the property line. Increase the setback to twenty (20) feet when the use is adjacent to a residential district or use.
    2. Accessory Structure: Not less than five (5) feet from the property line.
3. *Rear.*

- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
  - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - c. Other Uses:
    - 1. Principal Structure: Not less than ten (10) feet from the property line. Increase the setback to twenty (20) feet when the use is adjacent to a residential district or use.
    - 2. Accessory Structure: Not less than five (5) feet from the property line.
4. *Front.*
- a. Telecommunications Carrier Facilities: Not less than fifteen (15) feet from the lot line.
  - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

6.8.3 *Maximum Lot Coverage.*

- 1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
- 2. Residential: No more than sixty-five (65) percent of the area of the parcel shall be impervious.
- 3. Nonresidential: No more than eighty (80) percent of the area of the parcel shall be impervious.

6.8.4 *Maximum Height.*

- 1. Agriculture and Exempt Public Utility Structures: n/a.
- 2. Telecommunications Carrier Facilities: Subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
- 3. Wind Energy Conversion Systems: Subject to standards set forth in Section 7.2 ("Wind Energy Conversion Systems").
- 4. Other Uses: Three (3) stories or thirty-six (36) feet whichever is less.

6.8.5 *Floor Area Ratio.*

- 1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
- 2. Residential: 0.6.
- 3. Nonresidential and Mixed Use: 2.0.

Sec. 6.9 - "C-2" General Commercial District

6.9.1 *Minimum Lot Size.* Except as provided by special use permit, all uses and structures in the C-2 General Commercial District shall have the minimum lot size set forth below:

- 1. *Minimum Lot Area.*
  - a. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
  - b. Other Uses: Ten thousand (10,000) square feet.
- 2. *Minimum Lot Width.*
  - a. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
  - b. Other Uses: Eighty (80) feet.

6.9.2 *Minimum Setbacks.* The following minimum setback standards shall apply in the C-2 District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.

1. *Road.* The following nonresidential road setbacks shall apply where a parking lot is placed in the road setback. Where a parking lot is located only in the side or rear setback, the road setback may be reduced to the specifications set forth in the C-1 Neighborhood Commercial District.
  - a. *State:*
    1. Telecommunications Carrier Facilities, Exempt Public Utility Structures and Residential: n/a.
    2. Nonresidential: Seventy-five (75) feet from the right-of way or one hundred sixty (160) feet from the center of the right-of-way, whichever distance is greater.
    3. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - b. *County Primary:*
    1. Telecommunications Carrier Facilities, Exempt Public Utility Structures and Residential: n/a.
    2. Nonresidential: One hundred (100) feet from the right-of-way or one hundred forty (140) feet from the center of the right-of-way, whichever distance is greater.
    3. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - c. *County Non-Primary:*
    1. Telecommunications Carrier Facilities, Exempt Public Utility Structures and Residential: n/a.
    2. Nonresidential: Sixty-five (65) feet from the right-of-way or one hundred twenty-five (125) feet from the center of the right-of-way, whichever distance is greater.
    3. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - d. *Collector Street:*
    1. Telecommunications Carrier Facilities, Exempt Public Utility Structures and Residential: n/a.
    2. Nonresidential: Seventy-five (75) feet from the right-of-way or one hundred ten (110) feet from the center of the right-of-way, whichever distance is greater.
    3. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - e. *Local Street:*
    1. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
    2. Other Uses: Twenty-five (25) feet from the right-of-way.
2. *Side.*
  - a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
  - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - c. *Other Uses:*
    1. Principal Structure: Not less than ten (10) feet from the property line. Increase the setback to twenty (20) feet when the use adjacent to a residential district or use.
    2. Accessory Structure: Not less than five (5) feet from the property line. Increase the setback to ten (10) feet when the use is adjacent to a residential district or use.

3. *Rear.*
  - a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
  - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - c. Other Uses:
    1. Principal Structure: Not less than ten (10) feet from the property line. Increase the setback to twenty (20) feet when the use adjacent to a residential district or use.
    2. Accessory Structure: Not less than five (5) feet from the property line. Increase the setback to ten (10) feet when the use is adjacent to a residential district or use.
4. *Front.*
  - a. Telecommunications Carrier Facilities: Not less than fifteen (15) feet from the lot line.
  - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.

6.9.3 *Maximum Lot Coverage.*

1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
2. Other Uses: No more than eighty (80) percent of the area of the parcel shall be impervious.

6.9.4 *Maximum Height.*

1. Agriculture and Exempt Public Utility Structures: n/a.
2. Telecommunications Carrier Facilities: Subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
3. Wind Energy Conversion Systems: Subject to standards set forth in Section 7.2 ("Wind Energy Conversion Systems").
4. Other Uses: Four (4) stories or fifty (50) feet whichever is less, provided that the applicant receives approval from the local fire official stating that the fire department will be able to provide adequate fire protection for the proposed development.

6.9.5 *Floor Area Ratio.*

1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
2. Other Uses: 1.5.

Sec. 6.10 - "C-3" Regional Commercial District

6.10.1 *Minimum Lot Size.* Except as provided by special use permit, all uses and structures in the C-3 Regional Commercial District shall have the minimum parcel size set forth below:

1. Agriculture, Telecommunications Carrier Facilities, and Exempt Public Utility Structures: n/a.
2. Planned Developments, Nonresidential: Ten (10) acres.
3. Other Uses: Ten (10) acres.

6.10.2 *Minimum Setbacks.* The following minimum setback standards shall apply in the C-3 District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.

1. *Road.*
  - a. State:
    1. Telecommunications Carrier Facilities, Exempt Public Utility Structures and Residential: n/a.

2. Nonresidential: Three hundred (300) feet from the right-of-way.
  3. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - b. County Primary:
    1. Telecommunications Carrier Facilities, Exempt Public Utility Structures and Residential: n/a.
    2. Nonresidential: Three hundred (300) feet from the right-of-way.
    3. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - c. County Non-Primary:
    1. Telecommunications Carrier Facilities, Exempt Public Utility Structures and Residential: n/a.
    2. Nonresidential: Two hundred (200) feet from the right-of-way.
    3. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - d. Collector Street:
    1. Telecommunications Carrier Facilities, Exempt Public Utility Structures and Residential: n/a.
    2. Nonresidential: Two hundred (200) feet from the right-of-way.
    3. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
  - e. Local Street:
    1. Telecommunications Carrier Facilities, Exempt Public Utility Structures and Residential: n/a.
    2. Nonresidential: Twenty-five (25) feet from the right-of-way and sixty (60) feet from the center line. However, no ingress or egress to a planned nonresidential development shall be permitted from a local road. Such local road would have to be reclassified as a collector road and redesigned to handle greater traffic loads.
    3. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
2. *Side.*
    - a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
    - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
    - c. Other Uses:
      1. Principal Structures: Not less than forty (40) feet from the property line. Increase the setback to eighty (80) feet when the use is adjacent to a residential district or use.
      2. Accessory Structure: Not less than twenty-five (25) feet from the property line.
  3. *Rear.*
    - a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
    - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
    - c. Other Uses:

1. Principal Structures: Not less than forty (40) feet from the property line. Increase the setback to eighty (80) feet when the use is adjacent to a residential district or use.
  2. Accessory Structure: Not less than twenty-five (25) feet from the property line.
4. *Front.*
- a. Telecommunications Carrier Facilities: Not less than fifteen (15) feet from the lot line.
  - b. Small Wind Energy Conversion Systems (noncommercial): 1.1 times the WECS total height.
- 6.10.3 *Maximum Lot Coverage.*
1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
  2. Other Uses: No more than seventy-five (75) percent of the area of the parcel shall be impervious.
- 6.10.4 *Maximum Height.*
1. Agriculture and Exempt Public Utility Structures: n/a.
  2. Telecommunications Carrier Facilities: Subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
  3. Wind Energy Conversion Systems: Subject to standards set forth in Section 7.2 ("Wind Energy Conversion Systems").
  4. Other Uses: Six (6) stories or seventy-five (75) feet whichever is lower, except as otherwise provided in subparagraphs (a) and (b) below, provided that the applicant receives approval from the local fire official stating that the fire department will be able to provide adequate fire protection for the proposed development.
    - a. Where a building is located within two hundred (200) feet of a residential zoning district, the height of the building shall not exceed one and one-half (1½) times the average height of all buildings within the residential zoning district which are located within two hundred (200) feet of the building.
    - b. Where a building is located more than six hundred (600) feet from a residential zoning district, the height of a building or structure may be increased up to twelve (12) stories through approval of a special use, upon consideration of the impact on adjacent residential lots due to factors that include sunlight, shade, and privacy.
- 6.10.5 *Floor Area Ratio.*
1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
  2. Other Uses: 2.0.
- Sec. 6.11 - "I-1" Light Industrial District
- 6.11.1 *Minimum District Size.* The minimum size of any industrial zoned district shall be ten (10) acres.
- 6.11.2 *Minimum Lot Size.* Except as provided by special use permit, all uses and structures in the I-1 Light Industrial District shall have the minimum lot size set forth below:
1. *Minimum Lot Area.*
    - a. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
    - b. Other Uses: Twenty thousand (20,000) square feet.
  2. *Minimum Lot Width.*
    - a. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
    - b. Other Uses: One hundred (100) feet.

6.11.3 *Minimum Setbacks.* The following minimum setback standards shall apply in the I-1 District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.

1. *Road.*

- a. State: Fifty (50) feet from the right-of-way.
- b. County Primary: Forty (40) feet from the right-of-way.
- c. County Non-Primary: Thirty (30) feet from the right-of-way.
- d. Collector Street: Thirty (30) feet from the right-of-way.
- e. Local Street: Thirty (30) feet from the right-of-way.
- f. Telecommunications Carrier Facilities: n/a.
- g. WECS Towers: 1.1 times the WECS total height.
- h. Meteorological Towers: 1.1 times tower height.

2. *Side.*

- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
- b. WECS Towers: 1.1 times the total height from adjacent property lines.
- c. Meteorological Towers: 1.1 times tower height.
- d. Other Uses:
  1. Principal Structures: Not less than twenty (20) feet from the property line. Increase the setback to forty (40) feet when the use is adjacent to a residential district or use.
  2. Accessory Structure: Not less than fifteen (15) feet from the property line.

3. *Rear.*

- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
- b. WECS Towers: 1.1 times the total height from adjacent property lines.
- c. Meteorological Towers: 1.1 times tower height.
- d. Other Uses:
  1. Principal Structures: Not less than twenty (20) feet from the property line. Increase the setback to forty (40) feet when the use is adjacent to a residential district or use.
  2. Accessory Structure: Not less than fifteen (15) feet from the property line.

4. *Front.*

- a. Telecommunications Carrier Facilities: Not less than fifteen (15) feet from the lot line.
- b. WECS Towers: 1.1 times the total height from adjacent property lines.
- c. Meteorological Towers: 1.1 times tower height.

6.11.4 *Maximum Lot Coverage.*

1. Agriculture, telecommunications carrier facilities, exempt public utility structures, and solar energy generation facilities: n/a
2. Other Uses: No more than seventy-five (75) percent of the area of the parcel shall be impervious.

6.11.5 *Maximum Height.*

1. Agriculture and Exempt Public Utility Structures: n/a.
  2. Telecommunications Carrier Facilities: Subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
  3. Wind Energy Conversion Systems: Subject to standards set forth in Section 7.2 ("Wind Energy Conversion Systems").
  4. Meteorological Towers: Subject to standards set forth in Section 5.14.3-3.
  5. Other Uses: Three (3) stories or thirty-six (36) feet whichever is less.
- 6.11.6 *Floor Area Ratio.*
1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
  2. Other Uses: 1.5.

(Ord. of 1-11-18(2))

Sec. 6.12 - "I-2" Heavy Industrial District

- 6.12.1 *Minimum District Size.* The minimum size of any industrial zoned district shall be ten (10) acres.
- 6.12.2 *Minimum Lot Size.* Except as provided by special use permit, all uses and structures in the I-2 Heavy Industrial District shall have the minimum lot size set forth below:
1. *Minimum Lot Area.*
    - a. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
    - b. Other Uses: Twenty thousand (20,000) square feet.
  2. *Minimum Lot Width.*
    - a. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
    - b. Other Uses: One hundred (100) feet.
- 6.12.3 *Minimum Setbacks.* The following minimum setback standards shall apply in the I-2 District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.
1. *Road.*
    - a. State: Fifty (50) feet from the right-of-way.
    - b. County Primary: Forty (40) feet from the right-of-way.
    - c. County Non-Primary: Thirty (30) feet from the right-of-way.
    - d. Collector Street: Thirty (30) feet from the right-of-way.
    - e. Local Street: Thirty (30) feet from the right-of-way.
    - f. Telecommunications Carrier Facilities: n/a.
    - g. WECS Towers: 1.1 times the total height.
    - h. Meteorological Towers: 1.1 times tower height.
  2. *Side.*
    - a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
    - b. WECS Towers: 1.1 times the total height from adjacent property lines.



- c. Meteorological Towers: 1.1 times tower height.
  - d. Other Uses:
    - 1. Principal Structures: Not less than twenty (20) feet from the property line. Increase the setback to forty (40) feet when the use is adjacent to a residential district or use.
    - 2. Accessory Structure: Not less than fifteen (15) feet from the property line.
3. *Rear.*
- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
  - b. WECS Towers: 1.1 times the total height from adjacent property lines.
  - c. Meteorological Towers: 1.1 times tower height.
  - d. Other Uses:
    - 1. Principal Structures: Not less than twenty (20) feet from the property line. Increase the setback to forty (40) feet when the use is adjacent to a residential district or use.
    - 2. Accessory Structure: Not less than fifteen (15) feet from the property line.
4. *Front.*
- a. Telecommunications Carrier Facilities: Not less than fifteen (15) feet from the lot line.
  - b. WECS Towers: 1.1 times the total height from adjacent property lines.
  - c. Meteorological Towers: 1.1 times tower height.
- 6.12.4 *Maximum Lot Coverage.*
- 1. Agriculture, telecommunications carrier facilities, exempt public utility structures, and solar energy generation facilities: n/a
  - 2. Other Uses: No more than seventy-five (75) percent of the area of the parcel shall be impervious.
- 6.12.5 *Maximum Height.*
- 1. Agriculture and Exempt Public Utility Structures: n/a.
  - 2. Telecommunications Carrier Facilities: Subject to standards set forth in Section 7.1 ("Telecommunications Carrier Facilities").
  - 3. Wind Energy Conversion Systems: Subject to standards set forth in Section 7.2 ("Wind Energy Conversion Systems").
  - 4. Meteorological Towers: Subject to standards set forth in Section 5.14.3-3.
  - 5. Other Uses: Three (3) stories or thirty-six (36) feet whichever is less.
- 6.12.6 *Floor Area Ratio.*
- 1. Agriculture, Telecommunications Carrier Facilities and Exempt Public Utility Structures: n/a.
  - 2. Other Uses: 1.5.

(Ord. of 1-11-18(2))

Sec. 6.13 - "RCC" Rural Community Conservation District

6.13.1 *Location of Uses.*

- 1. *Residential Uses.* Residential uses may only locate on lots which abut, at least on one side, other residential uses.

2. *Nonresidential and Mixed Uses.* Nonresidential and mixed uses may only locate on lots which abut, at least on one side, either other nonresidential uses or mixed use buildings.

6.13.2 *Sidewalks.* Sidewalks shall be constructed along streets in conformance with the County's subdivision regulations, Sections 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval"), and Article 8, Subdivisions, of this chapter.

6.13.3 *Minimum Lot Size.*

1. *Minimum Lot Area.*

- a. Agricultural Operations and Exempted Public Utilities: n/a.
- b. Other Uses: the lesser of the following:
  1. The average lot size of all lots with the same use classification (e.g., residential, commercial, recreational, etc.) located on the same block and any adjacent block within a two hundred fifty (250) foot radius of any lot line; or
  2. The minimum lot size in the underlying district.

2. *Minimum Lot Width.*

- a. Agricultural Operations, Telecommunications Carrier Facilities and Exempted Public Utilities: n/a.
- b. Other Uses: The lesser of the following:
  1. The average lot width of all lots with the same use classification (e.g., residential, commercial, recreational, etc.) located on the same block and any adjacent block within a two hundred fifty-foot radius of any lot line; or
  2. The minimum lot width in the underlying district.

6.13.4 *Minimum Setbacks.* The following minimum setback standards shall apply in the RCC District. The distributing equipment of public utilities which are exempt pursuant to 55 ILCS 5/5-12001 are exempt from these regulations. For square corner lots, the "road" setback shall be applied to both the front yard where the main door is located and the side yard facing the right-of-way; the other yards shall be considered to be the "side" setbacks.

1. *Road.*

- a. Telecommunications Carrier Facilities: n/a.
- b. Other Uses: The minimum road setback shall be the lesser of the following:
  1. The average road setback of all lots with the same use classification (e.g., single-family residential, multifamily residential, commercial, accessory, recreational, etc.) located on the same block and any adjacent block within a two hundred fifty-foot radius of any lot line; or
  2. The road setback in the underlying district.

2. *Side.*

- a. Telecommunications Carrier Facilities: Not less than ten (10) feet from the lot line.
- b. Other Uses: The minimum side setback shall be the lesser of the following:
  1. The average side setback of all lots with the same use classification (e.g., single-family residential, multifamily residential, commercial, accessory, recreational, etc.) located on the same block and any adjacent block within a two hundred fifty-foot radius of any lot line; or
  2. The side setback in the underlying district.

3. *Rear.* The rear setback shall be that specified in the underlying district.

4. *Front.*

- a. Telecommunications Carrier Facilities: Not less than fifteen (15) feet from the lot line.

6.13.5 *Maximum Lot Coverage.* The maximum lot coverage shall be that specified in the underlying district.

6.13.6 *Maximum Height.* The maximum height shall be that specified in the underlying district.

6.13.7 *Floor Area Ratio.*

1. Agricultural Operations, Telecommunications Carrier Facilities and Exempt Public Utilities: n/a.
2. Nonresidential and Mixed Use: The FAR for nonresidential and mixed uses shall be the average FAR of those nonresidential and mixed uses located on the same block and any adjacent block within a two hundred fifty-foot radius of any lot line.

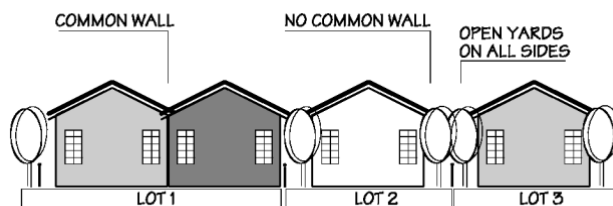
6.13.8 *RCC Line-Up.* In those subsections above which allow for a less restrictive requirement than the underlying zoning district, the Zoning Administrator shall prepare an RCC Line-up upon the request of a property owner or tenant. The fee for such service is set forth in Appendix A.

Sec. 6.14 - Planned Developments

6.14.1 *Purpose.* The planned development process is intended to allow land in the County to be developed through an overall unified approach, rather than a "traditional" lot-by-lot treatment afforded by the district requirements set forth in these regulations. The purpose of this section is to provide maximum design freedom in order to permit the developer to more fully utilize the physical characteristics of the site through techniques that include: reduction of lot sizes; absence of side setback; and increased densities and height allowances. In addition, these provisions are intended to diversify housing types and encourage innovative and, in some cases, "mixed use" development of land. Increased densities are permitted, so long as they can be substantiated on the basis of superior design (i.e. increased open space and use of topography and natural features), without compromising the intent and integrity of the underlying district.

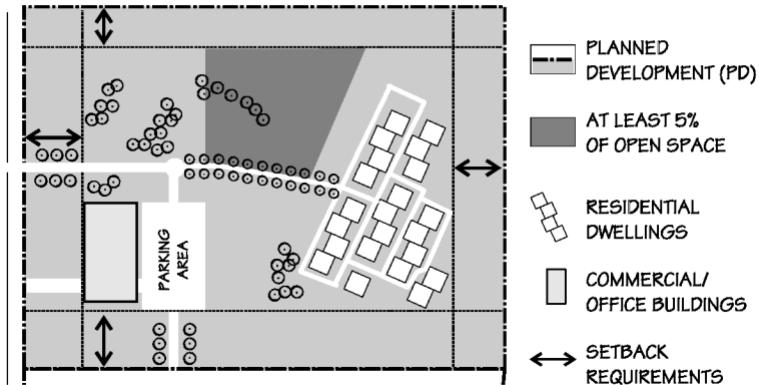
6.14.2 *General.* The following standards shall apply to both residential and nonresidential planned developments, regardless of the district in which they are located.

1. *Uses.* The uses allowed in each planned development shall be those authorized as permitted or special uses in the underlying zoning district in which the property is located.
2. *Setbacks.*
  - a. *Side.*
    1. For non-shared wall construction, the minimum side setback shall be the greater of ten (10) percent of the lot width or five (5) feet from the lot line.
    2. For shared wall construction, side setbacks may be zero.
  - b. *All Other Setbacks.* All other setbacks shall be that specified in the underlying district.



3. *Common Open Space.* At least five (5) percent of the net area of the development shall be provided as common open space, above and beyond the requirements provided in the underlying district.

## COMMON OPEN SPACE PROVISION



4. *Preservation of Natural Features.* Buildings shall be located to protect and preserve significant site features, such as hills, bluffs, valleys, stands of trees, ponds, prairies, or scenic vistas.
5. *Street Configuration.* When required pursuant to Sections 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval"), and Article 8, Subdivisions, of this chapter, streets shall be designed to protect natural soils and contours, to maintain appropriate speeds, and to discourage the use of residential streets by through traffic.
6. *Approval by Peoria City/County Health Department.* All development with private water and sewer shall be approved by the Peoria City/County Health Department.
7. *Fire Wall Construction.* Shared wall construction shall meet all fire-resistive requirements of the appropriate Fire Protection District.

### 6.14.3 Residential Planned Development.

1. *Density.* Densities for residential planned developments shall vary by district as follows:
  - a. For A-2 Districts, no more than one dwelling unit for every one acre of land shall be permitted, unless an environmental corridor is identified by the County's Comprehensive Land Use Plan, in which even smaller lots may be permitted, provided that the overall density is not increased and no lot is less than thirty-five thousand (35,000) square feet.
    1. All Dwellings. The following criteria shall apply to all new single-family dwellings built in the A-2 District, regardless of whether they are allowed in the district as permitted or special uses:
      - a. Lots shall be platted on soils that are least capable of supporting continued agricultural production in order to minimize the conversion of important agricultural land. This evaluation shall be based on:
        1. Soil productivity, as determined by the County's Land Evaluation Site Assessment System (LESA); and
        2. The size or shape of land, if it can be demonstrated that the parcel does not permit the efficient and economic use of farm machinery.
      - b. Where three (3) or more lots are proposed for development, lots shall be clustered or grouped together, so as to:
        1. Maximize separation between existing agricultural uses and new residences in order to reduce concerns over odor, noise, chemical drift, and other farm operations;

2. Maximize efficiency of providing basic public services, such as police and fire protection, school bus routes, plowing, and road maintenance; and
  3. Minimize the number of curb cuts required to serve single-family dwellings on abutting collector, local, county, and/or state roads.
2. Subdivisions and Land Splits. The subdivision of each twenty-five (25) contiguously-owned acres for the purpose of constructing single-family dwellings shall be allowed to occur only one time.
    - a. Single-family residential dwellings shall be permitted on lots or parcels of land for which a deed has been recorded in the Office of the Peoria County Recorder of Deeds upon or prior to the effective date of these regulations, or a lot or parcel of land that would have been a lot of record if the document conveying the lot had been recorded on the date of its execution, provided said lots comply with standards established for the number of allowable lots in subsection 6.3.1-1.c, and the requirements which follow:
      1. Each lot created shall contain no more than one single-family dwelling; and
      2. Each lot shall be a separately conveyed parcel of land, described by a tract survey or subdivision.
    - b. Consolidating parcels in the A-2 Agricultural District shall not be used as a means to redefine twenty-five (25) contiguously owned acres, so that subdivision credit is sought multiple times.
  - b. For R-R Districts, no more than one dwelling unit for every one acre of land shall be permitted, unless a sensitive and critical area is identified by the County's Comprehensive Land Use Plan, in which event smaller lots may be permitted, provided that the overall density is not increased and no lot is less than thirty-five thousand (35,000) square feet.
  - c. For R-1 Districts, no more than one dwelling unit for every one-half (½) acre of land shall be permitted, unless a sensitive and critical area is identified by the County's Comprehensive Land Use Plan, in which event smaller lots may be permitted, provided that the overall density is not increased and no lot is less than eighteen thousand (18,000) square feet.
  - d. For R-2 and R-3 Districts, no more than one dwelling unit for every ten thousand (10,000) square feet of land shall be permitted, unless a sensitive and critical area is identified by the County's Comprehensive Land Use Plan, in which event smaller lots may be permitted, provided that the overall density is not increased and no lot is less than eight thousand (8,000) square feet.
2. *Location of Dwellings.* Dwelling units shall be located on the parcel to ensure suitable privacy for residents and adjacent property owners, to provide sufficient spacing between structures, and to avoid lineal or parallel lay-out.
  3. *Mixed Use Developments.* In the R-3 District, nonresidential uses may also be integrated into residential planned developments, provided that:
    - a. The nonresidential components comprise only ten (10) percent of the square footage of the planned development;
    - b. The nonresidential use is of a type that is either allowed by right or by special use in the underlying district;
    - c. No nonresidential use exceeds five thousand (5,000) square feet;
    - d. Nonresidential uses are only located on the street level of a building that also contains residential uses; and
    - e. Nonresidential uses shall be clustered wherever practicable.

#### 6.14.4 *Nonresidential Planned Development.*

1. *Height.* If the planned development is located on public water and if adequate fire protection can be demonstrated by the applicant, then height limitations may be increased above those set forth in the underlying district as follows:
  - a. C-1 District: Four (4) stories/fifty (50) feet.
  - b. C-2 District: Five (5) stories/sixty-four (64) feet.
  - c. C-3 District: n/a.
  - d. I-1 District: Five (5) stories/sixty-four (64) feet.
  - e. I-2 District: Five (5) stories/sixty-four (64) feet.
2. *Lot Size.* The minimum lot sizes of the underlying district shall be applied to nonresidential planned developments.
3. *Mixed Use Developments.* In the C-1 District, residential units may also be integrated into nonresidential planned developments, provided that:
  - a. The residential components comprise only thirty (30) percent of the square footage of the planned development; and
  - b. No lot containing a sole residential use is less than eight thousand (8,000) square feet; and
  - c. All units are either townhouse or multifamily; or
  - d. Residential uses are not located on either the street level of a building that also contains nonresidential uses or on the same floor as nonresidential uses.

(Res. of 7-12-12)

## ARTICLE 7. - GENERAL DEVELOPMENT STANDARDS

### Sec. 7.1 - Telecommunications Carrier Facilities

7.1.1 *Authorized Facilities.* The following provisions shall apply to all facilities established after January 1, 1998. A facility is permitted in any zoning district subject to the following:

1. A facility shall not be located on a residentially zoned lot that is less than two (2) acres in size and that is used for residential purposes unless a variation is granted by the County Board pursuant to Section 3.9 ("Telecommunications Carrier Facilities Variances"). The size of a lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement; and
2. Unless a variation is granted by the County Board pursuant to Section 3.9 ("Telecommunications Carrier Facilities Variances"), the height of a facility shall not exceed seventy-five (75) feet if the facility will be located in a residential zoning district or two hundred (200) feet if the facility will be located in a nonresidential zoning district. However, the height of a facility may exceed the height limit in this paragraph, and no height variation shall be required, if the supporting structure is a qualifying structure; and
3. The improvements and equipment of the facility shall be placed to comply with the requirements of this section. If the supporting structure is an antenna tower other than a qualifying structure then (i) if the facility will be located in a residential zoning district, the lot line setback distance to the nearest residentially zoned lot shall be at least fifty (50) percent of the height of the facility's supporting structure or (ii) if the facility will be located in a nonresidential zoning district, the horizontal separation distance to the nearest principal residential building shall be at least equal to the height of the facility's supporting structure, unless a variation is granted by the County Board pursuant to Section 3.9 ("Telecommunications Carrier Facilities Variances").

### Sec. 7.2 - Wind Energy Conversion Systems

7.2.1 *Purpose.* It is the purpose of this ordinance to regulate the siting and installation of wind energy conversion systems. The promotion of safe, effective and efficient use of wind energy systems will be balanced against the need to preserve and protect public health and safety.

7.2.2 *Standards.*

1. *Commercial Wind Energy Conversion Systems.*

a. Minimum conditions for special use permit:

1. Design Safety Certification. The safety of the design of all WECS towers shall be certified by a licensed Professional Engineer. The standard for certification shall be good engineering practices and shall conform to all the County's officially adopted codes.
2. Controls and Brakes. All WECS projects shall be equipped with Manual and Automatic Controls and mechanical brakes to limit rotation of blades to a speed below the designed limits of a WECS. For purposes of this section, "Manual and Automatic Controls" mean controls which give protection to power grids and limit rotation of a WECS' blades to below the designed limits of the conversion system. The Professional Engineer or Authorized Factory Representative must certify that the rotor and overspeed control design and fabrication conform to good engineering practices. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's or the Authorized Factory Representative's statement of certification.
3. Color. Towers and blades shall be painted a non-reflective, unobtrusive color that blends into the surrounding landscape to the greatest extent possible.
4. Lighting. Lighting for the towers shall be constructed only in accordance with the minimum requirements and standards allowed through the FAA or other regulatory authority in an effort to minimize the visual impact of the structures.
5. Compliance with FAA. It shall be the responsibility of the person in charge of the WECS project to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the WECS project to obtain a determination of no significant impact to air navigation from the FAA.
6. Warnings. A visible warning sign of "High Voltage" must be placed at the base of all WECS projects. The sign must have at a minimum six-inch letters. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.
7. Climb Prevention. All WECS project towers or poles must be unclimbable by design or protected by anti-climbing devices such as:
  - a. Fences with locking portals at least six (6) feet high;
  - b. Anti-climbing devices twelve (12) feet from base of pole; or
  - c. Anchor points for guy wires supporting the tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.
8. Compliance with Additional Regulations. It shall be the responsibility of the person in charge of the WECS project to contact the FCC and FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation of a WECS project prior to the public hearing before the Zoning Board of Appeals.
9. Height. Wind generator machine height must comply with all FAA regulations.
10. Installation Certificate. A licensed Professional Engineer shall certify that the construction and installation of the WECS project meets or exceeds the manufacturer's construction and installation standards.

11. Migratory Birds. An avian study shall be conducted by a qualified third-party professional, such as an ornithologist or wildlife biologist, to determine if there is any potential impact the WECS project may present to migratory birds. The study must provide assurances that the WECS project does not negatively impact the path of migratory birds. The results of the study shall be made available at the hearing before the Zoning Board of Appeals.
12. Roads. Any proposed access roads that will be used for construction purposes shall be identified and approved by the Township Road Commissioner or the County Engineer, whoever has jurisdiction, prior to the hearing before the Zoning Board of Appeals. Any road damage caused by the transport of the facility's equipment, the installation, or the removal, must be completely repaired to the satisfaction of the Township Road Commissioner or the County Engineer, whoever has jurisdiction.
13. Setbacks.
  - a. Setbacks from public roads and property lines shall be established in the underlying zoning district.
  - b. All WECS Towers shall be at least seven hundred fifty (750) feet from any adjoining property's dwelling unit, and no less than 1.1 times the total height from the applying property owner's dwelling unit.
  - c. All WECS Towers shall be set back a distance of at least 1.1 times the WECS total height from the third party transmission lines and telecommunications carrier facilities.
  - d. Any variance of the applicable setbacks requirements, whether required in this article or elsewhere in these regulations, shall be recorded with the Peoria County Recorder of Deeds.
14. Building Permit. All wind energy conversion systems require a building permit prior to the initiation of construction. Owners must comply with all applicable building codes adopted by the County. A set of drawings and engineering analysis that conforms to manufacturer's standards, which has been certified by a licensed Professional Engineer, shall be submitted with the building permit application.

2. *Small Wind Energy Systems (Noncommercial).*

- a. Installation. All noncommercial wind energy systems shall be installed per the manufacturer's standards. The standards must include compliance with all of the County's officially adopted codes.
- b. Height. The maximum height must be compliant with FAA standards.
  1. Except for roof-mounted Small Wind Energy Conversion Systems, the total height of a Small Wind Energy Conversion System shall not exceed one hundred fifty (150) feet subject to setback limitation contained in Article 6, Bulk Regulations, Density, and Dimensional Standards.
  2. The height of a roof-mounted small wind energy system shall not exceed the maximum height requirement for the zoning district in which it is located. For determining height, small WECS located on a structure are considered part of that structure.
- c. Setbacks. All parts of the small wind energy conversion system shall be subject to those setback requirements outlined in the underlying zoning district.
- d. Building Permit. All wind energy conversion systems require a building permit prior to the initiation of construction. Owners must comply with all applicable building codes adopted by the County. A set of drawings and engineering analysis that conforms to manufacturer's standards, which has been certified by a licensed Professional Engineer, shall be submitted with the building permit application. For roof-mounted small wind energy systems, the analysis shall certify that the roof structure is sufficient to support the system. All applicants



shall supply an electrical diagram and any necessary approvals from utility providers. In order for an existing concrete foundation to be reused, a licensed Professional Engineer must submit specifications stating that the existing base is sufficient to accommodate the new loads that will be applied to the foundation.

- e. Lighting. Lighting for towers shall be constructed only in accordance with the minimum requirements and standards allowed through the FAA or other regulatory authority in an effort to minimize the visual impact of the structures.
- f. Color. Towers and blades shall be painted a non-reflective, unobtrusive color that blends into the surrounding landscape to the greatest extent possible.
- g. Warnings. A visible warning sign of "High Voltage" must be placed at the base of all WECS projects. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system, visible from any public road shall be prohibited.

#### 7.2.3 *Maintenance and Operation.*

1. *Annual Inspection.* Every commercial WECS project must be inspected annually by an Authorized Factory Representative to certify that it is in good working condition and not a hazard to the public. A copy of said annual inspection must be filed with the Peoria County Department of Planning and Zoning within fifteen (15) days after the inspection report is received by the WECS project owner/manager.
2. *Interference.* If the Authorized Factory Representative determines that the commercial WECS project causes severe interference with microwave transmissions, residential television interference or radio reception, the commercial WECS owner must take commercially reasonable steps to correct the problem. Evidence that the Authorized Factory Representative has determined that no such interference will occur or that interference has been corrected must be presented at the public hearing before the Zoning Board of Appeals. A small wind energy conversion system must submit to Planning and Zoning information from the manufacturer that certifies that the system will not interfere with microwave transmissions, residential television or radio reception.
3. *Fire Risk.* All WECS projects must adhere to all applicable electrical codes and standards and must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections. Every WECS project must utilize twistable cables on turbines.

7.2.4 *Noise Levels.* Noise levels shall be regulated by the Illinois Pollution Control Agency rules and regulations and the applicant shall certify that applicant's facility is in compliance with the same. Applicant shall provide certification from the manufacturer that the noise level will not exceed sixty (60) decibels as measured at the nearest property line.

7.2.5 *Liability Insurance.* The WECS project owner shall maintain a current insurance policy to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of permit approval. The liability insurance shall be for an amount of one hundred thousand dollars (\$100,000.00) or greater.

#### 7.2.6 *Decommissioning Plan.*

1. *Commercial Wind Energy Conversion Systems.* The WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. For purposes of this section, "facility abandonment" shall mean a consecutive period of time of not less than one year. Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the

resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County which states:

- a. The financial resources for decommissioning which shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Zoning Administrator.
  - b. If the applicant chooses an escrow agreement:
    1. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed; and
    2. The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
  - c. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
  - d. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
  - e. Financial provisions shall not be so onerous as to make WECS projects unfeasible.
2. *Small Wind Energy Conversion Systems (Noncommercial)*. The WECS project application shall contain a notarized letter stating that a Decommissioning Plan exists for a time when the WECS is no longer in operation. A facility shall be deemed to have ceased operation if it has been idle for a period of twelve (12) months. The owner must certify that decommissioning will include removal of all structures (including transmission equipment and fencing) within six (6) months of the end of project life or facility abandonment. In the event that decommissioning is not completed by the owner, the County is granted the right to seek reimbursement for decommissioning costs and to file a lien against any real property owned by the applicant or applicant's successor, or in which they have an interest, and to take all steps allowed by law to enforce said lien.

### Sec. 7.3 - Home Occupations

- 7.3.1 *Purpose*. The purpose of these regulations is to control the impact that home occupations may have on neighborhood character and on the use and enjoyment of adjacent properties. This section contains standards that control the three (3) classifications of home occupations ("non-impact," "minor," and "major"), recognizing that their off-site effects will vary, depending on whether the impact is negligible, low or moderate.
- 7.3.2 *General*. Home occupations may be permitted in all zoning districts, accessory to any single-family or multifamily dwelling unit, provided that the following requirements are met:
1. The use may be located in either a dwelling or an accessory structure, except as provided below.
  2. The home occupation must be incidental to and secondary to the use of the dwelling for dwelling purposes.
  3. The use must be conducted entirely within the dwelling or the accessory structure by members of the family residing on the premises. A home occupation that is classified as "major" may additionally employ no more than one person who is not a resident of the dwelling unit.
  4. The use shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling unit or accessory structure.

5. Operation of the use shall not be noticeable from any existing dwelling on an adjacent lot (including, but not limited to, lights or other displays visible from the exterior of the structure) and shall not change the essential residential character of the principal use.
6. As provided in Section 7.5 ("Signs"), not more than one nonilluminated, nonprojecting sign measuring two (2) square feet per face may be displayed on the dwelling in which the home occupation is being conducted.
7. The home occupation shall not be open to the public between the hours of 7:00 p.m. and 9:00 a.m.
8. No home occupation may generate more automobiles daily trips by customers, delivery persons, or employees in greater volumes than would normally be expected for the zoning district in which it is located.
9. Deliveries from commercial suppliers, not including mail or package carriers such as Federal Express and UPS, may not be made more than twice each week and the deliveries shall not restrict traffic circulation in the immediate vicinity.
10. The following occupations are strictly prohibited as a home occupation:
  - a. Automobile body repair.
  - b. Automobile repair.

7.3.3 *Non-Impact Home Occupations.* "Non-impact" home occupations shall be permitted in all zoning districts which allow residential uses. Examples of non-impact home occupations include, but are not limited to on-site personal services and office uses such as: garment alterations, home crafts; personal accounting services; bookkeeping; tax preparation; office support services; telephone answering and outcalling; computer programming; and word processing. Non-impact home occupations shall be permitted by the Zoning Administrator by district and a home occupation permit shall be issued by the Zoning Administrator in accordance with the provisions of Section 3.4 ("Development Permitted as of Right"). Variations from these standards shall be permitted as special uses and a special use permit shall be issued by the County Board in accordance with the provisions of Section 3.5 ("Special Use Permits"). Table 7-1, which follows, illustrates the standards for non-impact home occupations enumerated below. In addition to the criteria established in Section 7.3.2, General, above, non-impact home occupations shall meet the following:

1. The use shall occupy no more than twenty-five (25) percent of the habitable floor area of one floor of the dwelling unit.
2. No mechanical equipment shall be used in the home occupation, other than that normally used in household, domestic, or general office use, or for hobby purposes.
3. No stock in trade shall be displayed or maintained on the premises and retail sales on the premises shall be prohibited. Any goods produced in the home occupation shall be offered for sale only off-site. An office may only be used for business purposes in connection with the home occupation.
4. Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence. Not more than one business visitor an hour may be permitted on an appointment-only basis. In no event may automobile trips exceed five (5) per day for the home occupation.
5. No off-street parking or off-street loading shall be required beyond normal dwelling needs.
6. No vehicle that exceeds a gross vehicle weight of eight thousand (8,000) pounds may be parked on the site of a home occupation, regardless of whether that vehicle is used for deliveries or other commercial purposes associated with the home occupation.
7. There shall be no outdoor storage or display of automobiles, equipment, materials, inventory, or supplies used in the home occupation. In addition, no heavy equipment, including excavation, towing, or construction equipment, may be located or stored indoors on the site of the home

occupation. Indoor storage shall be limited to the drop-off, pick-up, and/or collection of goods associated with the home occupation.

7.3.4 *Minor Home Occupations.* Minor home occupations shall be permitted in all zoning districts which allow residential uses. Examples of minor home occupations include, but are not limited to, personal services and office uses such as: art studios; tutoring; consulting services; tutoring; and music and voice lessons. Minor home occupations shall be permitted by the Zoning Administrator by district and a home occupation permit shall be issued by the Zoning Administrator in accordance with the provisions of Section 3.4 ("Development Permitted as of Right"). Variations from these standards shall be permitted as special uses and a special use permit shall be issued by the County Board in accordance with the provisions of Section 3.5 ("Special Use Permits"). Table 7-1, which follows, illustrates the standards for minor home occupations enumerated below. In addition to the criteria established in Section 7.3.2, General, above, minor home occupations shall meet the following:

1. The use shall occupy no more than twenty-five (25) percent of the habitable floor area of one floor of the dwelling unit. The floor area allowance may be distributed between the dwelling unit and an accessory structure in any combination.
2. No mechanical equipment shall be used in the home occupation, other than that normally used in household, domestic, or general office use, or for hobby purposes.
3. No stock in trade shall be displayed or maintained on the premises and retail sales on the premises shall be restricted to the special order of goods that are not produced on-site. Any goods produced in the home occupation shall be offered for sale only off-site. An office may only be used for business purposes and may not be used in connection with the retail sale of goods or services rendered on-site.
4. Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence. Not more than two (2) business visitors an hour may be permitted on an appointment-only basis. In no event may automobile trips exceed twenty (20) per day for the home occupation.
5. No off-street parking or off-street loading shall be required beyond normal dwelling needs.
6. No vehicle that exceeds a gross vehicle weight of eight thousand (8,000) pounds may be parked on the site of a home occupation, regardless of whether that vehicle is used for deliveries or other commercial purposes associated with the home occupation.
7. There shall be no outdoor storage or display of automobiles, equipment, materials, inventory, or supplies used in the home occupation. In addition, no heavy equipment, including excavation, towing, or construction equipment, may be located or stored indoors on the site of the home occupation. Indoor storage shall be limited to the drop-off, pick-up, and/or collection of goods associated with the home occupation.

7.3.5 *Major Home Occupations.* Major home occupations shall only be permitted as specified in the individual districts. Examples of major home occupations include, but are not limited to, a wide range of services and office uses such as: small engine repair; beauty and barber shops; carpentry; contracting, masonry, plumbing and painting work; medical and dental offices; and photography studios. Major home occupations shall be permitted by the Zoning Administrator by district and a home occupation permit shall be issued by the Zoning Administrator in accordance with the provisions of Section 3.4 ("Development Permitted as of Right"). Variations from these standards shall be permitted as special uses and a special use permit shall be issued by the County Board in accordance with the provisions of Section 3.5 ("Special Use Permits"). Table 7-1, which follows, illustrates the standards for major home occupations enumerated below. In addition to the criteria established in Section 7.3.2, General, above, major home occupations shall meet the following:

1. The use shall occupy no more than twenty-five (25) percent of the habitable floor area of one floor of the dwelling unit and no more than one thousand (1,000) square feet of an accessory structure which may be used for storage purposes only.

2. Mechanical equipment may be used in the home occupation which is common to the type of business and which is beyond that which is normally used in household, domestic, or general office use, or for hobby purposes.
3. Stock in trade may be displayed or maintained on the premises. Retail sales of goods produced or fabricated in the home occupation may be offered both on- and off-site. However, goods produced off-site may only be sold on-site if they are accessory to a primary good or service produced on-site, such as mulch or potting soil. An office may be used for business purposes that are commonly accessory to the home occupation, such as excavation, fertilizer spreading, custom farm services.
4. Additional parking needed to accommodate the clients or customers of the home occupation shall be met by off-street parking, according to the provisions set forth in Section 7.7 ("Parking and Loading Requirements").
5. Landscaping shall be required to reduce the visual impact of off-street parking areas, loading zones, outdoor storage areas, and outdoor work areas from the view of adjacent properties utilized for residential and institutional uses.
6. Required setbacks may be increased to minimize potential adverse impacts of the use on adjacent properties.
7. Visitors, customers, or deliveries shall be permitted. Business visitors shall be permitted on a scheduled and unscheduled basis. However, in no event may automobile trips exceed thirty (30) per day for the home occupation.
8. The home occupation may involve the use of commercial vehicles that do not exceed a gross vehicle weight of eight thousand (8,000) pounds for delivery of materials to and/or from the premises, however, such deliveries shall not restrict traffic circulation in the immediate vicinity.
9. The home occupation may involve the use or indoor storage of tractor trailers, semi-trucks, and heavy equipment such as construction equipment used in the home occupation and may involve warehousing or distribution. Such equipment may only be stored in the dedicated accessory structure. Only one vehicle and only two (2) trailers or pieces of equipment may be permitted as part of the home occupation.
10. Equipment shall not exceed the posted weight limits for adjacent roads.

**TABLE 7-1  
CLASSIFICATIONS FOR HOME OCCUPATIONS**

Standards		Non-Impact	Minor	Major
Permitted Activities	Production	only of goods for sale off-site	only of goods for sale off-site	of goods for sale off-site and on-site
	Sales	no on-site sales	only of goods not produced on-site by special order	of goods produced off-site and on-site. Goods produced off-site can only be sold if they are accessory to primary goods or service produced on-site
	Services	restricted personal and office support services	student services	wide range of on-site services

	Office Use	for business purposes associated with home occupation	for business purposes associated with home occupation	for businesses that are commonly accessory to principal use
	Storage of Equipment Used for Off-Site Activities	no	no	only if stored in an enclosed structure, and if associated with principal use
Operation	Visits	appointment only	appointment only	scheduled and unscheduled visits
	Services Rendered	on-site	on-site	on-site
	Distribution of Goods	drop-off, pick-up and collection of goods	drop-off, pick-up and collection of goods	drop-off, pick-up and collection of goods
	Equipment	common to a residence	common to a residence	specific to home occupation
Restrictions	Location	in principal structure	in principal and/or accessory structure	in principal and/or accessory structure (can have one dedicated accessory structure)
	Percent or Amount of Structure	no more than 25% of habitable floor area of one floor of dwelling unit	no more than 25% of habitable floor area of one floor of dwelling unit	no more than 25% of habitable floor area of one floor of dwelling unit and no more than 1,000 sq. ft. of an accessory structure for storage only
	Vehicle Trips	5 per day	20 per day	30 per day or less
	Number of Appointments	1 per hour	2 per hour	N/A
	Parking	no parking in addition to what is required for residence	no parking in addition to what is required for residence	dedicated off-street parking in accordance with Section 7.7
	Equipment Usage	only if common to residence	only if common to residence	1 large piece of equipment, of 8,000 lbs. or greater, and 2 other pieces of equipment of 8,000 lbs. or less
	Equipment Storage	no	no	in the dedicated, enclosed, accessory structure
	Employees	only family members residing on the parcel	only family members residing on the parcel	family members residing on the parcel plus one non-family member
Variation of Standards		may submit as special use	may submit as special use	may submit as special use

7.3.6 *Issuance of Permit for Existing Home Occupation.* A resident of an existing home occupation that is operating without a permit shall have fourteen (14) days from the date of notification by the Zoning Administrator to apply for a home occupation permit in accordance with the provisions of Section 3.5 ("Special Use Permits").

7.3.7 *Expiration of Certificate.* The home occupation permit shall expire either:

1. When the resident changes the home occupation; or
2. When the home occupation ceases operation for one year or longer; or
3. When the resident (permittee) moves away from the property.

7.3.8 *Annual Verification and Fee.* Permits for all home occupations shall be renewed on an annual basis and a fee shall be paid in accordance with the provisions of Section 1.6 ("Review Fees"). At the time of the annual renewal of the permit, the Zoning Administrator shall verify that the home occupation continues to meet the standards set forth in this section and may inspect any home occupation to verify such compliance.

(Ord. of 6-13-19)

#### Sec. 7.4 - Fences

7.4.1 *Fence Permit Application.*

1. No person shall erect a fence within the County without first having received a building permit from the Zoning Administrator, unless the fence is for agricultural purposes.
2. Applications for a building permit shall be submitted with the appropriate fee as set forth in Chapter 12 of the Peoria County Code, Appendix A to the Zoning Administrator.

7.4.2 *Exemption.* The following fences are exempt from permit requirements:

1. Fences used for agriculture purposes/operations;
2. Ornamental fencing consisting of decorative posts, lattices, arbors, trellises; and
3. Fences comprising less than one hundred (100) feet of total lineal distance.

7.4.3 *Prohibited Fences.* Except as specifically provided in Section 7.4.4, Exceptions for Hazardous Fencing, below, the following types of dangerous or hazardous fences shall not be permitted to be either erected or maintained within the County:

1. Barbed wire fences;
2. Electrical fences;
3. Spiked fences;
4. Fences with broken glass or other sharp points imbedded;
5. Any other type of fence that could result in injuries to persons climbing over such fences; and
6. Fences that are leaning in such a manner that an angle of fifteen (15) degrees or more is produced when measured from the vertical.

7.4.4 *Exceptions for Hazardous Fencing.* Hazardous or dangerous fences, such as those listed in Section 7.4.3, Prohibited Fences, above, shall only be permitted in the County for the following uses:

1. Agricultural uses;
2. Public utility structures (at least eight (8) feet above grade level);

3. Telecommunication carrier facilities (at least eight (8) feet above grade level);
4. Penal institutions (at least eight (8) feet above grade level); and
5. Solar energy generation facilities (at least eight (8) feet above grade level).

7.4.5 *General Maintenance Requirements.* All fences shall be maintained in good and sound condition and shall not create a harborage for rodents.

7.4.6 *Design, Location and Height Requirements of Fences in Residential Districts.*

1. No fence may exceed six (6) feet in height.
2. Except as provided in subsection 7.4.6-4 below, no solid fence shall be constructed in a front setback past the front building line.
3. An open fence may be erected on a premises anywhere within six (6) inches of the property lines, including the front setback past the building line and the front and side setbacks past the building lines in the case of corner lots. The height of such fences shall not exceed four (4) feet.
4. In the case of solid fences on corner lots, that part of the fence which encloses the front setback facing the side street shall be erected ten (10) feet from the property line.
5. Perimeter fences may be erected in the side and rear setback behind the front building line.

7.4.7 *Design and Height Requirements of Fences in Agricultural Districts.*

1. Fences that are located around dwelling units and other residential structures in agricultural districts shall meet the requirements of Section 7.4.6, Design, Location and Height Requirements of Fences in Residential Districts, above.
2. Fences that are located around non-agricultural and nonresidential uses, such as storage buildings, shall meet the requirements of Section 7.4.8, Design and Height Requirements of Fences in Nonresidential Districts, below.

7.4.8 *Design and Height Requirements of Fences in Nonresidential Districts.*

1. Fences that are constructed in a nonresidential district may be either open or solid fences and shall not exceed eight (8) feet in height.
2. Fences that are erected to separate residential and nonresidential properties shall meet the buffering requirements set forth in Section 7.6 ("Landscaping and Bufferyards").

7.4.9 *Fences That Screen Parking Lots.* Any fence erected to screen a parking lot shall meet the buffering requirements set forth in Section 7.6 ("Landscaping and Bufferyards").

7.4.10 *Swimming Pool Fences.* Fences surrounding private residential swimming pools shall meet the requirements of Section 7.15 ("Swimming Pools").

7.4.11 *Fences for Recreational Activities.* Any fence erected around a recreational activity, such as a tennis court or a baseball backstop, may exceed the height requirements set forth in this section, upon the specific approval of the Zoning Administrator.

7.4.12 *Fences Around Telecommunication Carrier Facilities.* A fence shall be required around the perimeter of all communication support structures unless the antenna is mounted on top of an existing structure. The fence shall be eight (8) feet in height, and at the discretion of the Zoning Administrator, may be required to be barbed along the top.

7.4.13 *Fences Around Solar Energy Generation Facilities.* A fence shall be required around the perimeter of all solar energy generation facilities. The fence shall be at least six (6) feet in height.

7.4.14 *Special Circumstances.* At his discretion, the Zoning Administrator may impose a greater maximum fence requirements on those uses which due to their special circumstance, require distinct consideration. The decision of the Zoning Administrator shall be based on the following standards:

1. That the requirement of a taller fence will not alter the general character of the surrounding area.



2. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an adverse impact to surrounding area would occur if the strict letter of these regulations were applied.
- 3 That the construction of a taller fence will enhance the public health, safety, comfort, morals, or welfare, and will not be injurious to other property in the surrounding area.
4. That the taller fence will not impair an adequate supply of light and air to adjacent property.

(Ord. of 1-11-18(2))

#### Sec. 7.5 - Signs

7.5.1 *Purpose.* The purpose of these regulations is to manage signs and their placement throughout the jurisdiction of the County in order to promote the use of signs which are safe, compatible with their surroundings, and legible in the circumstances in which they are seen. These regulations shall in no case be construed to prohibit an individual's First Amendment right of free speech. These regulations also recognize the need for a well-maintained and attractive physical appearance of the County and the need for adequate business identification for the conduct of competitive commerce. This section is therefore intended to benefit the general community by protecting property values and by reducing sign or advertising distractions which may adversely impact traffic safety and result in visual congestion for pedestrians.

#### 7.5.2 *Permit Requirements.*

1. Except as provided in Section 7.5.10, Signs Allowed Without a Permit, below, it is unlawful for any person to erect, construct, enlarge, move, or convert any sign in the County, or cause the same to be done, without first obtaining a sign permit for each such sign from the Zoning Administrator.
2. No new sign permit is required for any sign which existed on October 8, 1996, unless the sign is hereafter altered, relocated, or reinstalled.
3. Every sign permit issued shall become null and void if installation is not commenced within one hundred eighty (180) days from the date of such permit.

#### 7.5.3 *Sign Permit Application.*

1. Application for a sign permit shall be made in writing to the Zoning Administrator on a form furnished by the Zoning Administrator accompanied by a fee set forth in Chapter 12 of the Peoria County Code, Appendix A.
2. The permit shall include the following information:
  - a. The name and address of the applicant and the sign contractor who will be performing the work;
  - b. The location, by street address, of the building or structure to which the sign is to be attached or the lot on which the sign is to be erected;
  - c. Three (3) sets of plans and specifications showing the location, support, attachment to the building or ground, method of illumination, and lighting intensity. If plans include footings, plans must be architectural and/or engineer stamped;
  - d. A sketch showing the sign faces, exposed surfaces, and proposed message, accurately represented in scale as to size and proportion and showing, if the sign is to be attached to a building, the sign on the facade of the building;
  - e. The length of the display between message transitions.

3. A sign permit shall only be issued after the Zoning Administrator determines that the proposed development is in compliance with all the requirements of this section, any other applicable sections of this chapter, and any other applicable chapters of the County Code.
4. Permits shall be issued for the life of the sign, or any shorter period as stated on the approved permit application. However, any permit may be revoked at any time by the Zoning Administrator upon finding that the sign violates any provision of this section or that the permittee made false representations in securing the sign permit. No fee which the permittee paid for the permit shall be refunded when a permit is revoked.
5. If required, a permit shall be obtained from the Illinois Department of Transportation in compliance with the standards of the Illinois Outdoor Advertising Control Act of 1971, as amended, 225 ILCS 440/1 et seq.

7.5.4 *Illumination Standards.* Internally or externally illuminated signs shall meet the following requirements:

1. Signs shall be illuminated only by steady, stationary, shielded, or shaded light sources directed solely at the sign, or internal to it so that the light intensity or brightness does not create either a nuisance to adjacent property or a traffic hazard for motorists or pedestrians. No signs shall be illuminated at a light level that exceeds two thousand five hundred (2,500) lambert.
2. Except where a combination of individual exposed bulbs displays information, such as time, temperature or date illuminated signs, no exposed reflective-type bulb and no strobe light or unshielded incandescent lamp shall be used on the exterior surface of any sign.
3. Whenever external illumination is used for a sign, the source of light shall be located, shielded, and directed in such a manner that the light source is not visible from a public street or private residence.

7.5.5 *Special Regulation for Electronic Multiple Message Signs.*

1. Sign content/messages shall be static images only. No sign shall consist of video and shall not move, animate, flash, or behave in any other way which constitutes or implies motion. Images shall remain static except during transition.
2. Electronic multiple message signs are permitted to change their message no more than once per every ten (10) seconds, except that time or temperature signs are allowed to change no more than once per every three (3) seconds.
3. There shall be no animation, traveling, scrolling, fades, or dissolves during the transition of messages. Transitions between content/message shall be instantaneous.
4. Electronic multiple message signs shall be equipped with light sensing devices or a scheduled dimming timer which automatically dim the intensity of the light emitted by the sign during ambient low-light and nighttime (dusk to dawn) conditions. The sign shall not exceed five hundred (500) lambert of intensity as measured at the sign surface during nighttime and low-light conditions and two thousand five hundred (2,500) lambert during daytime hours.
5. Electronic multiple message signs shall be properly maintained. Bulbs, LED's, pixels and the like shall be in working, properly illuminating conditions at all times.

7.5.6 *Locational Restrictions.* The location of signs shall be restricted as follows:

1. No sign shall be erected so as to impair access to a roof or prevent free ingress or access from any door, window, fire escape, driveway or utility line.
2. No sign shall be erected upon, against, or directly above a roof or on top of or above the parapet of a building, whichever forms the top line of the building silhouette.
3. No sign may interfere with traffic flow or imitate or interfere with any street signs, signal, or device.
4. No sign shall be permitted within a sight triangle, except for safety-related signs.

5. Freestanding identification signs on an individual lot shall be separated by a minimum of one hundred fifty (150) feet as measured along the road frontage.
  6. Wall signs may not cover more than twenty (20) percent of the facade of the building.
- 7.5.7 *Setbacks.* Except as provided in subsections 7.5.6-6, 7.5.10-15 and 7.5.11-5, the minimum setback from the right-of-way property line shall be five (5) feet. The setback from the side and rear property lines shall conform to the accessory structure setbacks in the underlying zoning district.
- 7.5.8 *Accessory Structures and Uses.* Subject to the regulations in this section, signs shall be permitted accessory structures and uses in both residential and nonresidential districts.
- 7.5.9 *Prohibited Signs.* Except as specifically provided otherwise in this section, the following signs shall be strictly prohibited throughout the County:
1. Portable signs, except as provided on a temporary basis in subsection 7.5.10-18, below.
  2. Streamers, posters, ribbons, light strings, light bulbs, light bands, spinners, attention-getting devices that move or revolve, signs (other than neon signs) which contain bare bulbs, unshielded light or tubes which are visible from a public street or a private residence, and electronic or flashing signs, except time, temperature, date, and message center signs that are otherwise permitted herein.
  3. Abandoned or defunct signs, including the posts or other supports that advertise or identify an activity, business product or service that is no longer conducted or available on the premises where such sign is located. The property owner shall remove said sign within sixty (60) days of notification by the Zoning Administrator.
  4. A-frame, sandwich board, sidewalk or curb signs, except as provided on a temporary basis in subsection 7.5.10-18, below.
  5. Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed to be a traffic-control sign, signal or device, or the light of an emergency or road equipment vehicle, except where such sign is accessory to a parking area and gives directions or instructions to drivers or pedestrians.
  6. Signs which interfere with traffic signals.
  7. Signs or any advertising device attached to or located on a parked vehicle or trailer on private property for the basic purpose of providing advertising of products or services or directing people to a business or activity located on the same or nearby property or any other premises, except for temporary truckload sale signs.
  8. Projection signs which project over a street or alley.
  9. Projection signs, other than canopy, awning, or marquee signs, which project more than two-thirds (  $2/3$  ) the distance over any sidewalk and which are less than ten (10) feet above grade.
  10. Signs which contain radio or microwave transmitters.
- 7.5.10 *Signs Allowed Without a Permit.* The following activities shall not require sign permits, provided that the sign otherwise meets all of the requirements of this section:
1. Signs that are not visible beyond the boundaries of the lot or parcel upon which they are situated or from any public thoroughfare or right-of-way.
  2. Signs which are located completely within an enclosed building, and which are not visible from outside of the building.
  3. Integral signs, such as names of buildings, dates of erection, monumental citations, and commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
  4. Changing of the advertising copy or message on an existing approved sign which is specifically designed for the use of replaceable copy.

5. Changes in the content of a window display, window signs, and window promotional signs.
  6. Changes in the content of permitted temporary signs.
  7. Painting, repainting, cleaning, or other normal maintenance and repair of a sign for which a permit has been previously issued, so long as the sign is not otherwise modified in any way.
  8. Public signs.
  9. Signs painted on or attached to a truck, bus, trailer, or other vehicle which is used in the normal course of a business which is not primarily the display of the sign on the vehicle.
  10. "No trespassing" signs, warning signs (such as "Beware of Dog"), notification signs for emergency personnel, and other such signs.
  11. Private (noncommercial) nameplate identification signs or street address identification signs which do not exceed two (2) square feet in area.
  12. Temporary signs that celebrate the occasion of traditionally accepted patriotic or religious holidays as well as national and State holidays.
  13. Temporary signs for events of a general County-wide civic or public benefit nature, no larger than sixteen (16) square feet.
  14. Temporary real estate for sale or lease signs, personal celebration, special events, and garage sale signs.
  15. Signs designating parking areas and entrances and exits to parking areas (other than parking areas for single-family dwellings) shall be permitted, provided:
    - a. No more than one such sign identifies each parking lot and no more than one such sign identifies each exit or entrance; and
    - b. No such sign(s) exceeds a sign surface area of four (4) square feet, is higher than thirty (30) inches, and is closer than one foot to the property line.
  16. Temporary signs announcing any public, charitable, political, educational, or religious event are permitted, up to a sign area allowed for the same type of permanent sign. Such signs shall be allowed once a year for no more than thirty (30) days prior to the particular event and must be removed within seven (7) days after the event.
  17. Construction Signs. One sign shall be permitted that lists the building contractors, professional firms, and lending institutions on sites under construction. The sign shall be confined to the site of the construction, construction shed, or trailer and shall be removed no later than fourteen (14) days after the completion of the project. Construction signs for projects up to ten (10) acres shall not exceed thirty-two (32) square feet. For construction projects exceeding ten (10) acres, the sign shall not exceed sixty-four (64) square feet.
  18. Temporary Banners, Pennants, Hot Air Balloons, Portable Signs and Sandwich Boards. Banners, pennants, hot air balloons, portable signs, and sandwich boards are permitted for grand openings, sales, and other similar special events on a temporary basis, for no more than thirty (30) days at a time, and no more than two (2) times per year.
- 7.5.11 *Signs Allowed With a Permit.* The following signs are required to obtain a permit and shall be allowed in accordance with the regulations set forth in this Section 7.5.11, Signs Allowed With a Permit, and elsewhere in this section:
1. *Not-For-Profit Signs.* Name and informational signs and emblems of service clubs and not-for-profit identification signs shall not exceed forty (40) square feet per sign face area. Such sign or signs on a corner lot may face each street but the total area shall not exceed a maximum of forty (40) square feet per sign.
  2. *Multifamily Building Nameplate and Identification Signs.*

- a. In any multifamily dwelling in which a rental office is permitted, one nameplate sign and one identification sign shall be allowed at each vehicular entrance from a public right-of-way and at each major public entrance to the dwelling for all offices in the dwelling.
  - b. The identification sign shall not exceed twenty (20) square feet.
  - c. One residential nameplate sign not exceeding two (2) square feet in each area shall be permitted per dwelling unit.
  - d. The identification sign shall indicate only the name, address, telephone number, and rental information.
3. *Subdivision Identification Signs.*
- a. Signs shall not exceed forty-eight (48) square feet.
  - b. Identification signs shall be located at least five (5) feet from any property line, and the sign shall not be located in the sight triangle or otherwise impair the visibility of a vehicle from a road or driveway.
4. *Nonresidential Signs.* Freestanding identification signs and wall signs shall be allowed in nonresidential districts, subject to the following requirements:
- a. No sign face shall exceed one square foot for each lineal foot of street frontage, up to a maximum of one hundred (100) square feet of total sign face, and a height of twenty-five (25) feet.
  - b. If a development fronts on more than one street, signs may be placed on each road frontage, so long as they meet the one hundred fifty (150) foot spacing requirement in subsection 7.5.6-5, above. One corner sign may be substituted for the signage allowed on the two (2) connecting road frontages, provided that the sign face of the corner sign does not exceed one hundred (100) square feet.
  - c. For commercial retail establishments or nonresidential or mixed use planned developments that are comprised of more than one store and that exceed fifty thousand (50,000) square feet, an additional identification sign for the entire establishment or planned development that does not exceed one hundred (100) square feet shall be permitted.
5. *Directional Signs* may be permitted for agriculturally-related businesses and public and non-profit facilities. Such signs may be located off-premises, shall not exceed twenty-four (24) square feet, and shall not be placed any closer than one foot to a right-of-way.
6. *Billboards.*
- a. Billboards shall be permitted as-of-right in any zoning district when the requirements of the Illinois Outdoor Advertising Control Act of 1971, as amended, 225 ILCS 440/1 et seq., are applicable.
  - b. If subsection 7.5.11-6.a, above, is not applicable, then billboards may be permitted as a Special Use in an Industrial District, in accordance with the procedures and standards set forth in Section 3.5 ("Special Use Permits"), provided they meet the following requirements:
    - 1. Signs shall be constructed of steel with monopole or uni-pole design and shall not be stacked;
    - 2. Signs shall not exceed seven hundred (700) square feet per sign face area;
    - 3. No sign shall exceed thirty (30) feet in height;
    - 4. Signs shall be separated by one-quarter (¼) mile along the same road frontage.

7.5.12 *Waiver From Requirements of This Section.*

- 1. A variance shall be obtained to vary from the bulk requirements (for example, size of sign, setbacks from right-of-way) of this section.

2. A special use shall be obtained to vary from the locational standards (for example, a nonresidential sign that is a billboard located off-premises) of this section.

(Res. of 7-12-12)

#### Sec. 7.6 - Landscaping and Bufferyards

7.6.1 *Purpose.* The requirements of this section are intended to provide a minimum amount of landscape material as a means of fostering the objectives, below, while providing flexibility in landscape design.

1. Achieve the County-wide goals of minimizing the conversion of open space land to urban uses and properly buffering incompatible uses as stated in the Peoria County Comprehensive Land Use Plan.
2. Aid in stabilizing the County's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare, wind, and heat abatement.
3. Preserve and protect the unique identity and environment of the County of Peoria and preserve the economic base attracted to the County of Peoria by such factors.
4. Provide for the preservation of larger existing trees which provide a valuable natural resource, and once destroyed, can only be fully replaced after generations.
5. Reduce soil erosion and thereby reduce sedimentation of the creeks and watersheds in Peoria County, including the Illinois River.

7.6.2 *Applicability and Exemptions.*

1. Landscaping requirements set forth in this section shall apply to all improvements to a parcel with the exception of the following:
  - a. Agriculture uses and structures;
  - b. Single-family and two-family dwellings;
  - c. Temporary uses identified in Section 5.14 ("Temporary Uses") of these regulations;
  - d. Mobile homes used as a single family dwelling on an individually owned parcel, provided it meets the requirements of Section 7.9 ("Mobile Homes") of these regulations;
  - e. Development in areas designated as a "RCC Rural Community Conservation District" where the entire lot is impervious; and
  - f. Solar energy generation facilities.
2. Landscaping requirements shall apply to all new development and any addition to an existing development in which the total cost of the improvements is fifty (50) percent or more of the reproduction cost of the structure. For purpose of calculating percentages of reproduction cost, the cost of construction shall be construed as the total actual combined cost of all alterations made within any period of thirty (30) continuous months.

7.6.3 *Performance Standards.* All landscape plans shall fully meet the following performance standards of this section in order to receive approval.

1. Landscaping shall not impede the line of sight necessary for motorists and pedestrians to move into, out of, and within the site.
2. Landscaping materials shall be selected and placed in such a manner that they do not interfere with or damage existing utilities.
3. Landscaping materials shall be selected and placed so that they do not inhibit the safe and enjoyable use of surrounding properties.

4. Landscaping should reduce the intrusion of headlights and other glare and also provide a barrier between pedestrians and vehicles.
5. Landscaping should offer a visual separation or screen between land uses that have intense activities or significantly different appearances, or that are otherwise incompatible to some degree.

7.6.4 *Landscaping Point Values.* The amount of all required landscaping shall be calculated by utilizing the point system described herein.

1. The requirements for a given yard or parking lot shall be the total of all equations listed under the applicable section. In calculating any requirement in this section, should a fraction result of one-half (0.5) or greater, it shall be rounded up to the next whole number. The following point allocations shall apply for all required landscaping:

**TABLE 7-2  
LANDSCAPING POINT VALUES**

Tree Classification	Point Value	Shrub Classification	Point Value
Shade Trees	18 points	Evergreen Trees	8 points
Evergreen Trees	18 points	Evergreen Shrubs	3 points
Intermediate Trees	12 points	Deciduous Shrubs	2 points

7.6.5 *Front Yard Landscaping.*

1. The number of points that must be achieved through landscaping for all front yards shall be based on the overall length of the lot frontage as measured along the front property line(s) divided by two (2). For example, if the frontage of a property is two hundred twenty (220) feet in length, then one hundred ten (110) points must be achieved through landscaping.
2. The minimum points applicable shall be eighty (80) points.
3. One-half (½) of the points for front yard landscaping must be achieved by utilizing plants from the tree classification and one-half (½) must be from the shrub classification.
4. Front yard landscaping shall be planted in the required front yard.

7.6.6.1 *Parking Lot Landscaping.*

1. The number of points that must be achieved for parking lots through landscaping shall be equal to the total number of parking spaces provided. The points may be achieved through the use of any combination of trees and/or shrubs.
2. When a parking lot has less than one hundred (100) parking spaces the landscaping may be placed within interior curbed parking islands and/or within ten (10) feet of the perimeter of the parking lot.
3. When a parking lot has one hundred (100) or more parking spaces, one-half (½) of the required points shall consist of shade trees planted in curbed islands within the interior of the parking lot. The intent of this provision is to break up large expanses of pavement and to provide shading by locating shade trees away from the perimeter and within the interior of parking lots.

4. The minimum area for planting all types of trees within parking lots shall not be less than twelve and one-half (12.5) feet by twelve and one-half (12.5) feet or one hundred fifty-seven and one-quarter (157.25) square feet.
5. Parking lot islands shall be curbed with concrete or a functionally equivalent material. Curb breaks should be utilized to allow stormwater to enter planted areas. The following materials are not considered functionally equivalent to concrete curbs and are therefore unacceptable for use as curbs:
  - a. Landscape timbers;
  - b. Railroad ties;
  - c. Wood/lumber;
  - d. Concrete wheel stops.

#### 7.6.6.2 Alternative Parking Lot Landscaping.

1. The county encourages the use of special design features such as bioretention systems and landscaping with native species. All site development and redevelopment projects should consider the following alternative landscape options:
  - a. **Bioretention Systems:** Bio-retention systems are shallow, landscaped depressions commonly located in parking lot islands or within areas that receive stormwater runoff. Bioretention systems generally may consist of a grass buffer strip, sand bed, ponding area, organic layer or mulch layer, planting soil, and plants. The bioretention system shall be aboveground and a visible part of the green or landscaped area and meet the requirements of Section 7.6.9.3.
  - b. **Native Species:** Illinois native plantings, grasses, and perennials, as identified by the Natural Resources Conservation Service.

#### 7.6.7 Transitional Buffer Yards.

1. A transitional bufferyard (TBY) shall be required to buffer incompatible uses as follows:
  - a. A commercial or industrial development from adjacent parcels that are either zoned residential or used residentially or institutionally;
  - b. An institutional or multifamily residential development from adjacent parcels that are zoned or used residentially, commercially or industrially.
2. *Depth of Yard.* The lot for any use described above, is required to have a TBY that is ten (10) percent of the lot width or depth, whichever is applicable. However, no TBY shall be less than ten (10) feet nor more than twenty-five (25) feet.
3. *Reduction of TBY Requirements.* The width or depth, whichever is applicable, of a TBY may be decreased up to one-half ( $\frac{1}{2}$ ) of the required distance provided a solid fence is erected subject to the requirements of Section 7.4 ("Fences"). The placement of a fence shall not decrease the required plant materials for a TBY, as specified below.
4. *Prohibited Materials in TBY.* Any TBY required shall be maintained as a planted or landscaped area only. No storage of materials, mechanical equipment, materials other than landscaping, or structures of any form shall be located within any required TBY.
5. *Required Plant Materials for Transitional Buffer Yards.*
  - a. The number of points that must be achieved through landscaping in a TBY shall be based on the overall length of TBY as measured along the TBY property line. For example, if the property line running the length of the TBY is one hundred eighty (180) feet long, then one hundred eighty (180) points must be achieved through landscaping.
  - b. One-half ( $\frac{1}{2}$ ) of the points for TBY landscaping must be achieved by utilizing plants from the tree classification and one-half ( $\frac{1}{2}$ ) must be from the shrub classification.



- c. One-half ( $\frac{1}{2}$ ) of the total points for TBY landscaping must also be evergreen plantings.
- d. All shade trees in a TBY must be three and one-half ( $3\frac{1}{2}$ ) inches caliper size or larger.

#### 7.6.8 *Minimum Landscaping Requirements.*

##### 1. *Plant Material.*

- a. **Prohibited Trees.** The following weak-wooded and generally undesirable trees, for urban conditions, shall be prohibited for use in meeting any of the requirements of this article:
  - 1. Ailanthus (Tree of Heaven);
  - 2. Box Elder;
  - 3. European Mountain Ash;
  - 4. European White Birch;
  - 5. Mulberry;
  - 6. Poplar;
  - 7. Purple-Leaf Plum;
  - 8. Russian Olive;
  - 9. Siberian Elm;
  - 10. Silver Maple;
  - 11. Willow.
- b. **Permitted Plantings.** Acceptable plantings shall be as follows:
  - 1. Those listed in the Peoria County Landscaping Materials Handbook, Appendix C.
  - 2. Plantings available from local nurseries that are not prohibited in subsection 7.6.8-1.a above.

##### 2. *Minimum Plant Material Size.* At the time of planting, all trees required by the Section shall be of the following minimum size. Trunk caliper shall be measured two (2) feet above the ground:

- a. **Shade Trees**—Trunk caliper (diameter) of two and one-half ( $2\frac{1}{2}$ ) inches. Shade trees shall have a trunk caliper of three and one-half ( $3\frac{1}{2}$ ) inches for TBY purposes.
- b. **Evergreen Trees**—Six (6) feet in height.
- c. **Intermediate Trees**—Single stem varieties shall have a trunk caliper (diameter) of one and one-half ( $1\frac{1}{2}$ ) inches. Multi-stem varieties shall have a minimum height of six (6) feet.
- d. **Shrubs (all)**—Two (2) feet in height or spread.

##### 3. *Ground Cover and Mulching Requirements.*

- a. **Ground Cover Requirements.** All yards shall be planted and maintained with a vegetative ground cover such as sod or seed before a final Certificate of Occupancy can be issued.
- b. **Mulching Requirements.** All required shrubs and trees shall be mulched.

##### 4. *Mechanical Equipment Screens.* All ground level mechanical equipment and utilities shall be fully screened from view of any residential zoning district as seen from six (6) feet above ground level.

#### 7.6.9 *Incentives.*

- 1. ***Incentive for Preserving Existing Landscaping.*** Existing landscaping that is in a vigorous growing condition and is not specifically prohibited by this ordinance may count toward meeting the point requirements of this section. Furthermore, the following plant materials will be awarded five (5) additional points (added to base value) per tree when preserved:

- a. Shade Trees—Twelve (12) inches diameter trunk or greater.
  - b. Intermediate Tree—Fifteen (15) feet height or taller.
  - c. Evergreen Tree—Fifteen (15) feet height or taller.
2. *Incentive for Planting Larger Landscaping.* Planting of landscaping larger than the minimum required sizes as specified herein will be rewarded with five (5) additional points (added to base value) per tree when the proposed sizes are as follows:
- a. Shade Trees—Four (4) inches diameter (five (5) inches in Transitional Buffer Yard (TBYS)) or greater.
  - b. Intermediate Tree—Ten (10) feet height or taller.
  - c. Evergreen Tree—Ten (10) feet height or taller.
3. *Incentive for Bioretention with Native Landscaping within Parking Islands.* The use of native plants in managed landscaping plans designed to reduce stormwater impact can be economical, low-maintenance, effective in soil and water conservation, and may preclude the excessive use of pesticides, herbicides, and fertilizers. Planting of native landscaping in bioretention systems on interior curbed parking islands may be considered functionally equivalent to meeting the interior curbed parking island points, as required in Section 7.6.6.1, when designed by a licensed Landscape Architect and the following requirements can be met:
- a. A minimum size of five (5) percent of the drainage area of the parcel for a bioretention area that includes a sand bed or a minimum size of seven (7) percent of the drainage area of the parcel for a bioretention area that does not include a sand bed.
  - b. When an interior curbed parking island is designed with bioretention systems landscaping with native species, the number of required points consisting of shade trees planted in curbed islands within the interior of the parking, as required in Section 7.6.6.1, shall be reduced by one-half ( $\frac{1}{2}$ ).
  - c. Unless specified in subsection 7.6.9.3.d below, all native landscaping shall meet the requirements of Section 7.6.8.2 "Minimum Plant Material Size" for all trees and shrubs planted.
  - d. At the end of the second full growing season, no less than ninety (90) percent of any live native herbaceous plant material installed shall be alive and in vigorous condition. There shall be zero (0) invasive/exotic species that have become established throughout the entire project area. There shall be no area(s) greater than twelve (12) inches by twelve (12) inches that are devoid of vegetation. There shall be no rills or gullies present throughout the project area.

#### 7.6.10 *Landscape Plan.*

- 1. *Landscape Plan Submittal Requirements.*
  - a. All landscape plans must be submitted for approval as part of the building permit application, as identified in Section 3.2 ("Building Permit") of these regulations.
- 2. *Content of Landscaping Plan.* The following information must be shown on the required landscape plan:
  - a. North arrow, scale, date of preparation and revisions, name of designer/drafter;
  - b. Location of all buildings, structures and pavement that are proposed or will remain on the site;
  - c. Location of all existing and proposed watercourses, ponds, lakes;
  - d. Location, size, and common name of any existing trees or shrubs that are to remain;

- e. Location of all landscaping that is proposed for the site including any trees, shrubs, groundcover, ornamental grasses, and flower beds (plants should be drawn to scale);
- f. Location of any existing or proposed signs, walls, fences, berms (one-foot contour intervals), site furniture, lights, fountains, and sculptures on the site;
- g. Location of all property lines;
- h. Location of all sidewalks that are proposed for the site or currently adjoining the site;
- i. Plant list that describes the common name (available in any nursery catalog), quantity, and size at installation for each proposed plant;
- j. Any additional information that the Zoning Administrator determines is necessary to adequately review the proposal.

#### 7.6.11 *Landscape Maintenance.*

1. *Responsibility.* The plantings in any landscaped area must be properly maintained in order for the landscaped area to fulfill the purposes for which it was established. Such maintenance shall include all actions necessary to keep the landscaped area free of litter and debris and to keep plantings healthy and orderly in appearance.
2. *Plant Materials.* All required plant materials shall be maintained in a healthy, vigorous growing condition in order to fulfill the purpose for which they were established. They shall be replaced as necessary, and shall be kept free of refuse and debris.
3. *Fences and Walls.* All fences, walls and other barriers shall be maintained in good repair.

(Ord. of 3-13-14; Ord. of 1-11-18(2); Ord. of 6-13-19)

### Sec. 7.7 - Parking and Loading Requirements

#### 7.7.1 *Purpose.*

1. In order to reduce the visual impact of large residential and nonresidential parking areas, to minimize the adverse effects of off-street parking on adjacent properties, and to ensure the proper development of parking areas throughout the County, off-street parking and loading spaces for every use shall be provided in accordance with the standards established in this section.
2. For any off-street parking area required under this section, and for any public parking lot, parking deck, garage, and storage area operated on a commercial basis, an off-street parking plan shall be included as part of a development plan submitted in accordance with Article 3, Development Review Procedures.

#### 7.7.2 *Required Number of Off-Street Parking Spaces.*

1. Except as otherwise provided in subsection 7.7.2-2 below, each principal use on a parcel shall be provided with the number of off-street parking spaces indicated for that use in Table 7-3.
2. In the event that an applicant demonstrates that fewer parking spaces are needed to serve the use at the time of permit application, the ZBA may authorize a reduction in the amount of parking spaces and reserve additional land for potential use and parking spaces at a future time.
3. When the required number of off-street parking spaces computed according to Table 7-3 results in a fractional number, the fraction shall be rounded up.
4. If a use is not listed in Table 7-3, the Zoning Administrator shall determine the number of off-street parking spaces that shall be required based on the standards for the most similar use listed in these regulations.
5. Parking requirements shall apply to all new development and any addition to an existing development in which the total cost of the improvements is fifty (50) percent or more of the

reproduction cost of the structure. For the purpose of calculating percentages of reproduction cost, the cost of construction shall be construed as the total actual combined cost of all alterations made within any period of thirty (30) continuous months.

6. The following uses shall be exempt from off-street parking requirements:
  - a. Agriculture.
  - b. Public Utilities.

**TABLE 7-3  
PARKING REQUIREMENTS**

LAND USE	REQUIRED NUMBER OF PARKING SPACES
<b>RESIDENTIAL USES:</b>	
Congregate elderly housing	0.5 per resident + 1 per staff person
Dwellings, detached	2 per unit
Dwellings, attached	2 per dwelling unit + .5 per bedroom over 2 bedrooms
Mobile home park	2 per unit + 1 per 2 homes
<b>NONRESIDENTIAL USES:</b>	
Animal hospitals, boarding and pounds	1 per 300 sq. ft.
Automobile body repair	1 per employee + 1 per 600 sq. ft.
Automobile repair	1 per employee + 1 per 600 sq. ft.
Automobile sales	1 per 500 sq. ft. of enclosed sales space + 1 per 3,000 sq. ft. of exterior /outdoor display/sales space + 1.5 for each service bay.
Automobile service stations	2 per station + 4 per service bay
Barber/beauty	2 per chair
Bowling alleys	4 per lane
Bus, truck, semi-trailer terminals	1 per 600 sq. ft. of gross floor area
Cannabis Dispensing Organizations	1 per 200 sq. ft.
Other Cannabis Business Establishments	1 per 5,000 sq. ft. for grow and process floor area + 1 per 300 sq. ft. for office space

Car washes	4 stacking spaces per stall + 1 per employee
Cemeteries	1 per each full time employee + required spaces for offices
Clinics and medical offices	1 per each employee and doctor + 1 per 200 sq. ft.
Clubs and lodges	1 per 3 seats of meeting space
Colleges and universities	1 per classroom + 1 per 3 students
<i>Commercial Retail Establishments, Open Markets and Shopping Centers:</i>	
Commercial retail establishments	1 per 200 sq. ft.
Markets, outside	1 per 200 sq. ft. of display area
Shopping centers	1 per 200 sq. ft. of gross leasable area
Community centers	1 per 300 sq. ft.
Conference center, meeting rooms	1 per 4 seats -OR- 1 per 100 sq. ft. of meeting area, whichever greater
Contractors or construction offices	1 per 300 sq. ft.
Convenience stores	1 per 150 sq. ft.
Day care centers	1 per 300 sq. ft.
Day care homes	3 per home
Drive-through service windows	3 stacking spaces per window
Dry-cleaning and laundry processing stations	1 per 500 sq. ft.
Excavating services	1 per employee
Financial institutions	6 per inside customer service window + 1 per employee
Food processing plants	1 per employee
Fraternities, sororities and dormitories	1 per sleeping room
Funeral parlors	1 per 200 sq. ft.

Gas Station Convenience Store	2 per fueling station + 1 per 500 sq. ft. of interior gross floor area
Golf courses	6 per green + 1 per employee
Golf driving ranges	1 per tee + 1 per employee
<i>Governmental Uses:</i>	
Administrative offices	1 per 300 sq. ft.
Fire and police stations	1 per 500 sq. ft.
Libraries, art galleries	1 per 200 sq. ft.
Post offices	2 per station + 4 per service bay
<i>Health Clubs, Marinas, Parks and Recreation Areas:</i>	
Ball fields and picnic areas	10 per acre
Health clubs	1 per employee + 1 per 200 sq. ft. of floor space
Marinas	1 per employee + 1 per 3 boats
Swimming pool	1 per 75 sq. ft. of water area
Tennis or racquet court	3 per court
Other indoor spaces	1 per 200 sq. ft.
Other outdoor areas	0.1 per acre
Hospitals	1 per each 2 hospital beds + 1 per each full-time employee + 1 per doctor
Laundry (coin-op.)	1 per 2 machines
Light industry and assembly	2 per 1,000 sq. ft. -OR- 1 per each employee on the largest shift, whichever is greatest
Manufacturing	1.25 per 1,000 sq. ft. -OR- 1 per each 0.75 employee on largest shift, whichever is greatest
Museums, civic and cultural centers	1 per 1,000 sq. ft.

Greenhouses, commercial	1 per 400 sq. ft.
Nursing homes	0.25 per resident at maximum capacity + 1 per staff person
Offices, business	1 per 300 sq. ft.
Offices, professional/medical	1 per 200 sq. ft. (minimum of 5 spaces)
Overnight accommodations	1 per sleeping room + 1 per employee
Personal service establishments	1 per 200 sq. ft.
Petroleum storage facilities	1 per employee
Places of worship	1 per 4 seats in worship assembly hall
Printing, publishing or photography est.	1 per 400 sq. ft.
Private horse stables	1 per each full-time employee + 1 per every 3 horses
Public utility structures	1 per 2 employees
Residential-care homes	0.25 per resident + 1 per staff person
Restaurants-drive in	3 per cashier station + 1 per 100 sq. ft.
Restaurants and taverns	1 per 100 sq. ft.
Roadside stands	3 per establishment
Sale of building materials and automobile supplies, (e.g., furniture, monuments, tires, batteries, and accessories)	1 per 600 sq. ft.
<i>Schools:</i>	
Administrative offices	1 per 300 sq. ft.
Arts and vocational	2 per classroom + 1 per 2 students
Boarding	1 per classroom + 1 per employee
Elementary, middle or jr. high	1.5 per classroom
High	1 per classroom + 1 per 5 students

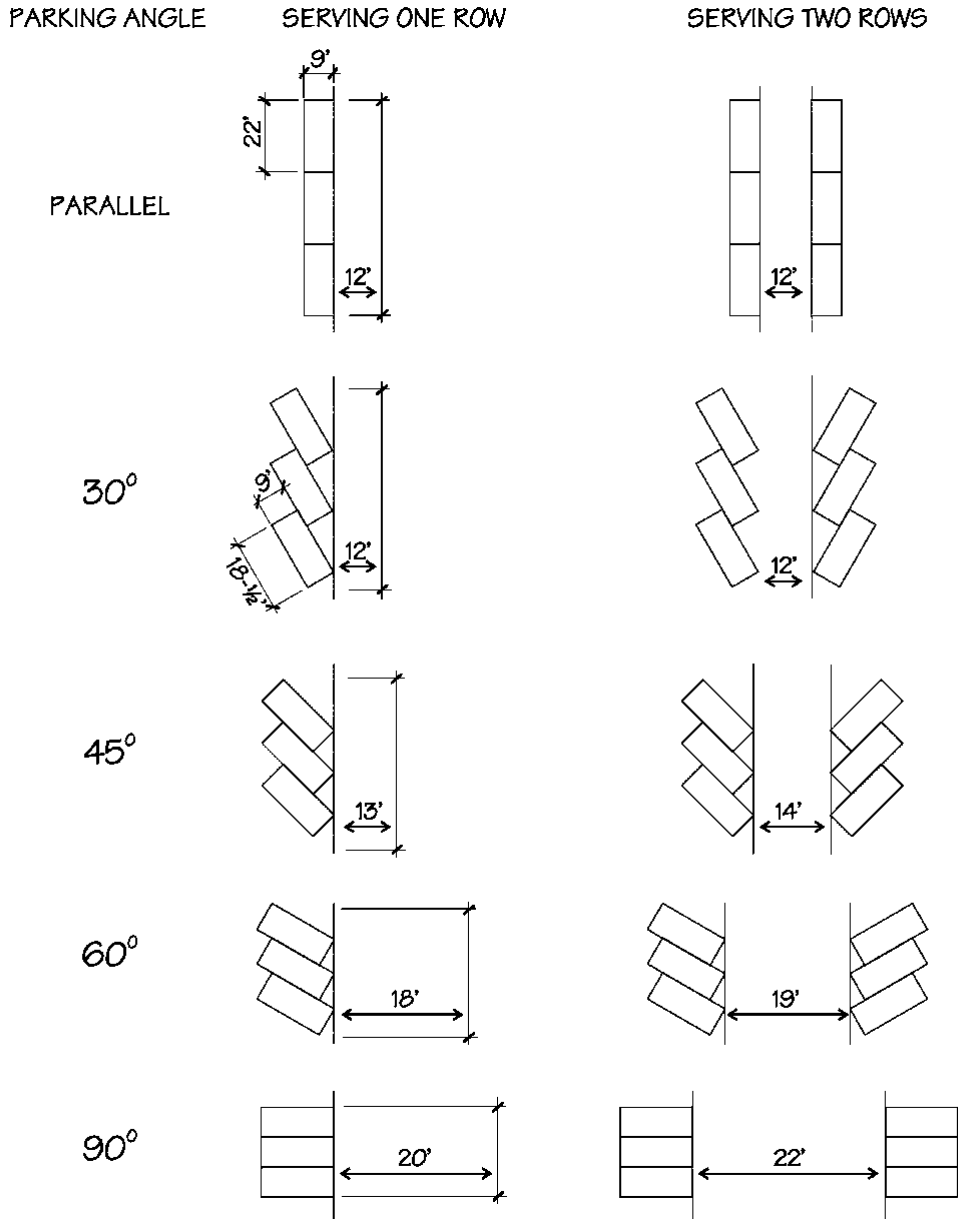
Stadia, auditoriums, arenas, and Speedways	Spaces equal in number to 33% of the capacity in persons
Telecommunication carrier facilities manned on a regular daily basis	1 for each employee regularly at the facility
Theaters	1 per 3 seats, or spaces equal in number to 33% of the capacity in persons
Truck stops	15 per diesel pump
Utility substations	1 per employee
Vehicle body repair	1 per employee + 1 per 600 sq. ft.
Vehicle mechanical repair	1 per employee + 1 per 600 sq. ft.
Vehicle sales and rentals	1 per 500 sq. ft. of enclosed sales or rental area + 1 per 3,000 sq. ft. of outdoor sales or rental area
Warehouse, Storage, and Wholesale establishments	1 per 1,000 sq. ft.
Zoo	1 per 2,000 sq. ft. of lot area

**7.7.3 Size of Required Parking Spaces and Aisles.**

1. Each required parking space shall cover a rectangle at least nine (9) feet wide and eighteen and one-half (18½) feet long, as illustrated in Figure 7-1. For parallel parking, the length of the parking space shall be increased to twenty-two (22) feet.
2. Each required parking space shall have direct and unrestricted access to an aisle. The minimum width of said aisle is set out in Figure 7-1.
3. All off-street parking spaces within paved parking lots shall be properly marked by a four-inch wide painted stripe. All such striping shall be clearly visible at all times. For non-paved parking lots, spaces shall be clearly indicated by means that may include wheel stops, markers, or cones.
4. The vertical clearance of each enclosed off-street parking space shall be a minimum of seven (7) feet.

**Figure 7-1: Required Parking Aisle Widths**





**Note:** Parking lanes for trucks should be sixty (60) feet in width (so as not to jack-knife). Parking spaces for trucks should be seventy-five (75) feet by twelve (12) feet.

7.7.4 *Maintenance.* All parking areas and loading areas shall be kept in a clean, dust-free, and weed-free condition at all times.

7.7.5 *Surface Materials.*

1. *Paved Parking Surfaces.* All required parking spaces and access aisles for any development not exempted by subsection 7.7.5-2 that is located within one and one-half (1½) miles of a municipality which has formally adopted a comprehensive plan pursuant to 65 ILCS 5/11-12-4 et seq., within all incorporated areas, within interchange developments along I-74 or I-474, and within any urban or village areas, as identified on the Peoria County Land Use Form Map, shall be paved with a hard, all-weather material such as asphalt, concrete, paver block/turf block, brick, or stone. All handicapped parking spaces shall be paved in this manner, regardless of its location

or type of use. All required parking spaces and access aisles for any development in the remaining areas of the County that is not exempted by subsection 7.7.5-2 shall be graded and surfaced with a durable material that will provide protection against potholes, erosion, and dust.

2. *Non-Paved Parking Surfaces.* The following types of development do not need to provide paved parking: agricultural uses, single-family dwellings, and two-family dwellings, approved temporary uses as provided in Section 5.14 ("Temporary Uses"), and overflow parking.

**7.7.6 Spaces for the Handicapped.**

1. Except for single-family dwellings, the number of spaces required under the provisions of Section 7.7.2, Required Number of Off-Street Parking Spaces, above shall include the following requirements for parking spaces for handicapped persons in compliance with standards established by the State of Illinois.

**TABLE 7-4  
HANDICAPPED PARKING REQUIREMENTS**

Total Number of Required Off-Street Parking Spaces	Total Number of Spaces Required for Handicapped
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total number
1,001+	20+1 for each 100 over 1,000

2. Off-street parking spaces for the handicapped shall be designed as follows:
  - a. All spaces for the handicapped shall have access to a curb ramp or curb cut when necessary to allow access to the building served, shall be located so that users will not be compelled

to wheel behind parked vehicles, and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.

- b. The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved in consideration of such factors as anticipated usage, number, and location of entrances and level of parking areas.
- c. Each parking space for the handicapped must meet the requirements of the Illinois Accessibility Code, shall be at least sixteen (16) feet wide including an eight-foot wide access aisle, and adjacent parking spaces shall be permitted to share a common access aisle. However, diagonal parking spaces shall not share an access aisle. Access aisles serving diagonal parking spaces shall be located on the passenger side of the vehicle space. All access aisles shall blend to a common level with an accessible route and shall be diagonally striped so as to discourage parking in them. A high quality yellow paint recommended by the paint manufacturer for pavement striping shall be used.
- d. Parallel parking spaces for the handicapped shall be located either at the beginning or end of a block, or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
- e. No accessible parking spaces shall be required if only attendant or valet parking is provided and is available at all times that the facility is open for public use. If accessible at-grade parking is available, at least one space for self parking of a vehicle with sensitive specialized control devices shall be provided.
- f. Each parking space for the handicapped shall be equipped with a sign which complies with 625 ILCS 5/11-301 et seq., as amended, and shall meet the requirements of Sign R 7-8, U.S. Department of Transportation Standard and the Illinois Department of Transportation. Signs shall bear the internationally accepted wheelchair symbol and the dollar amount of the fine as required by the Illinois Vehicle Code [625 ILCS 5/1124 and 301.11. The sign shall be vertically mounted on a post or a wall at the front center of the parking space, no more than six (6) feet horizontally from the front of the parking space, and set a minimum of five (5) feet and a maximum of nine (9) feet from finished grade to the bottom of the sign.

#### *7.7.7 Location of Required Parking.*

1. Required off-street parking spaces accessory to residential dwellings shall be located on the same lot as the use served, or on an immediately adjoining lot in the same ownership.
2. Required off-street parking spaces accessory to nonresidential uses shall be located within five hundred (500) feet of the use served, except for spaces accessory to overnight accommodations, which shall be within three hundred (300) feet of the use served. Such parking spaces shall be located on the same side of the street as the use they serve.
3. No parking spaces accessory to a use in a nonresidential district may be located in a residential district. In order to utilize a parcel in a residential district for nonresidential parking, it must be rezoned to the nonresidential district in accordance with the provisions of Section 3.6 ("Text and Map Amendments").
4. Where these regulations allow shared parking between uses on different lots (see Section 7.7.8, Shared Parking, below), all such off-street parking areas shall be located no more than five hundred (500) feet from, and on the same side of the street as, the use they are intended to serve.
5. No more than four (4) automobiles in total which are parked accessory to a dwelling unit may be parked outside on the same lot as the dwelling, or on an adjacent property under the same ownership, for a period of more than seventy-two (72) continuous hours.
6. Passenger automobiles may be parked anywhere on the lot except for the front setback where they may be parked on the driveway or on an all-weather surface nine (9) feet wide, adjacent and parallel to the driveway.

7. Except as otherwise provided herein and in Section 7.3 ("Home Occupations"), no commercial vehicle (truck) having either a gross vehicle weight in excess of eight thousand (8,000) pounds (including vehicle or maximum load) or which exceeds twenty-one (21) feet in length, eight (8) feet in width or nine (9) feet in height, and no large non-motorized part of such vehicle (e.g., semi-trailer), may be parked accessory to a residence. However, commercial vehicles may be parked for a reasonable period of time necessary to pick up or deliver property, or necessary to install or assemble such delivered property or to prepare such property for loading and removal.
8. No parking may be located on a vacant lot unless the lot is under the same ownership as the principal use and is adjacent to the use or meets the requirements of subsections 7.7.7-2 through 7.7.7-4 of this section.

**7.7.8 Shared Parking.**

1. Except as otherwise provided herein and in subsection 7.7.8-2 below, in order to reduce the total number of parking spaces which would otherwise be required according to Section 7.7.2, Required Number of Off-Street Parking Spaces, above, joint use of up to fifty (50) percent of required parking spaces may be permitted for two (2) or more uses located on the same or adjacent parcels. In order to qualify for a joint use reduction, the owner of the parking lot and the owner(s) of adjacent uses must apply for a variance in accordance with the provisions of Sections 3.7 ("Variances") and demonstrate that the shared parking will not create a parking shortage during peak hours.
2. In the RCC District, shared off-street parking facilities for separate uses may be provided at another location if:
  - a. The total number of spaces provided collectively is not less than the sum of the separate requirements for each use; and
  - b. All parking spaces for uses in the RCC District are located within the RCC District or within one-half (½) mile of the RCC District.

**7.7.9 Exemptions in RCC District.** When the application of these regulations would result in a requirement of not more than three (3) parking spaces for a nonresidential use in a RCC District, no off-street parking spaces need be provided.

**7.7.10 Parking Barriers.** Barriers, such as curbs, walls, or fences, shall be located along the perimeter of parking lots, garages, and vehicle storage areas, except at entrances and exits. These parking barriers shall be designed and located to prevent parked vehicles from extending beyond property lines and from hanging over any sidewalk, other pedestrian path, right-of-way, or access easement.

**7.7.11 Drive-Through Service Windows.** Any establishment providing drive-through service shall provide three (3) stacking spaces per window. These spaces shall be in addition to any other parking requirements set forth for similar establishments without drive-through service windows. Any overflow that may result from such stacking lanes shall be contained on the same parcel and shall not spill over onto adjacent properties or any roadway.

**7.7.12 Overnight Accommodations Located in Residential Districts.**

1. Guest parking shall not be located in any road setback, or on a driveway or in a garage that also serves as parking for the operator.
2. Guest parking shall not be located closer than five (5) feet to the side and rear lot lines.
3. Any off-street parking shall be screened so that automobile headlights do not cast light onto any adjacent residential lot.
4. A solid fence shall be provided around the guest parking area, as well as areas serving as an entrance and exit path, in order to shield automobile lights from neighboring residences. If the solid fence will be in a road setback, the fence shall be no taller than two and one-half (2½) feet in height.

7.7.13 *Communication Support Structures.* One parking space per employee on the largest shift shall be provided for all non-automated communication support structures. If the communication support structure is fully automated, only one space need be provided for maintenance workers.

7.7.14 *Bicycle Parking.* All nonresidential uses containing ten (10) or more automobile parking spaces shall provide bicycle parking facilities at the rate of three (3) bicycle parking spaces for the first thirty (30) automobile parking spaces provided and one additional bicycle parking space for each ten (10) additional automobile parking spaces provided, up to a maximum of thirty (30) bicycle parking spaces. Bicycle racks shall be installed to support the frame of the bicycle (i.e., not just the wheel), shall be located within fifty (50) feet of the entrance to the principal building they serve, and shall be separated from the vehicle parking area.

7.7.15 *Number, Size and Location of Loading Spaces.* The standards provided in this subsection are intended to provide an adequate size, number and design of loading spaces to serve the use proposed as well as avoid causing a nuisance for surrounding uses.

1. Any loading space and any area required for maneuvering a vehicle into and out of the loading space shall be located entirely on the same lot as the use it serves. The unenclosed loading space shall not be located on any public right-of-way or other lot, and shall be oriented away from the street fronting the lot.
2. No loading space for vehicles over two (2) tons capacity shall be closer than fifty (50) feet to any residential district, unless it is completely enclosed by either building walls or a uniformly painted solid fence or wall which is not less than six (6) feet in height.
3. No loading space or dock may be located within the required front setback. Completely enclosed loading spaces may face a public street, provided the garage door is kept closed at all times, except to permit the entry and exit of vehicles, and during loading and unloading operations. Vehicles waiting for loading or unloading shall not park or be stored within the required front setback.
4. Off-street loading spaces may be permitted obstructions in rear setbacks, so long as they are not closer than fifty (50) feet from the nearest building, structure, or adjacent lot.
5. Unless otherwise provided by these regulations, a required loading space shall be at least twelve (12) feet in width by at least thirty-five (35) feet in length if a short berth, and at least twelve (12) feet in width by at least fifty (50) feet in length if a long berth, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.
6. Loading spaces shall be provided on the basis of the floor area of the establishments they serve, as indicated in Table 7-5.

**TABLE 7-5  
SCHEDULE OF LOADING REQUIREMENTS**

Floor Area of Establishment (sq. ft.)	Required Number of Loading Spaces	Minimum Size (ft.)	Minimum Clearance (Ft.)
0—10,000	1	12x35	15
10,001—25,000	2	12x35	15
25,001—40,000	3	12x50	15

40,001—100,000	4	12x50	15
over 100,000	5*	12x50	15

\* Plus one additional space for every 50,000 square feet of floor area over 150,000.

7. In the event of a recessed or sunken loading berth, adequate drainage of stormwater shall be provided so that water does not pond in the area for more than twenty-four (24) hours following the end of a storm.
8. No loading spaces are required for telecommunications carrier facilities.

7.7.16 *Configuration of Off-Street Parking and Loading Ingress and Egress.*

1. Ingress and egress to and from off-street parking and loading spaces shall be provided by means of clearly limited and defined entrance and exit drives which lead from public rights-of-way to clearly limited and defined maneuvering lanes which in turn provide access to individual off-street parking or loading spaces.
2. Layout configurations which require backing directly onto a street or a parking or loading space are prohibited.
3. On County or State highways, the number of access points shall be limited to one, unless the appropriate road authority determines that site access would be improved by additional access points. The minimum space between access drives shall be based on roadway speed and shall be determined by the appropriate road authority.
4. Wherever practicable, access drives shall be shared by several uses. The owners of such uses shall be jointly responsible for the maintenance and landscaping of the drive.

7.7.17 *Recreational Vehicle Parking.*

1. In the A-1 or A-2 District and not in a platted subdivision, recreational vehicles may be parked or stored outside accessory to a residence provided the district's front yard setback is met and any recreational vehicle is parked or stored at least three (3) feet from a side and rear property line.
2. In a platted subdivision, regardless of the zoning classification, or on residentially zoned parcels, no more than two (2) recreational vehicles may be parked or stored outside accessory to a residence. In addition, the following regulations shall apply:
  - a. If parked or stored in a driveway in a front yard, recreational vehicles may be parked no longer than forty (40) days in a calendar year.
  - b. If not parked or stored in a driveway in a front yard, recreational vehicles shall be parked or stored in a side or rear yard behind the building line, and shall be a minimum of three (3) feet from a side or rear property line.
3. Recreational vehicles occupied for dwelling purposes shall be located only in a recreational park, unless the occupant is the owner or tenant of the parcel, or a bona fide guest of the parcel owner or tenant. Unless the recreational vehicle is parked or stored in a recreational vehicle park, the recreational vehicle may be occupied for no more than forty (40) days in a calendar year.

(Ord. of 6-13-19; Ord. of 12-12-19)

Sec. 7.8 - Overnight Accommodations

- 7.8.1 *Purpose.* This section is intended to apply to all overnight accommodations in the County, regardless of whether they are considered a "bed and breakfast establishment," a "hotel," a "motel," a "boarding house," a "rooming house," or any other type of commercial establishment where rooms are rented at a daily rate to the general public.
- 7.8.2 *Length of Stay.* Guests at overnight accommodations shall stay no more than the time limit specified by these regulations for each district.
- 7.8.3 *Number of Rooms.* The number of rooms available for rent shall be regulated as provided in the text of each district.
- 7.8.4 *Food Service.* Overnight accommodations that serve food shall be subject to all requirements of the Peoria City/County Health Department.
- 7.8.5 *Record of Guests.* The operator shall keep a log identifying the name, address, and telephone number of all guests.
- 7.8.6 *Certificate of Occupancy.* Overnight accommodations shall not begin operation until a certificate of occupancy has been obtained from the Zoning Administrator in accordance with the provisions of Section 3.3 ("Certificate of Occupancy").

#### Sec. 7.9 - Mobile Homes

- 7.9.1 *General.* All mobile homes on individually owned parcels of land shall meet the following requirements:
1. The home shall sit on a permanent enclosed foundation that meets State tie-down requirements.
  2. The home shall have all wheels, axles, transporting lights, and towing apparatuses removed, but in such a manner that they may be reattached at some later time;
  3. The home shall conform to the minimum setback requirements, height limit, and other general development standards for the zoning district in which it is located;
  4. The minimum floor area of the mobile home shall be six hundred (600) square feet.
  5. Water and sewage systems shall be approved by the City/County Health Department or the Illinois Department of Public Health.
- 7.9.2 *Mobile Homes Located in "A" Zone of Floodplain.* In addition to the specifications set forth in Section 7.9.1, General, above, the following requirements shall also apply to mobile homes to be placed on sites located in an "A" zone of a floodplain as defined on the Flood Insurance Rate Map of the United States Federal Emergency Management Agency (FEMA) for Peoria County:
1. The lowest floor shall be elevated two (2) feet above the base flood elevation.
  2. Where the home shall be elevated on pilings, all piling foundations shall be placed in stable soil no more than ten (10) feet apart and reinforcements shall be provided for piers more than six (6) feet above ground.
  3. Lots shall be large enough to permit steps to the home and surface drainage shall be adequate on all sides of the structure.
  4. The home shall be placed to prevent flotation, collapse, or lateral movement of the structure due to flooding.
  5. The home shall be anchored according to the following specifications:
    - a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, and mobile homes less than fifty (50) feet long shall require one additional tie per side.
    - b. Frame ties shall be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points, and mobile homes less than fifty (50) feet long shall require four (4) additional ties per side.

- c. All components of the anchoring system shall be capable of carrying four thousand eight hundred (4,800) pounds.
- d. Any additions to the mobile home shall be similarly anchored.

7.9.3 *Mobile Homes Occupied by Retired or Disabled Persons.* In addition to the specifications set forth in Sections 7.9.1, General, and 7.9.2, Mobile Homes Located in "A" Zone of Floodplain, above, a mobile home occupied by retired or disabled persons shall be allowed subject to the following conditions:

1. One mobile home may be located on a lot on which is already located a single-family detached dwelling that is occupied as a permanent residence.
2. Occupancy of the mobile home shall be limited to not more than two (2) persons, one of whom is related by blood, or is the spouse of a person related by blood, to the occupant or the spouse of the occupant of the residence located on the same lot.
3. The occupants of such mobile home shall be unemployed, and one of whom shall be at least sixty-two (62) years of age, or one of whom shall be a disabled person within the standards established by the Social Security Administration, but without regard to whether or not such disabled person is eligible for social security benefits.
4. A special use permit for such mobile home shall extend only to the person or persons named in the permit as occupants of such mobile home. The permit shall expire when the mobile home is vacated by such occupants identified in subsection 7.9.3-2 above. Upon expiration of the permit, the mobile home shall not be occupied by any person not specified in the permit and shall be removed from the premises within ninety (90) days.
5. The mobile home shall be considered an "accessory structure" and shall meet all requirements for accessory structures contained in Section 5.13 ("Accessory Structures and Uses") for setback. All mobile homes shall be located at least ten (10) feet from any dwelling unit.

7.9.4 *Hardships.* The Zoning Administrator may allow, pursuant to the temporary use permit provisions of Section 5.14 ("Temporary Uses"), the use of a mobile home for a property owner, or members of his or her immediate family, for a period not to exceed six (6) months in order to relieve temporary family hardships.

#### Sec. 7.10 - Mobile Home Parks

7.10.1 *General.* The requirements of this section shall apply to mobile home parks wherever they are permitted as a special use under these regulations. In addition, mobile home parks shall comply with regulations established by the Illinois Department of Public Health and the City/County Health Department.

7.10.2 *Application.* The application for a proposed mobile home park which the applicant is required to submit for special use approval under Section 3.5 ("Special Use Permits") shall contain the following:

1. Name and address of applicant and owner;
2. Location map showing nearest highway and intersection of highways;
3. Boundary survey of entire tract of land on which proposed park is to be located;
4. If less than the whole tract is to be used for the park, the proposed use of the remaining land with the boundary of the park shown;
5. The type of fire protection and firefighting facilities, public or private, which are available to the park;
6. An affidavit of the applicant as to the truth of the matters set forth in the application and stating also that the plans submitted are duplicates of those submitted to the Illinois Department of Public Health; and



7. Such other information as may be required by the Zoning Administrator to evaluate the application for the proposed mobile home park.

7.10.3 *Site Plan.* The applicant shall also submit a detailed site plan which shall be drawn at a scale of not less than one inch equals fifty feet (1" = 50') which shows the following:

1. The date on which the site plan was prepared;
2. An arrow indicating north;
3. The location and size of all mobile home sites. Each site shall be properly numbered;
4. The number of total acres, the number of acres for recreation, the number of units, and the number of units per gross acre;
5. An individual mobile home site plan;
6. The width and location of roadways and walkways including ingress and egress locations;
7. Stormwater runoff shown on a separate plot plan and containing complete information regarding the location and size of storm sewers as well as compliance with applicable County stormwater regulations;
8. Contour lines at two-foot intervals of the existing and proposed topography;
9. The location and size of proposed service buildings, including floor plan and elevations and any other structures, including pools, cabanas or other accessory buildings to be located within the park;
10. The proposed method of lighting the park;
11. The proposed landscaping;
12. The location and size of parking areas and extra vehicle storage;
13. The location and size of recreation areas;
14. The location and size of existing and proposed wells or other water supply, and sewage and garbage disposal, including a sewage treatment plant, if required; and
15. The seal of the registered land surveyor or professional engineer who prepared the plans.

7.10.4 *Review and Evaluation.* All applications for mobile home parks shall be approved in accordance with the special use procedures contained in Section 3.5 ("Special Use Permits") of these regulations. In evaluating the proposed mobile home park, in addition to the information contained in the application and the site plan, the Zoning Administrator, ZBA, and County Board shall consider the following:

1. The availability of public water supply and public sanitary sewer;
2. The availability of other community facilities that would service the proposed park, including schools, shopping facilities, employment centers, and police and fire protection;
3. Freedom of the proposed site from objectionable smoke, noxious and toxic fumes, odors, vapors, gases or matter, unusual noise, possibility of subsidence, probability of flooding, erosion or other physical hazards, and probability of insect or rodent infestation;
4. Suitability of the proposed site for a mobile home park in light of environmental conditions such as soil, groundwater level, rock formations, and topography;
5. Conformity with all applicable regulations and standards of these regulations.

7.10.5 *Effect of Approval.*

1. The plan that is approved by the County Board shall be the plan built by the developer. Any changes in the approved plan shall be studied, re-evaluated, and not allowed unless specifically approved by the County Board in accordance with the special use approval procedures used to approve the original plan.

2. The developer shall start construction of the mobile home park within one hundred twenty (120) days of final approval of the park by either the County Board or the appropriate State agencies, or the permit shall be declared null and void. Any extension of this time limit shall be approved by the County Board.
3. The mobile home park shall have at least thirty (30) mobile home spaces available at first occupancy and at least one hundred (100) mobile home spaces available, or the maximum approved units whichever is less, within one year of final approval by the County Board.

7.10.6 *Certificate of Occupancy Required.*

1. A certificate of occupancy shall be obtained at each phase of the development approved by the County Board, in accordance with the provisions of Section 3.3 ("Certificate of Occupancy").
2. In addition, prior to situating any mobile home within the park, a certificate of occupancy shall be obtained for each mobile home unit that is to be located within a mobile home park, in accordance with the provisions of Section 3.3 ("Certificate of Occupancy"). No certificate of occupancy shall be issued unless all of the standards of this section have been met.
3. No other type of nonpermanent shelter or other vehicle designed or used for sleeping purposes, other than an independent mobile home, shall be permitted for occupancy at any time in a mobile home park.

7.10.7 *Minimum Park Site; Maximum Density.*

1. The minimum site for a mobile home park shall be eight (8) acres.
2. The maximum density for a mobile home park shall be eight (8) mobile home spaces per gross acre.

7.10.8 *Area and Width of Individual Mobile Home Spaces.*

1. Spaces reserved for individual mobile home units shall be a minimum of four thousand (4,000) square feet for a single-wide mobile home and five thousand (5,000) square feet for a double-wide mobile home.
2. Spaces reserved for individual mobile home units shall be at least forty (40) feet in width for a single-wide and fifty (50) feet in width for a double-wide.

7.10.9 *Setback, Separation, and Identification Requirements.*

1. Mobile home units shall be set back a minimum of twenty-five (25) feet to a street, except where the zoning district requires a greater setback, and at least fifteen (15) feet from other park boundaries.
2. Mobile homes shall be separated by a minimum distance of ten (10) feet from another mobile home or from an accessory structure, and shall be at least five (5) feet from a side or rear lot line.
3. All spaces for individual mobile homes shall be clearly defined with permanent corner markers. The number assigned a space shall be posted on each space in a conspicuous place.

7.10.10 *Accessory Structures.* No accessory structures shall be permitted at individual mobile home sites unless approved as part of the special use for the mobile home park. However, the park may provide for such structures (e.g., for recreational or storage purposes) at a common area.

7.10.11 *Design and Construction Standards For Streets and Driveways.*

1. Each individual mobile home site shall abut or face on an interior street which shall have access to a public street.
2. All streets within the mobile home park shall have a minimum width of thirty (30) feet and all driveways shall have a minimum width of nine (9) feet.

3. All streets and driveways within the mobile home park shall be constructed so as to meet all specifications set forth in Sections 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval"), and Article 8, Subdivisions.
4. Roadways and central parking areas shall be maintained in a reasonably serviceable condition free from dust.
5. All driveways shall be graded to drain and be free of standing water. Culverts, subdrains and inlets of capacity shall be installed that are adequate to remove stormwater.

7.10.12 *Parking and Walkways.*

1. In addition to the provisions of Section 7.7 ("Parking and Loading Requirements") of these regulations, each mobile home park shall provide one (1) additional automobile parking space for each two (2) mobile home sites located in the mobile home park.
2. Such additional automobile parking spaces shall be located on the individual mobile home site or in conveniently placed parking lots which are not part of any roadway.

7.10.13 *Utilities and Services.*

1. All mobile home parks shall be served by public water and sewer that meets the requirements of applicable agencies, such as the Illinois Department of Public Health, the City/County Health Department, and the Illinois Environmental Protection Agency.
2. Fire extinguishers of a type approved by the local fire department, fire protection district, or state fire marshal shall be placed at each end of each mobile home in a mobile home park. Each fire extinguisher shall be periodically examined and kept in a condition for use at all times.
3. Fire protection, including hydrants, shall be installed and maintained to meet or exceed the minimum design standards of the National Fire Protection Association (NFPA) and/or the International Fire Service Training Association (IFSTA) as may be required by the fire protection district. The Fire Protection District shall inspect the hydrants and other fire protection equipment during their installation.
4. Each mobile home park shall be provided with dusk to dawn lighting of one hundred (100) watt lamps, with lights no more than one hundred (100) feet apart and located no more than fifteen (15) feet above the ground.
5. All electrical service shall be placed underground. Each lot shall be provided with at least one service outlet which is weatherproof and properly grounded. Electrical outlets shall be installed in compliance with all state and local electrical regulations.
6. All other utility lines (including gas, telephone, and television) provided in the mobile home park shall be in compliance with all state regulations and shall be placed underground.

7.10.14 *Recreational Facilities.*

1. All mobile home parks shall have a minimum of eight (8) percent of the total land area set aside as park and recreation land. Recreation areas may include space for community buildings and community use facilities, such as indoor recreation areas, swimming pools, and hobby shops.
2. Recreation areas shall be centrally located and shall provide facilities for both adults and children.
3. Recreation areas shall not include land designated for parking lots and or mobile home sites.

7.10.15 *Fences, Screening and Skirts.*

1. All fences shall comply with the provisions of Section 7.4 ("Fences") of these regulations.
2. All plantings shall meet the specifications set forth in Section 7.6 ("Landscaping and Bufferyards") of these regulations.
3. Skirting shall be constructed of fire resistant material to keep areas under each mobile home from the public view and to prevent the passage of rodents while offering adequate ventilation. Skirting

shall reach from the bottom edge of the mobile home to the ground directly below and shall completely surround the mobile home.

4. Skirting shall be placed around each mobile home by its owner within sixty (60) days from the date upon which the mobile home is placed upon the site.

7.10.16 *Mobile Home Parks to be Located in an "A" Zone of the Floodplain.* All mobile home parks to be located in an "A" zone of a floodplain shall file with the appropriate disaster preparedness authorities an evacuation plan indicating vehicular access and escape routes, including mobile home hauler routes, and shall comply with all pertinent floodplain regulations that affect individual mobile homes.

(Res. of 7-12-12)

#### Sec. 7.11 - Recreational Vehicle Parks

7.11.1 *General.* The requirements of this section shall apply to recreational vehicle parks wherever they are permitted as a special use under these regulations. Special use approval shall be obtained pursuant to the provisions of Section 3.5 ("Special Use Permits") of these regulations.

##### 7.11.2 *Site Plan.*

1. The applicant shall submit a site plan of the recreational vehicle park, not less than one inch equals fifty feet (1" = 50'), which shows:
  - a. Existing drainage pattern and topography;
  - b. Location of existing and proposed wells and sewage disposal systems;
  - c. Location of individual recreation vehicle sites and utility hookups, such as water, electricity, and sewage;
  - d. Location of park facilities (i.e., office, pool, playground area, etc.); and
  - e. Traffic pattern, including ingress and egress locations.
2. The developer shall be held to the final form of the site plan, as approved.

7.11.3 *Area of Individual Site.* Each recreational vehicle site shall be two thousand five hundred (2,500) square feet or more in area, unless passenger vehicles are to be parked in a separate, common off-street parking area. In that case, the area for the individual recreational vehicle site may be reduced by three hundred (300) square feet.

7.11.4 *Density.* Overall density of the park shall be ten (10) recreational vehicle spaces per acre, or less.

##### 7.11.5 *Setbacks and Separation Requirements.*

1. Each recreational vehicle space and facility shall be separated by at least ten (10) feet from the nearest adjacent recreational vehicle space or facility. For perimeter setbacks, where applicable, each recreational vehicle space and facility shall also comply with the setback requirements of the district in which it is located.
2. No recreational vehicle shall be located closer than ten (10) feet to any interior drive, or adjacent recreational vehicle or building.

7.11.6 *Buffer Strips.* Where a recreational vehicle park abuts or adjoins any other district, in addition to the bufferyard provisions set forth in Section 7.6 ("Landscaping and Bufferyards"), a buffer strip not less than twenty (20) feet shall be provided and shall:

1. Be located on the side of such lot abutting any other district;
2. Be parallel to the lot line of such lot facing any other district;

3. Be provided with a screen planting at least six (6) feet in height, except where such buffer strip parallels the front lot line of the recreational vehicle park, in which case such screen planting shall not be required; and
  4. Not be used for parking.
- 7.11.7 *Accessory Structures.* No accessory structures shall be permitted at individual recreational vehicle sites. However, the park may provide for such structures (e.g., for recreational or storage purposes) at a common area.
- 7.11.8 *Water and Sewage Systems.* Water and sewage systems for a recreational vehicle park shall require approval by the applicable agency.
- 7.11.9 *Permanent Residence.* A recreational vehicle park shall be reserved for patrons who have a permanent place of residence outside of the park.

#### Sec. 7.12 - Mineral Extraction Facilities

- 7.12.1 *General.* The requirements of this section shall apply to mineral extraction facilities wherever they are permitted as a special use under these regulations.
- 7.12.2 *Application.* The application for mineral extraction facilities which the applicant is required to submit for special use approval under Section 3.5 ("Special Use Permits") shall contain the following plans and permits. Each plan shall be drawn to scale not less than one inch equals fifty feet (1" = 50') (or one inch equals one hundred feet (1" = 100') if the site is over fifty (50) acres) and shall show north point, date, graphic scale, and section lines.
1. Predevelopment plan, including the following information:
    - a. Name and address of all owners of the site proposed for development.
    - b. A written legal description of the site proposed for development.
    - c. A map showing:
      1. The location of all property lines, existing roads, easements, utilities, and other significant features;
      2. The existing conditions on the tract, including contour lines (at least five-foot intervals), watercourses, existing drainage facilities, and wooded areas;
      3. The existing buildings and structures with an indication of those which will be retained as part of the development; and
      4. The existing land uses of adjacent tracts.
  2. Site plan of operations, demonstrating the following:
    - a. Excavation lines in relation to property lines.
    - b. Ingress and egress during operation.
    - c. Proposed buffer strips and plantings.
    - d. Stockpiles of mineral material and overburden.
  3. Where overburden will exceed ten (10) feet in depth or where the operation will affect more than ten (10) acres during a permit year, an operating permit, including any conservation and reclamation plan and requisite bonding, shall be secured as required by the IEPA or the Illinois Department of Mines and Minerals (DoMM), in accordance with the provisions of the Surface-Mined Land Conservation and Reclamation Act, 225 ILCS 715/1, et seq.
  4. Where overburden will not exceed ten (10) feet in depth and where the operation will not affect more than ten (10) acres during a permit year, a reclamation plan shall be submitted to the County, along with bonding for the cost of reclamation.

7.12.3 *Record of Inspection.* Mines shall be inspected by the Illinois Department of Mines and Minerals (DoMM) at least every three (3) months pursuant to 225 ILCS 710/9.01. The operator of the mine shall send a copy of such record of inspection to the Zoning Administrator.

7.12.4 *Restrictions.*

1. No mineral extraction operation shall be carried out within one thousand (1,000) linear feet of any existing dwelling or within three hundred (300) feet of any existing structure (other than a dwelling), other than those owned by the applicant for the permit, unless written permission is first obtained from the owner of such dwelling unit or structure.
2. The stockpiling of overburden shall be permitted within the buffer strips permitted under subsection 7.12.4-1 above. However, a perimeter setback of one hundred (100) feet shall be maintained free of equipment, stockpiles, and overburden.

7.12.5 *Structures.* All excavations and stockpiles shall be treated as structures for purposes of these regulations with regard to setback from property lines.

7.12.6 *Vehicle Requirements.*

1. Trucks entering and leaving a mineral extraction site shall meet the weight requirements of affected roads.
2. In the event that haulage roads relating to the mineral extraction facility intersect with collector, county, state, or other public roadways, the operator shall be responsible for obtaining a permit from the regulating agency of that particular road and for such other safe traffic control as the County Board may require.

7.12.7 *Fencing.* In addition to the applicable provisions of Section 7.4 ("Fences") of these regulations, protective fencing shall be required where a mineral extraction facility is adjacent to a residential area.

7.12.8 *Hours of Operation.* Mineral extraction facilities shall only operate between the hours of 7:00 am to 8:00 p.m., unless further restricted by the County Board.

## Sec. 7.13 - Erosion, Sediment, and Stormwater Control

7.13.1 *Applicability of Article.* This article shall apply to:

1. All projects within the boundaries and jurisdiction of the County. No land surface shall be disturbed unless an erosion and sediment control permit, or an erosion, sediment and stormwater control permit has first been issued for that project, except as follows:
  - a. Land disturbing activities which do not involve the construction of any new single-family or two-family dwellings and for which the disturbed area is less than five thousand (5,000) square feet;
  - b. Normal agricultural practices; or
  - c. Routine maintenance of roads, access ways and utility service lines.

The Erosion Control Administrator reserves the right to require any non-agricultural, construction development activity, regardless of disturbed area or type of activity, to comply with this article if it is determined to be the cause of or a contributor to an existing or potential erosion, sediment, or stormwater impact.

2. Any land within the boundaries and jurisdiction of the County on which there is located a permanent stormwater control measure, which was installed pursuant to this ordinance.

7.13.2 *Standards for Design and Maintenance of Control Measures for Soil Erosion, Sediment and Stormwater.*

1. *Erosion and Sediment Control Measures.* All control measures required under this ordinance shall conform to the design criteria, standards, and specifications provided in the applicable standards now in effect or as hereafter amended. All control measures installed shall be sufficient to prevent

sediment from leaving the permit site during a five-year frequency storm event. Measures shall be taken to prevent sediment from leaving the site. When sediment does leave the site, the owner, developer or contractor shall remove the sediment within four (4) hours or by no later than the end of the workday. For example, installing a rock construction drive, or cleaning tires could be used to minimize tracking of sediment onto public roads.

2. *Permanent Stormwater Control Measures.* All stormwater controls shall be designed so that the peak discharge rate from the permitted area resulting from the two-year and twenty-five-year frequency storm events for the postproject condition do not exceed the corresponding storm event peak discharges for the preproject condition. Evaluation of submitted plans shall be based on the Stormwater Design Analysis Standards in Appendix D.
3. *Regional Stormwater Control Systems.* To allow for the beneficial development and maintenance of regional stormwater management systems, where they are available and they are appropriate, an applicant may submit a design dependent on such a system. The applicant shall submit documentation of the approval for the use of the regional stormwater management facility from the governmental agency having jurisdiction over it. The applicant shall submit evidence showing that there will be no adverse flooding impact to any receiving stream between the point of discharge and the regional stormwater facility. If the applicant is approved to use the regional stormwater management system, the applicant may request exemption from the requirements in this section for permanent on site stormwater controls from the Erosion Control Administrator. Such exemption shall not apply to any temporary stormwater control measures required by this article.

#### 7.13.3 *Maintenance of Control Measures.*

1. *Erosion, Sediment, and Temporary Stormwater Control Measures.* On-site sediment control measures shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

Sediment control measures and temporary stormwater control measures are to be maintained so they are operating effectively until permanent ground surface protection and permanent stormwater control measures are established in a manner specified in the applicable permit issued pursuant to this article.

Fully functioning temporary sediment control measures (including, but not limited to, perimeter sediment controls) shall remain in place until the ground is stabilized with permanent ground cover. The intent of the article is to keep the sites protected at all times until the ground is permanently stabilized. In cases where it is not practical to leave the temporary sediment control measures in place prior to establishing permanent ground cover (for example, when control measures need to be removed in order to grade the area or install pavement or sod), an exception will be made only if one of the conditions listed below will be met. In no way does adhering to one of the conditions below relieve the owner of responsibility to clean-up or repair any damages caused from sediment or stormwater run-off leaving the site.

- a. Permanent ground cover shall be established with pavement, aggregate or sod within three (3) days of the removal of sediment barriers.
  - b. Permanent vegetation shall be established by seeding with anchored mulch within three (3) days of removal of sediment barriers during the spring or fall seeding periods. However, on project areas with slopes not exceeding five (5) percent, permanent vegetation shall be established by seeding within three (3) days of the removal of sediment barriers during the spring or fall seeding periods. Summer seeding is acceptable on project areas which shall be watered. This does not apply to concentrated flow areas.
2. *Additional Control Measures.* The Erosion Control Administrator may require additional control measures pursuant to the Standards if determined as necessary after site inspection and prior to issuing the permit.

#### Sec. 7.14 - Floodplain Regulations

7.14.1 *Purpose.* This section is enacted pursuant to the police powers granted to the county by 55 ILCS 5/5-1063. This section is adopted in order to accomplish the following specific purposes:

1. To assure that new development does not increase the flood or drainage hazards to others, or create unstable conditions susceptible to erosion;
2. To minimize potential losses due to periodic flooding;
3. To protect new buildings and major improvements to building from flood damage;
4. To protect human life and health from the hazards of flooding;
5. To lessen the burden of the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and flood rescue and relief operations;
6. To make federally subsidized flood insurance available for property in the county by fulfilling the requirements of the National Flood Insurance Program (NFIP);
7. To comply with the rules and regulations of the National Flood Insurance Program (NFIP) codified as 44 CFR 59-79, as amended;
8. To protect, conserve, and promote the orderly development of land and water resources;
9. To preserve the natural hydrological and hydraulic functions of watercourses and floodplains and to protect water quality and aquatic habitats; and
10. To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

7.14.2 *How to Use This Section.*

1. The Zoning Administrator shall be responsible for fulfilling all of the duties listed in Section 7.14.3, Duties of the Enforcement Official.
2. To fulfill those duties, the Zoning Administrator first should use the criteria listed in Section 7.14.4, Base Flood Elevations, to determine whether the development site is located within a floodplain. Once it has been determined that a site is located within a floodplain, the Zoning Administrator must determine whether the development site is within a flood fringe or a regulatory floodway. If the site is within a flood fringe the Zoning Administrator shall require that the minimum requirements of Section 7.14.5, Occupation and Use of Flood Fringe Areas, be met. If the site is within a floodway, the Zoning Administrator shall require adherence to Section 7.14.6, Regulatory Floodway.
3. In addition, the general requirements of Section 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas, shall be met for all developments meeting the requirements of Section 7.14.5, Occupation and Use of Flood Fringe Areas. The Zoning Administrator shall assure that all subdivision proposals shall meet the requirements of Sections 7.14.6, Regulatory Floodway, and 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas.
4. Variances granted by the Zoning Board of Appeals shall comply with the requirements of Section 7.14.10, Variances. The Zoning Board of Appeals shall complete all notification requirements as set forth in subsections 7.14.10-12 and 7.14.10-14.
5. In order to assure that property owners obtain permits as required in this chapter, the Zoning Administrator may take any and all actions as outlined in Section 10.4, ("Penalties and Costs").

7.14.3 *Duties of the Enforcement Official.* The Zoning Administrator shall be responsible for the general administration and enforcement of this chapter that shall include the following:

1. *Determining Floodplain Designation.* Check all new development sites to determine whether they are in a Special Flood Hazard Area (SFHA). If they are in a SFHA, determine whether they are in a floodway, or a flood fringe. Enforce requirements of Sections 7.14.5, Occupation and Use of



Flood Fringe Areas, 7.14.6, Regulatory Floodway, and 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas, on all development in the floodplain.

2. *Dam Safety Requirements.* Ensure that a IDNR/OWR dam safety permit has been issued or a letter indicating no dam safety permit is required, if the proposed development activity includes construction of a dam as defined in Article 11, Definitions. Regulated dams may include weirs, restrictive culverts, or impoundment structures.
  3. *Other Permit Requirements.* Ensure that any and all required federal, state and local permits are received prior to the issuance of a floodplain development permit.
  4. *Plans Reviews and Permit Issuance.* Ensure that any and all development activities within SFHAs located within the jurisdiction of the county meet the requirements of this chapter and issue a floodplain development permit in accordance with the provisions of both this chapter and other regulations of this community when the development meets the conditions of this chapter.
  5. *Inspection Review.* Inspect all development projects before, during and after construction to assure proper elevation of structures and to ensure compliance with the provisions of this chapter.
  6. *Elevation and Floodproofing Certificates.* Maintain for public inspection and furnish upon request base flood data, SFHA and regulatory floodway maps, copies of federal and state permit documents, documentation of variances, conditional letters of map revision, letters of map revision, letters of map amendment, "as built" elevation and floodproofing documentation, and elevation and floodproofing certificates for all buildings constructed subject to this chapter.
  7. *Cooperation with Other Agencies.* Cooperate with state and federal floodplain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this chapter. Submit data to IDNR/OWR and the Federal Emergency Management Agency for proposed revisions of a regulatory map. Submit reports as required for the National Flood Insurance Program. Notify the Federal Emergency Management Agency of any proposed amendments to this chapter.
  8. *Promulgate Regulations.* Promulgate rules and regulations as necessary to administer and enforce the provisions of this chapter, subject however to the review and approval of IDNR/OWR and FEMA for any chapter changes.
- 7.14.4 *Base Flood Elevations.* The protection standard of this chapter is based on the Flood Insurance Study (FIS) and amendments thereto of the county dated December 1, 1982, as amended, prepared under the direction of the Federal Emergency Management Agency (FEMA), Federal Insurance Administration (FIA), and is hereby adopted for the purpose of this chapter and is on file in the office of the Zoning Administrator. The flood insurance study includes the Flood Insurance Rate Maps (FIRM) dated June 1, 1983, as amended, which delineate the SFHA as areas that are susceptible to the base flood, and the Flood Boundary and Floodway Maps (FHBM) dated June 1, 1983, as amended, which delineate the regulatory floodway. The flood insurance study data shall take precedence over other base flood elevation data for the purpose of this chapter.
1. The base flood elevation at any particular location shall be as delineated on the base flood profile in the flood insurance study; provided, that for any proposed subdivision or new development greater than fifty (50) lots or five (5) acres, whichever is the lesser, the applicant shall provide the base flood elevation data for each lot or platted parcel located in an SFHA. Base flood data received from the Federal Insurance Administration shall take precedence over data from other sources.
  2. If a disagreement arises concerning the best available flood data, the applicant may engage a registered professional engineer to conduct a detailed engineering study and submit to IDNR/OWR and FEMA for their review and determination.
  3. A development permit for a site located in a floodway (or in a riverine SFHA where no floodway has been identified) shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR), issued pursuant to 615 ILCS 5/5 et seq.

4. Letter of Map Revision (LOMR). To affect a map change to the county floodway and floodplain maps, a LOMR for a SFHA property to be protected by a proposed levee must be obtained from FEMA subject to the following criteria:
  - a. The applicant shall submit the following to the Zoning Administrator who shall in turn submit this information to FEMA and IDNR/OWR:
    1. Site plan of area proposed for levee protection and an overlay of corresponding flood boundary lines.
    2. Elevations of site and proposed levee.
    3. Design plans for proposed levee, gates and closures.
    4. Detailed report listing proposed levee material to be utilized; width, length and height above grade; internal drainage facilities, gates, and closures.
    5. Proposed maintenance and inspection schedule.
  - b. The applicant shall submit to the Zoning Administrator written proof that the proposed levee has been reviewed and approved by the applicable federal and state agencies.
  - c. No building permits shall be issued until said maps are amended by FEMA, approved by IDNR/OWR and received by the county Zoning Administrator excluding the proposed building site from the floodway or base flood level boundaries, unless said proposal is in accordance with all other pertinent parts of this chapter.
  - d. If said site is excluded by official map change from the floodway boundaries but not the base flood level boundaries, or if the official map change is not approved by either FEMA or IDNR/OWR, all other pertinent parts of this chapter shall apply to development on the proposed building site.

7.14.5 *Occupation and Use of Flood Fringe Areas.* Development in the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation of structures and if other provisions of this chapter are met. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this section, along with the requirements of Section 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas.

1. *Development Permit.*

- a. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the flood fringe without first obtaining a development permit from the Zoning Administrator.
- b. Application for a floodplain development permit shall be made on a form provided by the Zoning Administrator, accompanied by the floodplain development review fee. The application shall also be accompanied by drawings of the site, drawn to scale, showing property line dimensions; existing grade elevations based on NGVD; all changes in grade resulting from excavation or filling; and the location and dimensions of all buildings and additions to buildings. For all proposed buildings, the elevation of the lowest floor (including basement, cellar or crawl space) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Sections 7.14.6, Regulatory Floodway, and/or 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas, of this chapter.
- c. Upon receipt of a floodplain development permit application, the Zoning Administrator shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the site's first Flood Insurance Rate Map (FIRM) identification is not in the SFHA, and therefore, not subject to the requirements of this chapter. The Zoning Administrator shall maintain documentation of the existing ground elevation at the

development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map (FIRM) identification.

- d. A non-conversion agreement shall be required for all residential development, including new construction, elevation projects, substantial improvements, and substantially damaged structures. The non-conversion agreement shall contain at a minimum the owner's signature, signed in the presence of a notary, the address of the property, a legal description of the property, the base flood elevation and flood protection elevation at the site, and contain specific language which prohibits the lowest floor to be finished or converted to a habitable space unless the enclosed area is in conformance with the provisions of this Section 7.14 ("Floodplain Regulations"), in effect at the time of conversion. The executed non-conversion agreement shall be recorded with the Peoria County Recorder of Deeds, at the developer's expense, prior to the issuance of any development permits.
- e. The Zoning Administrator shall be responsible for obtaining from the applicant, copies of all other local, state and federal permits, approvals or permit-not-required letters that may be required for this type of activity. The Zoning Administrator shall not issue a permit unless all other applicable local, State and Federal permits have been obtained.
- f. A floodplain development permit shall only be issued after the Zoning Administrator determines that the proposed development is in compliance with all requirements of these regulations, and the floodplain development permit fee has been paid by the applicant.

2. *Preventing Increased Damages.* No development or fill in the Special Flood Hazard Area shall create a threat to public health and safety. Construction practices and methods shall minimize flood damages to other properties.

3. *Fees.* Shall follow fee schedule set forth in Appendix A.

#### 7.14.6 *Regulatory Floodway.*

1. There shall be no development in the designated regulatory floodway unless a variance is approved pursuant to Section 7.14.10, Variances. If a variance is approved, then the development shall also comply with Sections 7.14.5, Occupation and Use of Flood Fringe Areas, and 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas, of this chapter, and the term "floodplain" shall then be read as the "designated regulatory floodway" in those sections.
2. Nonconforming structures located in a regulatory floodway may remain in use.

#### 7.14.7 *Permitting Requirements Applicable to Flood Fringe Areas.* In addition to the requirements found in Section 7.14.5, Occupation and Use of Flood Fringe Areas, the following requirements for all new construction and substantial improvements to structures located in an SFHA shall be met:

1. *Public Health Standards.* No developments in the floodplain shall include locating or storing chemicals, explosives, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation.
2. *Protecting Buildings.* All buildings located within a floodplain shall be protected from flood damage below the flood protection elevation. Building protection criteria apply to the following situations:
  - a. Construction or placement of a new building;
  - b. A substantial improvement to an existing building;
  - c. Installing a manufactured home on a new site or a new manufactured home on an existing site. This building protection requirement does not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
  - d. Installing a travel trailer on a site for more than one hundred eighty (180) days.
3. *Building Protection Requirements* shall be met by one of the following methods:
  - a. A residential or nonresidential building may be elevated in accordance with the following:

1. The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to floodwaters and not be subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood. Designs for meeting this requirement shall either be certified by a registered professional engineer or a registered professional architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
  2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.
  3. All areas below the flood protection elevation shall be constructed of materials resistant to flood damage. The lowest floor (including basement, cellar or crawl space) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection elevation, provided that plans certified by a registered professional engineer or a registered professional architect shall stipulate that the service facilities located below FPE will be floodproofed. After the building has been built, a registered professional engineer or a registered professional architect shall certify in writing that the total floodproofing of the service facilities located below the FPE has occurred before a certificate of occupancy can be issued.
  4. The areas below the flood protection elevation are usable solely for parking of vehicles. Areas below the BFE shall not be used for the storage of any other goods.
  5. Manufactured homes and travel trailers to be installed on a site for more than one hundred eighty (180) days, shall be elevated to or above the flood protection elevation; and, shall be anchored to resist floatation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870.
- b. Only a nonresidential building may be structurally dry floodproofed (in lieu of elevation), provided that plans certified by a registered professional engineer or a registered professional architect shall indicate that the building will be structurally dry floodproofed below the flood protection elevation, and that the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice. Dry floodproofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection). After the building has been built, a registered professional engineer or a registered professional architect shall certify in writing that the structure has been dry floodproofed below the FPE before a certificate of occupancy shall be issued for the structure.
- c. The existing lawful use of a structure that is not in conformity with the provisions of this chapter may continue subject to the following conditions:
1. As requests are received for modifications or additions to nonconforming structures, a record shall be kept which lists the nonconforming structures, their present market value, and the cost of those additions or modifications that have been permitted.

2. A nonconforming structure sustaining damage of any origin may be restored unless the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred, in which case it shall conform to this chapter.
  - a. No modification or addition to any nonconforming structure which cumulatively over the life of the structure would exceed fifty (50) percent of its present market value shall be allowed unless the entire structure is permanently changed to a conforming structure in compliance with this chapter. For purposes of this subsection, "present value" shall mean the market value of the nonconforming structure on July 11, 2000, which was the day that this subsection 7.14.7-3.c.2 became effective.
- d. Tool sheds and detached garages on an existing single-family platted lot may be constructed with the lowest floor below the flood protection elevation in accordance with the following:
  1. The building is not used for human habitation;
  2. All sheds and garages located below the Flood Protection Elevation (FPE) shall be constructed of water-damage-resistant materials up to the FPE. In addition, all requirements of Section 7.14.5, Occupation and Use of Flood Fringe Areas, must be met;
  3. The structure shall be anchored to prevent floatation;
  4. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to the flood protection elevation. A registered professional engineer or a registered professional architect shall inspect the applicable building permit plans and certify that the service facilities are floodproofed;
  5. The building shall be less than or equal to seven hundred fifty (750) square feet in floor size;
  6. The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses; and
  7. A minimum of two (2) openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

7.14.8 *Certificate of Occupancy.* The following requirements shall apply to all new principal structures. For purposes of this chapter, "new principal structure" shall mean any principal structure for which the development permit is issued or for which the first placement of permanent construction, whichever event occurs first, commences after the effective date of this section.

1. No principal structure shall be occupied or used until a certificate of occupancy is issued by the Zoning Administrator after a determination that the structure has been constructed in compliance with the applicable regulations in this chapter. A temporary certificate of occupancy may be issued in accordance with the provisions of this section.
2. Temporary Certificate of Occupancy. The Zoning Administrator may issue a temporary certificate of occupancy for a principal structure, or part thereof, prior to the completion of the entire principal structure.
3. The temporary certificate of occupancy so issued by the Zoning Administrator shall state the nature of the incomplete work and the time period within which the work must be completed, provided that:

- a. The applicant for such a temporary certificate of occupancy demonstrates that the construction which remains to be completed relates solely to conditions of the development which are not directly related to the safety of the premises; and
  - b. The applicant demonstrates that such completion is impractical at the time the temporary certificate of occupancy is sought due to weather or other conditions acceptable to the Zoning Administrator.
4. **Time Frame for Temporary Certificate.** A temporary certificate of occupancy shall be issued for a period of sixty (60) days, at which time the Zoning Administrator shall conduct an inspection of the principal structure to determine completeness and/ or the need for an extension of the temporary certificate of occupancy.

#### 7.14.9 *Other Development Requirements.*

1. The County Board and the plat officer shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development.
2. New subdivisions, manufactured home parks, and Planned Unit Developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 7.14.4, Base Flood Elevations, through 7.14.7, Permitting Requirement Applicable to Flood Fringe Areas, of this chapter and the need to minimize flood damage. Plats or plans for new subdivisions, manufactured home parks and Planned Unit Developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plans account for changes in the drainage or surface waters in accordance with the Plat Act (765 ILCS 205/2).
3. Proposals for new subdivisions, manufactured home parks, travel trailer parks, Planned Unit Developments (PUDs) and additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineation.
4. Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds.

#### 7.14.10 *Variances.*

1. Whenever in a specified case, after an application for a permit has been made to the Zoning Administrator and the same has been denied and an appeal is made to the Zoning Board of Appeals, alleging that because of certain exceptional conditions peculiar to the applicant's property, the strict application of the regulations of this chapter would result in practical difficulties or particular hardship in carrying out the strict letter of any regulation relating to the construction, alteration or location of buildings or structures in a floodplain; the Zoning Board of Appeals shall have the power to determine and vary their application in harmony with the general purpose and intent of this chapter.
2. A variation under this section shall be permitted only if the Zoning Board of Appeals finds that it is in harmony with the general purpose and intent of this chapter and the National Flood Insurance Act of 1968, as amended, and that there are practical difficulties or particular hardships that would result from carrying out the strict letter of the provisions of this section.
3. An application for a variance shall be required to seek all necessary federal, state and other permits from applicable regulatory agencies.
4. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
5. No variance shall be granted unless the applicant demonstrates that:
  - a. The development activity cannot be located outside the SFHA;
  - b. There will be no additional threat to public health, safety, beneficial stream uses and functions, (especially aquatic habitat), or creation of a nuisance;

- c. There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to stream bed and banks, roads, utilities, or other public facilities;
  - d. The applicant's circumstances are unique and do not represent a general problem;
  - e. The granting of the variance will not alter the essential character of the area involved including existing stream uses;
  - f. Special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other lands or structures under the same circumstances;
  - g. The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this chapter;
  - h. The special conditions and circumstances do not result from the actions of the applicant;
  - i. The granting of the variance requested will not confer on the applicant any special privilege that is denied by the chapter to other lands or structures under the same circumstances;
  - j. The reasons set forth in the application justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the property; and
  - k. The values or character of property within the surrounding area will not be diminished or impaired thereby, nor the nearby property adversely affected.
6. Issuance of a variance may be made subject to such conditions as are necessary to carry out the purposes of this chapter.
  7. Public hearing and notice. The variance petition shall be given a public hearing before the Zoning Board of Appeals as for any other petition for variance under Section 3.7 ("Variances") of the Unified Development Ordinance.
  8. The concurring vote of five (5) members of the Zoning Board of Appeals shall be necessary to affect any variation in this chapter.
  9. The Zoning Administrator or his delegate shall be the technical consultant to the Zoning Board of Appeals in person at variance hearings. When necessary, the Zoning Administrator and/or Zoning Board of Appeals shall seek professional advice from qualified engineers or technical experts. An additional fee may be charged to the variance petitioner. The expert's fee shall be paid in full by the applicant within ten (10) days after the county submits a bill to the petitioner. Failure to pay the bill shall constitute a violation of this chapter and shall be grounds for the issuance of a stop work order. An expert shall not be hired by the county at the expense of the applicant until the applicant has either consented to such hiring or been given an opportunity to be heard on the subject.
  10. The Zoning Administrator's or his delegate's reports and recommendations shall be included in the minutes made a part of the record of the Zoning Board of Appeals.
  11. Findings of fact. The action of the Zoning Board of Appeals in granting or denying a variation shall contain or be accompanied by a finding of fact specifying the reason for the decision.
  12. The chairman of the Zoning Board of Appeals shall require applicants to record all approved variances as a supplement to their deed of record. The petitioner shall pay the recording fee.
  13. The chairman of the Zoning Board of Appeals shall submit in writing to the Zoning Administrator who shall subsequently forward the following to the FEMA regional natural and technological hazard chief:
    - a. Description of variance (location, name and flood level).
    - b. The decision of the Zoning Board of Appeals and their finding of fact relevant to the case.

14. Upon approval of a variance, the Zoning Board of Appeals shall notify the applicant in writing over the signature of the chairman of the Zoning Board of Appeals that:
    - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage.
    - b. Such construction below the base flood level increases risks to life and property.
    - c. Such notification shall be maintained with a record of all variance actions.
  15. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.
  16. Fees. The filing fee charged to the petitioner and collected by the county for a variation from these standards shall be in accordance with the fees as set forth for in Appendix A. The total amount is due at the time of filing said application. Publication costs shall be billed to the petitioner upon receipt of bill from the publishing newspaper by the county. All publication fees shall be paid in-full prior to final disposition of the application by the Zoning Board of Appeals.
- 7.14.11 *Appeals.*
1. Any person aggrieved, or any officer, department, board or bureau of the county may appeal to the Zoning Board of Appeals to review any order, requirement, decision or determination made by the Zoning Administrator in regards to Section 7.14 ("Floodplain Regulations").
  2. Such appeal shall be made within thirty-five (35) days from the date of the action appealed from, by filing with the zoning administration and the Zoning Board of Appeals a notice of appeals specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.
  3. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court or record on application, on notice to the Zoning Administrator and on due cause shown.
  4. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any part may appear in person, by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all the powers of the Zoning Administrator. The concurring vote of five (5) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination made by the Zoning Administrator.
  5. The filing fee charged to the appellant and collected by the county for an appeal from a determination made by the Zoning Administrator shall be in accordance with the fees set forth in Appendix A. The total amount is due at the time of filing said application. Publication costs shall be billed to the appellant upon receipt of bill from the publishing newspaper by the county. All publication fees shall be paid in-full prior to final disposition of the application by the Zoning Board of Appeals.
  6. Appeals shall be made in conformity with the provisions of the Administrative Review Act of the state. The party making the appeal shall pay the costs of preparing the record on appeal. Copies of any orders or proceedings ordered by the appellant shall be furnished to him at his own cost.



7.14.12 *Disclaimer of Liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural cause. This chapter does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage. This chapter does not create liability on the part of the county or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder. (Ord. of 8-13-91, 1300)

7.14.13 *Notice of Violation.*

1. It shall be the duty of the Zoning Administrator to enforce the provisions of this chapter and to notify the owner or person in control of any private property of any violation of this chapter.
2. Service of such notice shall be made by means of personal service of a copy of the notice or by certified or registered mail of a copy of the notice which is addressed to the residence or usual place of business of the owner or person in control of the private property.
3. Such notice shall fairly apprise the owner or person in control of the nature of the violation, his duty to abate the violation and the penalty for failure to abate the violation.

7.14.14 *Abrogation and Greater Restrictions.* This chapter is not intended to repeal, abrogate or impair any existing easement covenants, deed restrictions. Where this chapter and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. This chapter is intended to repeal the original ordinance or resolution which was adopted to meet the national flood insurance program regulations, but is not intended to repeal the resolution which the county passed in order to establish initial eligibility for the program.

(Res. of 7-12-12)

#### Sec. 7.15 - Swimming Pools

7.15.1 *General Provisions.* The purpose of this chapter is to prescribe rules and regulations controlling the construction, maintenance and operation of private swimming pools in the unincorporated areas of the county to protect the public health, safety and welfare from the dangers which are often associated with a private swimming pool. It shall be the duty of the owner of a private swimming pool to comply with the provisions set forth in this private swimming pool chapter as such provisions now exist or may hereinafter be amended.

7.15.2 *Location and Setbacks.*

1. The owner of the proposed private swimming pool or his representative or agent shall install the same in conformance with the applicable requirements set forth in this chapter as well as setbacks from appurtenances, lot lines, buildings, walks, fences, and electrical service lines established herein. If a conflict arises between the requirements of this section and another section of the Peoria County Code, the most restrictive requirements shall apply.
2. The location of the pool shall adhere to the following minimum setbacks:
  - a. Five (5) feet from walls, landscaping elements or structures, trees and other appurtenances;
  - b. Ten (10) feet linear and eighteen (18) feet diagonally from electric services lines (it is recommended that such service lines be placed underground to provide additional safety);
  - c. Ten (10) feet from principle or accessory structures, excluding decks;
  - d. Property and building line setbacks as stipulated in Article 6, Bulk Regulations, Density and Dimensional Standards.

7.15.3 *Fees.* The applicant for permit required by subsection 3.11.1-1 or by Section 7.15.5, Variances, of this chapter shall accompany the permit application with payment of the applicable fees set forth in Appendix A.

#### 7.15.4 Fences.

1. It shall be the duty of the owner of a private swimming pool to either:
  - a. Install a fence not less than five (5) feet in height which shall completely surround the swimming pool except for those portions of the enclosure where there is a building that would serve as a five-foot barrier; or
  - b. Install a barrier which may include the sides of the pool structure of aboveground pools, not less than five (5) feet in height which shall completely surround the swimming pool except for those portions of the enclosure where there is a building that would serve as a five-foot barrier.
2. The following requirements shall apply to all private swimming pool owners:
  - a. Each fence shall be equipped with a gate with self-closing and self-latching devices placed at the top of the gate. Such self-closing and self-latching devices shall be installed at such a height so as to be inaccessible to small children, but in no case shall such device be installed at a height lower than forty-eight (48) inches as measured from grade.
  - b. All pool fence gates shall be closed and locked when the pool is not in use.
  - c. There shall be no fixed objects, tree limbs, etc., within five (5) feet adjacent or extending over the fence that may be used to climb over the fence top, unless such limbs or other objects are five (5) feet above the top of the fence and which are not closer to grade than ten (10) feet, as measured vertically from grade.
  - d. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches.
  - e. Openings in the barrier shall not allow passage of a four-inch diameter sphere.
  - f. 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.
  - g. Where barriers are composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and seven-eighths ( $1 \frac{7}{8}$ ) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters ( $1 \frac{3}{4}$ ) inches in width.
  - h. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five (45) inches or more, spacing between vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters ( $1 \frac{3}{4}$ ) inches in width.
  - i. Where a chain-link fence is provided, the opening between the links shall not exceed two and three-eighths ( $2 \frac{3}{8}$ ) inches.
  - j. 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-quarters ( $1 \frac{3}{4}$ ) inches.
  - k. All fencing shall comply with setback requirements as established in Section 7.4 ("Fences").
3. Once construction of the pool is complete it shall be the responsibility of the property owner or tenant in control to ensure that a temporary barrier be placed around the pool until all permit requirements have been met and approved by the zoning department, and such temporary barrier shall adhere to the following minimum standards:
  - a. Four (4) feet in height, as measured vertically from grade;

- b. Supporting poles or members shall be placed at intervals which maintain the barrier in a vertically upright position, however such poles or supporting members shall not be placed less than every ten (10) feet.

7.15.5 *Variances.*

1. Whenever in a specified case the strict application of the regulations of this chapter would result in practical difficulties or particular hardship in carrying out the strict letter of such regulations, the Zoning Board of Appeals shall have the power to vary their application in harmony with their general purpose and intent.
2. The petitioner for variance shall apply for the variance in the same manner as for variances under Section 3.7 ("Variances") et seq. of this chapter.
3. The petition shall be given a public hearing before the Zoning Board of Appeals as for any other petition for variance under Section 2.2 ("Zoning Board of Appeals") of this chapter.

7.15.6 *Existing Pools.*

1. If a pool is fenced as of September 11, 1990, and the fence is at least four (4) feet in height and is not determined by the Zoning Administrator to be so inadequate a barrier to small children as to constitute a menace to public safety, then such fence shall not be required to adhere to the requirements as set forth in Section 7.15.4, Fences, of this chapter. The pool owner may appeal the administrator's decision under this subsection as per Section 3.8 ("Appeals of Administrative Decisions") of this chapter.
2. If the owner of an existing fenced pool replaces the fence or at least fifty (50) percent thereof subsequent to September 11, 1990, then the entire reconstructed fence shall adhere to the requirements as set forth in Section 7.15.4, Fences, of this chapter.

7.15.7 *Validity of Permit.* Once the permit is obtained by the property owner to construct a fence as required by Sections 7.15.4, Fences, and/or 7.15.6, Existing pools, of this chapter, the construction shall be completed to the satisfaction of the Zoning Administrator no later than six (6) months after the permit's date of issuance.

(Res. of 7-12-12)

Sec. 7.16 - Vehicle Races and Stunts

7.16.1 *Enforcing Officer.* This article shall be administered and enforced by the zoning enforcing officer appointed by the County Board, who is hereby designated as the enforcing officer, and who shall make or cause to be made, periodic inspections of all authorized permits issued in accordance with this article to insure compliance of the same; he shall make or cause to be made, investigations of violations of this chapter and shall cause any violations to be corrected.

7.16.2 *Permit.*

1. Before commencing the operation of any race or racing event in the county, any person operating such race, except those excluded in Illinois Compiled Statutes, 1992, Chapter 55, Act 5, Sections 5-9001, as amended, shall obtain a written permit from the County Board. Each application for a permit shall specify the day or days for which the permit is effective. The applicant shall disclose the name and address of all owner and operators of the motor racing facility on the permit application. The County Board shall have the authority to establish the form for the permit application and all questions shall be answered by the applicant. The Zoning Administrator shall be the designated permit officer and all applications for a permit shall be made in the zoning department.
2. The fee, as set forth in Appendix A, shall be assessed for all races and events held by a person, other than a county fair association, state fair, or other not-for-profit association or corporation, on a single day. No permit shall be issued unless the fee is fully paid in advance of issuance.

3. Any racing organization or person who sponsors more than ten (10) racing events on different days within one calendar year, may obtain an annual racing permit by the payment of the fee set forth in Appendix A for the entire period. This shall be payable at the rate of one-half (½) the fee at the time of the issuance of the permit and the remaining half of the fee within sixty (60) days thereafter. The annual racing permit shall expire December 31 of each year.
4. The County Board shall pay one-half (½) of each fee into the county treasury and shall transfer the remainder to the road and bridge fund of the township or road district wherein the race or event takes place. If the race or event for which the permit is issued is rained out or postponed for other good cause shown, the permit shall be valid for use within the next eight (8) days of the date specified in the permit.

7.16.3 *General Conditions.*

1. No racing event shall start after 10:15 p.m. and all racing events shall end by 11:00 p.m. on the following days:
  - a. Between June 1 and August 31;
  - b. On holidays and holiday weekends; and
  - c. On weekends from September 1 to May 31.
2. All other days of the year, racing events shall end by 9:00 p.m.
3. The permit holder is bound to comply with all other applicable county ordinances; Chapters 3, 10 and 20 of this Code; and the applicable laws of the state and the United States.
4. Every racing vehicle entered in any racing event, except top fuel-burning drag vehicles and tractor and truck pulls, shall be equipped with a properly installed and well-maintained muffler meeting or exceeding the following standards as appropriate:

Muffler Type	Engine Size/Type			
	Larger than 1600 cc	1600 cc or less	4-cycle motorcycle	2-cycle motorcycle
Annular swirl flow	16" in length	10" in length		
Perforated straight core with sound-absorbing medium (not installed on a rotary engine)	20" inner core length	12" inner core length	6" inner core length	8" inner core length
Reverse flow (baffle)	Meeting the dba noise reduction standard of a well-maintained muffler			
Stacked 360° diffuser disks				
Turbocharger				
Go-kart muffler	As defined by the international Karting Federation as specified in Motor Race Vehicle and Facility Sound Measurement and Procedure Manual NPC5-35 which is hereby adopted by reference			
Original equipment manufacturer motorcycle muffler	When installed on a motorcycle model for which such muffler is designated by the manufacturer			

Any other device	Which the county zoning enforcing officer determines qualified as a well-maintained muffler
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(Res. of 7-12-12)

Sec. 7.17 - Ground Mounted Solar Energy Equipment

7.17.1 *Purpose.* It is the purpose of this section to regulate the siting and installation of ground mounted solar energy equipment. The promotion of safe, effective, and efficient use of ground mounted solar energy equipment will be balanced against the need to preserve and protect public health and safety.

7.17.2 *Types of Ground Mounted Solar Energy Equipment.*

1. *Solar Private.*

a. Solar Private is a permitted accessory use in any zoning district and must abide by the bulk regulations, density and dimensional standards of the underlying zoning district in which it is located. All private solar requires a building permit prior to the initiation of construction.

2. *Solar Energy Generation Facility.*

a. Solar Energy Generation Facility is permitted as a special use in the agricultural and industrial zoning districts and shall meet the requirements set forth in Section 7.17.3 ("Standards for a Solar Energy Generation Facility") through Section 7.17.5 ("Decommissioning Plan").

7.17.3 *Standards for a Solar Energy Generation Facility.*

1. *Setbacks.*

a. All solar energy equipment and accessory structures of the facility, excluding perimeter fencing, must comply with road setbacks established in the underlying zoning district. In agricultural zoning districts, the setback for non-residential structures shall apply.

b. All solar energy equipment and accessory structures of the facility, excluding perimeter fencing, must comply with side and rear setbacks established in the underlying zoning district for principal structures.

1. In the case of a solar energy generation facility to be built on more than one parcel and the parcels are abutting, a zero side or rear setback shall be permitted to the property line in common with the abutting parcel(s).

c. The horizontal separation distance from the solar energy generation facility to the nearest principal residential dwelling shall be at least seventy-five (75) feet. If the facility is to be located on a parcel with a principal residential dwelling, this seventy-five (75) foot setback shall not apply to the principal residential dwelling.

2. *Height.* All solar collectors, transformers, equipment or maintenance structures shall comply with the height restriction of the underlying zoning district.

3. *Minimum Conditions for Special Use Permit.*

a. *Design and Installation.* Solar collectors shall be designed and located to avoid glare or reflection toward any inhabited buildings on adjacent parcels. Solar collectors shall be designed and located to avoid glare or reflection toward any adjacent roadways and shall not interfere with traffic or create a traffic safety hazard.

b. *Lighting.* Lighting shall be limited to the extent required for security and safety purposes and to meet applicable federal, state, or local requirements. Except for federally required lighting,

lighting shall be reasonably shielded from adjacent properties and, where feasible, directed downward to reduce light pollution.

- c. *Security Fencing.* Facility equipment and structures shall be fully enclosed and secured by a perimeter fence with a height of six (6) to eight (8) feet. Lock boxes and keys shall be provided at locked entrances for emergency personnel.
- d. *Warning Signage.* A visible warning sign of "High Voltage" shall be posted at all points of site ingress and egress and along the perimeter fence of the facility, at a maximum of three hundred (300) feet apart. A sign that includes the facility's 911 address and 24-hour emergency contact number shall be posted near all entrances to the facility.
- e. *Utility Connection.* The applicant shall submit with the special use application a copy of a letter from the electric utility company confirming the review of the application for interconnection has started.
- f. *Fire Safety.* It is the responsibility of the applicant to coordinate with the local fire protection district. The applicant shall submit with the special use application an approval letter from the local fire protection district.
- g. *Roads.* Any roads that will be used for construction purposes and egress or ingress shall be identified and approved by the road jurisdiction. All applicable road and bridge weight limits shall be met during construction and maintenance. All applicable permits shall be acquired from the road jurisdiction prior to start of construction. The applicant shall submit with the special use application an approval letter from the road jurisdiction(s).
- h. *Endangered Species and Wetlands.* Applicant shall seek natural resource consultation with the Illinois Department of Natural Resources (IDNR). The applicant shall submit with the special use application the results of the IDNR EcoCAT consultation. The cost of the EcoCAT consultation shall be paid by the applicant.
- i. *Compliance with Additional Regulations.* It shall be the responsibility of the applicant to coordinate with the FAA or other applicable federal or state authority to attain any additional required approval for the installation of a solar energy generation facility. The applicant shall submit with the special use application an approval letter from any federal or state authority requiring permit or approval.
- j. *Special Use Fees.* At the time of filing the special use application, the applicant shall pay the filing fee as set forth in Chapter 20 of the Peoria County Code, Appendix A.

#### 4. *Minimum Conditions For a Building Permit.*

- a. *Building Permit.* All solar energy generation facilities require a building permit prior to the initiation of construction. Three full sets of construction plans that conform to the manufacturer's standards and to the officially adopted codes of Peoria County shall be submitted with the building permit application. Said plans shall be certified by an Illinois licensed professional engineer.
- b. *Stormwater and Erosion Control.* All solar energy generation facilities must meet the requirements of Section 3.12 ("General Erosion and Sediment Control Permits"), Section 3.13 ("Erosion, Sediment, and Storm Water Control Permits"), and Section 7.13 ("Erosion, Sediment, and Stormwater Control").
- c. *Installation Certification.* An Illinois licensed professional engineer shall certify that the construction and installation of the solar energy generation facility meets or exceeds the manufacturer's construction and installation standards and the officially adopted codes of Peoria County.

7.17.4 *Maintenance and Operation.* Responsibility. The owner of the solar energy generation facility shall maintain facility grounds. Such maintenance shall include all actions necessary to keep the facility grounds free of litter and debris. The owner shall keep all fences maintained in good repair.

7.17.5 *Decommissioning Plan.*

1. The solar energy generation facility shall be required to have a decommissioning plan to ensure it is properly removed upon the end of the project life or facility abandonment. For purposes of this section, "facility abandonment" shall mean when no electricity is generated by the facility for a consecutive period of two (2) years or when the owner and/or operator of the solar energy generation facility has stated in writing to the Zoning Administrator that the owner and/or operator intends to abandon, vacate, or cease solar energy creation operations indefinitely on a specified solar energy generation facility. The decommissioning plan shall state how the facility will be decommissioned. Decommissioning shall include: removal of all structures (including solar energy equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment. The owner shall restore the land to a condition reasonably similar to its condition before the development of the solar energy generation facility, including replacement of top soil, which may have been removed or eroded, and replacement of trees. A decommissioning plan shall be submitted and approved prior to the issuance of the building permit.
2. Financial Security. Appropriate means of financial security shall be required as part of the decommissioning plan. The security shall be in the name of Peoria County for one hundred percent (100%) of the estimated cost of decommissioning. The estimated cost shall not include any projected salvage value of the solar energy equipment and other used equipment. The estimated cost shall be prepared by an Illinois licensed professional engineer.
  - a. Security may be in the form of one of the following:
    1. Irrevocable Letter of Credit;
    2. Continuous Surety Bond;
    3. Cash Escrow Account; or
    4. Any other means deemed acceptable by the Zoning Administrator.
3. Agreement. The decommissioning plan shall also include an agreement between the applicant and the County which states:
  - a. Financial security must remain valid through the life of the project. An updated decommissioning plan including estimated costs prepared by an Illinois licensed professional engineer and financial security must be submitted to the Zoning Administrator every four (4) years;
  - b. The County shall have access to the financial security funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the owner within six (6) months of the end of project life or facility abandonment;
  - c. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning; and
  - d. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from owner or owner's successor for decommissioning costs which exceed the financial security and to file a lien against any real estate owned by the owner or owner's successor, or in which they have an interest, for the excess amount, and to take all steps allowed by law to enforce said lien.
4. Release of Financial Security. Financial security shall only be released when the Zoning Administrator determines, after inspection, that the conditions of the decommissioning plan have been met.

(Ord. of 1-11-18(2))

Sec. 7.18 - Cannabis Business Establishments

7.18.1 *Purpose.* It is the intent and purpose of this Section to provide reasonable regulations regarding the cultivation, dispensing, infusing, processing, and transporting of adult-use and medical cannabis. Such facilities, where allowed, shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), and/or the Medical Cannabis Act 410 ILCS 130/1 et. al, as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

7.18.2 *Types of Cannabis Business Establishments.*

1. *Adult-Use Cannabis Business Establishments.*

- a. Adult-Use Cannabis Craft Growers are permitted as a special use in the "C-2" General Commercial, "C-3" Regional Commercial, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts and shall meet the requirements set forth in Section 7.18.3 ("Standards for a Cannabis Business Establishment").
- b. Adult-Use Cannabis Cultivation Centers are permitted as a special use in the "C-2" General Commercial, "C-3" Regional Commercial, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts and shall meet the requirements set forth in Section 7.18.3 ("Standards for a Cannabis Business Establishment").
- c. Adult-Use Cannabis Dispensing Organizations are permitted as a special use in the "C-2" General Commercial, "C-3" Regional Commercial, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts and shall meet the requirements set forth in Section 7.18.3 ("Standards for a Cannabis Business Establishment").
- d. Adult-Use Cannabis Infuser Organizations, or Infusers, are permitted as a special use in the "C-2" General Commercial, "C-3" Regional Commercial, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts and shall meet the requirements set forth in Section 7.18.3 ("Standards for a Cannabis Business Establishment").
- e. Adult-Use Cannabis Processing Organizations, or Processers, are permitted as a special use in the "C-2" General Commercial, "C-3" Regional Commercial, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts and shall meet the requirements set forth in Section 7.18.3 ("Standards for a Cannabis Business Establishment").
- f. Adult-Use Cannabis Transportation Organizations, or Transporters, are permitted as a special use in the "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts and shall meet the requirements set forth in Section 7.18.3 ("Standards for a Cannabis Business Establishment").

2. *Medical Cannabis Business Establishments.*

- a. Medical Cannabis Cultivation Centers are permitted as a special use in the "C-2" General Commercial, "C-3" Regional Commercial, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts and shall meet the requirements set forth in Section 7.18.3 ("Standards for a Cannabis Business Establishment").
- b. Medical Cannabis Dispensing Organizations are permitted as a special use in the "C-2" General Commercial, "C-3" Regional Commercial, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts and shall meet the requirements set forth in Section 7.18.3 ("Standards for a Cannabis Business Establishment").

7.18.3 *Standards for a Cannabis Business Establishment.*

1. *Setbacks.*

- a. All cannabis business establishments, excluding perimeter fencing, must comply with road setbacks established in the underlying zoning district.
- b. All cannabis business establishments, excluding perimeter fencing, must comply with side and rear setbacks established in the underlying zoning district.



- c. The horizontal separation distance between any cannabis business establishments shall be 1,500 feet of the property line of a pre-existing cannabis business establishment.
  1. Exception: A craft grower may share premises with a processing organization or a dispensing organization, or both, provided they meet all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder.
2. *Minimum Submittal Requirements for Special Use Permit.*
  - a. Applicants must provide a signed statement with their special use application certifying, at minimum, that the applicant has actual notice that, notwithstanding any state law:
    1. Cannabis is a prohibited Schedule I controlled substance under federal law;
    2. The state permits participation in the Cannabis Regulation and Tax Act (P.A. 101-0027) only to the extent provided by the strict requirements of the Cannabis Regulation and Tax Act (P.A. 101-0027), and related administrative rules ("Act");
    3. Any activity not sanctioned by the Act may be a violation of state law;
    4. Cultivating, distributing, or possessing cannabis in any capacity, except through a federally-approved research program, is a violation of federal law;
    5. Use of adult-use or medical cannabis may affect an individual's ability to receive federal or state licensure in other areas;
    6. Use of adult-use or medical cannabis, in tandem with other conduct, may be a violation of state or federal law;
    7. The county's approval of a special use or building permit does not in any manner authorize, support, or endorse the violation of federal or state law; and
    8. Applicants shall indemnify, hold harmless, and defend the County of Peoria for any and all civil or criminal penalties relating to participation in the program, including, but not limited to, approval of any special use or building permit(s) by the county.
  - b. Security. The proposed security plan to protect the premises, purchasers, and employees shall be included as part of the application. The Permittee shall demonstrate how they will monitor both patron and employee conduct on the Business Premises and within the parking areas under their control to assure behavior does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
  - c. Site Design. The proposed site plan for the proposed property on which the Adult-Use or Medical Cannabis Business Establishments Organization facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations, ingress and egress access point and internal site circulation.
  - d. Parking Lot Design. The proposed parking plan, including traffic circulation pattern, in accordance with Section 20-3.5.3.3.h "Special Use Permits" and Section 20-7.7 "Parking and Loading Requirements" of the Peoria County Code.
  - e. Signage. The proposed signage plan, in accordance with Section 20-7.5.5 "Signs" of the Peoria County Code.
  - f. Odor Control Plan. An adult-use cannabis business establishment shall have an air treatment system that ensures off-site odors shall not result from its activities. This requirement at a minimum means that the adult-use cannabis business establishments shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location of the adult-use cannabis business establishments is not detected in another principle use located on the same parcel, on adjacent properties, public rights-of-way, or within any other unit located within the same building as the adult-use cannabis business establishment, if the use only occupies a portion of a building.

- g. Compliance with Additional Regulations. The proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the ordinances of the County.
  - h. Special Use Fees. At the time of filing the special use application, the applicant shall pay the filing fee as set forth in Chapter 20 of the Peoria County Code, Appendix A.
3. *Minimal Submittal Requirements for Building Permit.*
- a. *Licensing.* Applicants for a Building Permit for an Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization, Adult-Use Processing Organization, Adult-Use Cannabis Transporting Organization, Medical Cannabis Cultivation Center, Medical Cannabis Dispensing Organization, or any combination thereof, shall be required to submit a copy of each license issued by the applicable State Department, as provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) and/or the Medical Cannabis Act 410 ILCS 130/1 et. al, as they may be amended from time-to-time, and regulations promulgated thereunder.
  - b. *Lighting.* A copy of the State approved lighting plan. The site shall be provided with adequate light to illuminate the entire site at all times. Lighting of the exterior premises shall be provided for visual inspection or video monitoring to prohibit loitering. All lighting shall be controlled so as not to reflect on any area beyond the boundary of said site in accordance with Section 20-5.13.5 "Outdoor Lighting" of the Peoria County Code.
4. *Product Display.* No products sold by an Adult-Use or Medical Cannabis Dispensing Organization shall be visible from the public street, sidewalk, or other public place.
5. *[Compliance.]*
- a. When an application for any type of Cannabis Business Establishment has been submitted to the State of Illinois for a proposed location within Peoria County's jurisdiction, the applicant shall notify the Department of Planning and Zoning within ten (10) business days.
  - b. Applicants seeking to open an Adult-Use or Medical Cannabis Business Establishment shall provide the County with proof of State licensing approval prior to the issuance of a building permit by the County. Persons operating an Adult-Use or Medical Cannabis Business Establishment shall annually provide to the County all State inspection reports and other information necessary to verify ongoing compliance with State and County requirements. Applicants shall, after commencing operations, provide to the County, within seven (7) days of receipt, copies of any notices, citations or other enforcement actions undertaken against the facility by the State, along with an explanation as to what steps are being taken by the Applicant to bring the facility back into compliance.
6. *On-Site Consumption or Use Prohibited.* Consumption or use of cannabis is prohibited within Adult-Use or Medical Cannabis Dispensing Organizations, within a retail tobacco store, and within the parking areas or other public areas of Adult-Use or Medical Cannabis Dispensing Organizations. Dispensing Organizations are required to prominently display signs regarding this prohibition near the exit door or doors of the facility.
7. *Smoking Lounges Prohibited.* A business establishment or room that is dedicated, in whole or in part, to the smoking of cannabis, cannabis concentrate, or cannabis-infused products or solutions is prohibited.

(Ord. of 12-12-19; Ord. of 7-9-20)

## ARTICLE 8. - SUBDIVISIONS

### Sec. 8.1 - General

8.1.1 *Jurisdiction.* This article, in conjunction with Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), and 3.16 ("Plat Approval"), shall apply to any division of land made, creation of public right-of-way, or tract survey required within the borders of Peoria County which does not fall within any incorporated municipality, as provided by the Illinois Compiled Statutes.

8.1.2 *Compliance Required.* This article requires compliance to ensure that land is developed according to proper procedures and standards.

1. No land, after the effective date of this chapter, shall be subdivided or divided by tract survey, the survey, plat or plats thereof filed for record, nor any street laid out, nor any improvements made to such divided land, until the plat or plats of the subdivision or tract survey have been certified to and approved by action as specified herein.
2. The layout of the subdivision or tract survey shall be in conformity with the Peoria County Comprehensive Land Use Plan. Approval of a Variance or Special Use pursuant to the regulations in Chapter 20 of the County Code shall be deemed in compliance with the Peoria County Comprehensive Land Use Plan.
3. No land shall be divided for any use unless access to the land over public streets exists or will be provided by the developer.
4. No land unsuitable for development due to drainage, flood hazard area, topography, or other conditions constituting a danger to health, life or property shall be approved for development unless the developer presents evidence or data satisfactory to the County, establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property.

8.1.3 *Interpretation.* In interpreting and applying the provisions of this ordinance, the provisions shall be held to be the minimum requirements for the promotion and effectuation of the purposes set forth herein. Nothing in this ordinance shall preclude the developer from exceeding any such minimum requirement.

## Sec. 8.2 - General Procedures

8.2.1 *Enforcement.*

1. *Enforcement.*

- a. It shall be the duty of the Plat Officer to enforce these regulations. He shall make or cause to be made, investigations of violations of this article and shall cause any violations to be corrected. Whenever it shall come to the knowledge of any officer of the County that any of the provisions of this article or Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval") have been violated, he shall file a complaint with the Plat Officer against the person or parties in violation.

8.2.2 *Fees and Applicability of Fees.* Fees shall follow fee schedule set forth in Appendix A, as may be amended from time to time by the County Board.

8.2.3 *Outside Consultants.* During the construction plan review process and during the installation and acceptance of the required improvements, the Plat Officer may engage professional assistance other than the staff (which includes the County Engineer), in area (s) where staff does not have sufficient expertise to properly review or observe the improvement proposed by the applicant. The applicant shall be notified in writing that such professional assistance will be engaged. Prior to such review or observation, the applicant may meet with the Plat Officer in order to discuss the activity. In addition, the applicant and the County shall enter into an agreement whereby the applicant shall reimburse the County for reasonable costs associated with such professional review assistance.

## Sec. 8.3 - Required Improvements

8.3.1 *General.*

1. *Intent.* It is the intent of this section to establish clear standards for the design and layout of a subdivision, and the improvements that may or may not be required with the development of a subdivision.
2. *General.*
  - a. The construction of improvements required by this ordinance, shall conform to, and materials used shall conform to the methods and materials required in the appropriate section of the latest editions and any amendments thereto to the following:
    1. "Standard Specifications for Road and Bridge Construction," IDOT
    2. "Design Manual," IDOT
    3. "Highway Standards," IDOT
    4. "Culvert Manual," IDOT
    5. "Manual on Uniform Traffic Control Devices," United States Department of Transportation and the IDOT supplement
  - b. Municipal Jurisdiction.
    1. In all cases where a subdivision or tract survey lies within the extra-territorial area of an incorporated municipality that has an adopted land use plan and therefore enforces its extra-territorial authority up to one and one-half (1½) miles, the entire subdivision or tract survey, including those portions outside the extra-territorial area, shall also conform to all applicable sections of said municipality's land use plan and Municipal Code.
    2. In all cases where a regulation of Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval"), or Article 8, Subdivisions, conflicts or is less stringent than that of said municipality, the municipality's regulations shall control.
    3. Subdivisions in multiple municipal extra-territorial areas. Pursuant to the Municipal Code of Illinois (65 ILCS 5/11-12-9), any proposed subdivision or tract survey covered by two (2) or more municipal extra-territorial areas shall either:
      - a. Submit and be held to the standards of approval for the controlling municipality if the municipalities have entered into an agreement to delineate jurisdiction within the overlapping area; or
      - b. If no agreement exists between the municipalities, then each municipality's authority shall extend to the median of the overlapping area. In this case, the subdivision or tract survey shall be held to the standards of the controlling municipality, based on the exact location of the subdivision or tract survey within the overlapping area.
    4. Plats straddling municipal boundaries. Whenever access to a subdivision or tract survey is required across land within an incorporated municipality, the developer shall submit written approval from the municipality that the access is legally established.
  - c. Monuments. Pursuant to the Plat Act, permanent stone or concrete monuments shall be placed at a minimum of two (2) exterior corners of the subdivision. Additionally, all lot corners, points of intersection of all curves, and/or points of tangency on streets shall also be required to be marked. Markings shall be as follows:
    1. Stone or Concrete Monuments. A stone or concrete monument to be set shall measure at least four inches by four inches (4" x 4") and have a minimum depth of thirty (30) inches. In the center of said monument shall be cast an iron pin at least five-eighths ( 5/8 ) of an inch in diameter with a depth equal to the stone or concrete. It shall be set in a manner so as not to be moved by frost.

2. Non-Monumented Markings. In all locations listed above, an iron pin shall be set. Said pin shall measure exactly one-half ( $\frac{1}{2}$ ) inch in diameter with a minimum depth of twenty-four (24) inches. Each of these pins shall be driven flush into the ground.
3. *Subdivision Classifications*. For the purposes of this section, all major and moderate subdivisions shall be classified as one of the three (3) sub-classifications, below:
  - a. Residential. As noted in the tables in this article, all subdivisions that are exclusively developed for single-family detached or single-family attached housing types shall be classified and subject to the standards of a residential classification.
  - b. Nonresidential. As noted in the tables in this article, all nonresidential and multiple family subdivisions shall be classified and subject to the standards of a nonresidential classification.
  - c. Mixed-Use. As noted in the tables in this article, and pursuant to Section 6.14 ("Planned Developments") of this chapter, all mixed-use subdivisions shall conform as follows:
    1. Residential Component. The residential component of a mixed-use development shall be subject to the standards of a residential classification.
    2. Nonresidential Component. The nonresidential component of a mixed-use development shall be subject to the standards of a nonresidential classification.
4. *Natural Resources*.
  - a. Floodplain. All subdivisions located in whole or in part in a designated flood hazard area shall provide that:
    1. They are designed so that each proposed lot contains a building envelope which is located entirely outside of the flood hazard area.
    2. They are designed to minimize flood damage to the proposed subdivision or development site as well as to other properties.
    3. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated and constructed to minimize or eliminate flood damage in accordance with the standards and intent of Sections 3.10 ("Floodplain Development Permit") and 7.14 ("Floodplain Regulations") of this chapter.
    4. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
    5. For any proposed subdivision or new development greater than fifty (50) lots or five (5) acres in total area whichever is less, the applicant shall show the base flood elevation data for each lot or platted parcel located in a Special Flood Hazard Area.
  - b. Erosion and Stormwater Control. To ensure erosion control and stormwater practices that will reduce the amount of sediment and other pollutants leaving development sites, both during and after construction, to reduce the impact of development on erosion in receiving streams, and to promote design and construction practices that minimize ground disturbances and that maintain natural drainage and stormwater storage features whenever possible, all subdivisions subject to this code shall comply with the provisions of Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment and Stormwater Control") of this chapter.
  - c. Drainage and Watercourses.
    1. Intent. It is the intent of the Peoria County Board to ensure that natural drainage flows and watercourses are maintained so that no adverse impact is caused to other properties within the watershed.
    2. Relocation. Prior to any alteration or relocation of a watercourse, as part of the development of a subdivision, the developer shall secure any necessary permits or clearances from:

- a. Illinois Department of Transportation;
  - b. Illinois Department of Natural Resources;
  - c. Illinois Environmental Protection Agency;
  - d. U.S. Army Corps of Engineers; and
  - e. Any other such agencies as may be required by law.
3. Flood-Carrying Capacity. The flood-carrying capacity within any altered or relocated watercourse shall be maintained.

### 8.3.2 *Lots, Blocks, and Design.*

#### 1. *Lots.*

- a. Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, soils, flooding, or other conditions, in securing permits to build on all lots in compliance with Article 6, Bulk Regulations, Density, and Dimensional Standards, of this chapter. Subdivisions shall contain no left-over pieces, corners, or remnants of land. Outlots may be designated for the purpose of achieving stormwater requirements as may be required in Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter, or other provisions of this article (including, but not limited to, open space requirements).
- b. Lot Lines and Dimensions.
  - 1. All lots shall meet the minimum width and area requirements of the underlying zoning district in Article 6, Bulk Regulations, Density, and Dimensional Standards.
  - 2. Depth and Width of lots proposed for nonresidential uses shall be adequate to provide for the off-street service and parking facilities required by Section 7.7 ("Parking and Loading Requirements").
  - 3. Excessive depth in relation to width shall be avoided. A proportion of two and one-half to one (2.5:1) shall normally be considered as a desirable maximum for lot widths greater than one hundred (100) feet. Side lot lines shall be substantially at right angles or radial to street lines. Lots at right angles to each other should be avoided wherever possible.
  - 4. Corner lots shall have, at a minimum, an additional twenty (20) feet of extra lot width for the purpose of achieving both of the required front yard setbacks as required by Article 6, Bulk Regulations, Density, and Dimensional Standards.
- c. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all building sites and individual lot drainage shall be coordinated with the general storm drainage pattern for the subdivision. Drainage shall be designed so as to avoid concentration of stormwater flowing from each lot to adjacent lots.
- d. Lot Access and Double Frontage.
  - 1. Every lot shall front or abut on a dedicated public right-of-way or an approved private street. Lots with an access only to existing private streets or easements shall be permitted only in circumstances in which an extraordinary hardship exists, and with the approval of a waiver, as provided in Section 3.15 ("Subdivision Waivers and Appeals") of this chapter. If such waiver is granted, the private street or easement shall comply with subsections 8.3.3-2.d and 8.3.3-2.e in regard to street names and street signs. The fronting of residential lots onto State and County Primary Highways shall be prohibited in major and moderate subdivisions.
  - 2. Double frontage and reversed frontage lots shall be avoided except where necessary to overcome specific disadvantages of topography and orientation and where limited

access highway, railroad right-of-way, State or County Highway, or similar situation exists.

2. *Blocks.*

- a. The length, width, and shape of blocks shall be appropriate for the type of development.
- b. Block Length. The length of blocks in residential subdivisions shall have a minimum and maximum length, as follows:
  1. Minimum length: Four hundred fifty (450) feet.
  2. Maximum length: Two thousand (2,000) feet.

3. *Design.*

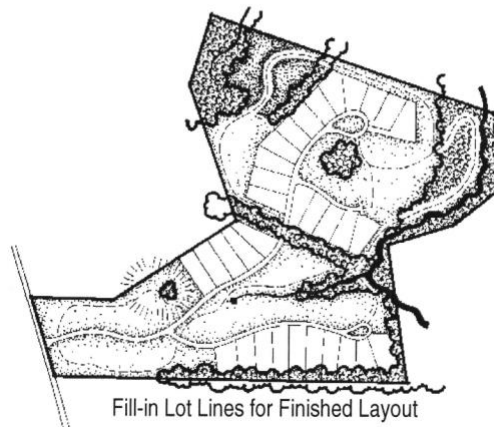
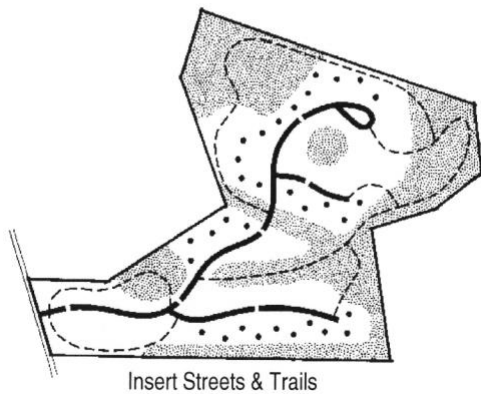
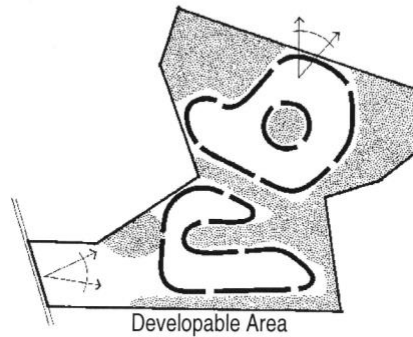
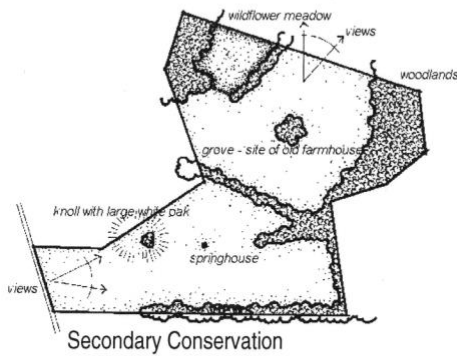
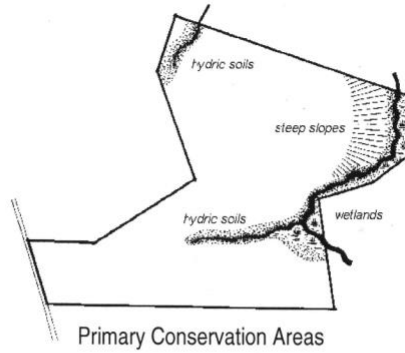
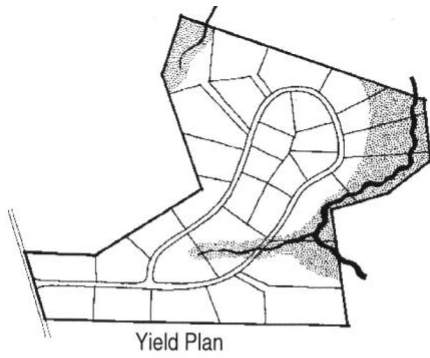
- a. Intent. It is the County Board's intent to create subdivisions that are functional, achieve the goals and objectives of the Peoria County Comprehensive Land Use Plan, yet are capable of meeting the market's demand for development.
- b. Process. The following process is encouraged, but not required, when designing the layout of a subdivision. It is taken from the concepts expressed in Conservation Subdivision Design by Randall Arendt.
  1. Density. Calculate the maximum allowable density pursuant to the underlying zoning district. This shall be considered the "yield plan."
  2. Conservation Areas.
    - a. Primary. Identify those areas on the parcel to be developed that are considered Primary Conservation Areas. For the purposes of this chapter, a Primary Conservation Area shall be any of the following:
      1. Slopes greater than twenty-five (25) percent or 4.00:1.
      2. As identified on the Federal Insurance Rate Maps (FIRM), any designated flood hazard area, including floodplains and floodways.
      3. As identified on the National Wetland Inventory (NWI), any designated wetland.
      4. As identified by the Illinois Department of Natural Resources (IDNR), any habitat of a threatened or endangered plant or animal species.
      5. Any pond, lake, creek, stream, or river.
    - b. Secondary. Identify those areas on the parcel to be developed that are considered Secondary Conservation Areas. For the purposes of this chapter, a Secondary Conservation Area shall be any of the following:
      1. Any prairie.
      2. Farmland.
      3. Historic, Archaeological, and Cultural Features.
      4. Groundwater recharge areas.
      5. Scenic views.
      6. Woodlands.
      7. Slopes between fifteen (15) and twenty-five (25) percent.
      8. Wet or hydric soils that are unbuildable.
      9. Soils with an agland score of eighty (80) or greater on the County LESA.

3. Layout.

- a. Building Sites. Using the same maximum number of lots as permitted under the maximum density of the underlying zoning district, and as shown on the yield plan, lay out possible building sites in areas not considered a primary or secondary conservation area.
  - b. Streets and Trails. With building sites identified, determine the location of the proposed streets and trails.
  - c. Lots. Complete the process by laying-out lot lines around the proposed building sites.
- c. Example. Diagram 8-1 is an example taken from Conservation Subdivision Design.

**Diagram 8-1**





### 8.3.3 Streets.

1. *Intent.* It is in the best interest of the public, the developer, and the future property owners that all streets in a subdivision be conceived, designed and built in accordance with good design practices and adequate minimum standards. Consequently, these regulations are adopted for the following purposes:
  - a. Street planning should relate to overall community planning;
  - b. Traffic in residential areas should be kept to a minimum to reduce noise, congestion, and hazards to pedestrians;

- c. The street is an important component of overall residential community design. Properly scaled and designed streets can create more attractive communities and can contribute to a clearly defined sense of place;
- d. Street design standards should permit flexibility in community design. They should allow street alignments to follow natural contours and preserve natural features or to respond to other design objectives such as the creation of more intimate urban-, village-, or rural-scaled streetscapes;
- e. Whenever possible, street layouts should be planned to avoid excessive stormwater runoff and the need for storm sewers;
- f. The amount of paved area should be kept to a minimum to reduce construction and maintenance costs, stormwater runoff, and heat buildup;
- g. In the interest of keeping housing affordable, street costs should be minimized;
- h. Overdesign of streets should be avoided. Excessive widths or an undue concern with geometry more appropriate for highways encourages greater vehicle speeds;
- i. Different streets have different functions and need to be designed accordingly. Blanket standards are inappropriate;
- j. Paved access should be provided to all developed parcels;
- k. Street system design should discourage through traffic on local residential streets;
- l. The layout of a local street system should not create excessive travel lengths;
- m. Local circulation systems and land development patterns should not detract from the efficiency of adjacent major streets; and
- n. The local circulation system should not have to rely on extensive traffic regulations or control devices to function efficiently and safely.

2. *General Standards and Applicability.*

- a. All street improvements shall conform to the applicable standards of IDOT and the Peoria County Highway Department, unless specified differently herein. The standards of this section shall apply to all proposed streets, public and private.
- b. Classification. All new streets shall be classified so as to determine a level of service for the unit government maintaining the street. As defined in Article 11, Definitions, new streets shall be classified as one of the following:
  - 1. Arterials. Arterials have as their primary function inter-community and intra-metro area traffic movement. The secondary function of this roadway is to provide access to land. There are two (2) types of arterials.
    - a. State. Any street maintained by the Illinois Department of Transportation, including but not limited to the Eisenhower Interstate System (ex. I-74), United States Routes (ex. US Rte 150), and State Highways (ex. IL Rte 116).
    - b. County Primary. A system of streets maintained by Peoria County as identified as County Primary Arterials on the Comprehensive Land Use Plan Form Map (ex. Co. Hwy. R40).
  - 2. Collectors. Collectors have as their primary function to collect and distribute traffic between local streets and the arterial system. The secondary function of this roadway is to provide access to land. The tertiary function of this roadway is to provide traffic movement between neighborhoods. There are two (2) types of collectors.
    - a. County, Nonprimary. A system of streets maintained by Peoria County that does not include those County Highways identified as County Primary Arterial on the Comprehensive Land Use Plan Form Map (ex. Co. Hwy. D25).

- b. Township Collector. A system of streets maintained by a Township form of government that are not considered local streets (ex. Hickory Grove Rd, Medina Twp.).
  - 3. Local Streets. Local streets have three (3) primary functions, which include, distribution of traffic to the collector and arterial systems; providing direct access to land; and providing traffic movement within neighborhoods. There are four (4) types of local streets.
    - a. Township, Local. A street maintained by a Township form of government that provides access to land and move traffic within neighborhoods (ex. Littlefield Dr, Limestone Twp.).
    - b. Cul-de-Sac. A local street maintained by a Township form of government with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement. It provides access to land (ex. Lamplighter Ln, Kickapoo Twp.).
    - c. Alley. A local street maintained by a Township form of government that is intended to act as a secondary access to land.
    - d. Street, Private. A local street that has not been accepted for maintenance by a local unit of government that is designed for the internal circulation of vehicles within a planned unit, multiple family development, or subdivision.
  - 4. Street, Frontage. A service street, usually parallel to a limited access highway, designed to reduce the number of access points that intersect the limited access highway. These streets can be either arterial or collector.
- c. The developer's engineer shall prepare and submit improvements plans pursuant to the standards established below and those found in subsection 3.16.4-4 of this chapter.
- d. Street Names. The names of streets in a proposed subdivision shall be approved by the Transportation Committee or other duly appointed committee by the County Board. When approving the street name of a proposed street, the Committee shall consider the following standards.
  - 1. The continuation of an existing street shall have the same name; and
  - 2. The name of a new street shall not duplicate or bear the same name of an existing street located in the County.
- e. Street Signs.
  - 1. The developer shall acquire, pay for and install all signage at all intersections within the subdivision, including traffic signalization and street name signs. The design and placement of all such signs are subject to the County Engineer's approval.
  - 2. The developer shall acquire, pay for and install all signage at locations where a proposed street intersects with an existing street, including traffic signalization and street name signs. This subsection shall not be waivable. Once accepted for maintenance that street authority shall have the responsibility of maintaining the installed signage. The design and placement of all such signs are subject to the County Engineer's approval.
  - 3. Prohibition of Signs. Only signs authorized by the County Engineer shall be permitted to be placed, displayed, or maintained within the right-of-way of any proposed street.
- f. Frontage on Improved Streets. No subdivision shall be approved unless the parcel(s) being subdivided has access to any of the following:
  - 1. An existing public right-of-way;
  - 2. A private street approved by the Highway Department; or

3. A public street shown upon a plat recorded in the Recorder of Deeds office.
  - g. Limitation of Access. Where a proposed subdivision borders on or contains an existing or proposed arterial or collector street, all requirements of the maintaining agency shall be met. In addition, access shall be limited by one of the following means:
    1. All access to lots shall be from local streets within the subdivision;
    2. A frontage street may be built which is separated from the collector or arterial by a vegetative buffer and provides access thereto at suitable points; or
    3. The number of local streets entering a collector or arterial shall be no more than one per one thousand (1,000) feet wherever possible.
  - h. Streets Along Boundary Lines. Streets may be laid out on the boundary of the subdivision, provided the new street does not create a nonconforming lot or structure on any adjacent properties. If necessary, the developer may apply for a variance from the requirements of this chapter, and subject to the requirements in Section 3.7 ("Variances") of this chapter.
  - i. Commercial and Industrial Streets. Streets in commercial and industrial developments shall be designed and constructed as a Collector street, except as specified. The streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
3. *Design Standards.*
- a. Purpose. In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for new road construction shall be required. The standards as noted below shall apply to all new streets, except as specified.
  - b. Street Extension.
    1. Where adjoining areas are not subdivided, the layout of new streets in subdivisions shall make provisions for proper extension of dedicated streets to the boundaries of the tract proposed to be subdivided.
    2. Temporary Turnarounds. Where the dedicated right-of-way ends at the boundary of the subdivision, a temporary turnaround shall be provided that meets the following minimum design standards:
      - a. The final plat shall show the area of the temporary turnaround as a temporary easement to accommodate the installation and use of said turnaround until such time as the street extension is completed and accepted by the appropriate road authority. At such time the temporary easement shall be released.
      - b. The temporary turnaround shall be described and recorded with the final plat.
      - c. The temporary turnaround shall be in the shape of a "T" or "Y"
      - d. The temporary turnaround shall measure sixty (60) feet by twenty-four (24) feet.
  - c. Alignment. The arrangement of proposed roads in subdivisions shall make provisions for the continuance of the existing roads in adjoining areas. If the existing streets are dedicated, the new streets in subdivisions shall be dedicated if a continuance of development beyond the new subdivisions or development is feasible. The rigid grid road pattern shall not be required. The use of curvilinear streets and three-way "T" intersections shall be encouraged and used where such will result in a more desirable lay-out.

- d. Topography. Roads shall be related appropriately to the existing topography, soils, and drainage. They shall be arranged so as to obtain as many building sites as possible at or above the grades of the roads. A combination of steep grades and curves shall be prohibited.
- e. Grades. Grades shall be shown on the construction plans at a minimum of every one hundred (100) feet.
  - 1. Arterial Streets. Gradients for Arterial Streets shall be determined by IDOT or the County Engineer.
  - 2. Collector Streets. Gradients for Collector Streets shall not exceed six (6) percent. The minimum gradient shall be no less than fifty one-hundredths (0.50) of a percent.
  - 3. Local Streets. Gradients for Local Streets shall not exceed eight (8) percent. The minimum gradient shall be no less than fifty one-hundredths (0.50) of a percent.
- f. Cross Section. The crown of the pavement shall be from the centerline and shall be one-quarter-inch per foot (0.25"/1') of pavement width. On streets when open drainage ditches are to be provided for stormwater run-off, the maximum slope of the ditch wall shall be no more than four to one (4:1). The minimum slope of the ditch wall shall be one percent.
- g. Geometrics. Road geometrics shall conform to standards established by IDOT, the County Highway Department, or those listed herein, whichever is the most strict.
  - 1. Design Speed. Streets shall be designed for speeds as follows:
    - a. Arterial Streets: As determined by IDOT.
    - b. Collector and Frontage Streets: Forty (40) miles per hour.
    - c. Local Streets, Excluding Private Streets: Twenty-five (25) miles per hour.
  - 2. Horizontal Curvature. Angles on the centerlines of streets shall not be permitted except at intersections. Centerline radii shall be as follows:
    - a. Arterial, Collector, and Frontage Streets: Centerline radii for Arterial, Collector and Frontage Streets shall conform to standards established by IDOT or the County Engineer, whichever is more strict.
    - b. Local Streets: One hundred fifty (150) feet.
  - 3. Reverse Curves.
    - a. Arterial and Frontage Streets: The tangent shall be determined by IDOT or the County Engineer.
    - b. Collector Streets: There shall be a tangent at least three hundred (300) feet between reverse curves.
    - c. Local Streets: There shall be a tangent at least one hundred (100) feet between reverse curves.
  - 4. Vertical Curvature. No vertical curve shall be less than one hundred fifty (150) feet in length, except at intersections. In no case shall a vertical curve at an intersection be less than fifty (50) feet.
  - 5. Intersections.
    - a. Intersection Spacing. Intersections shall be designed to best facilitate the safe flow of traffic. Distances between intersections shall be as follows:
      - 1. Local Street intersecting with an arterial street: No more than one intersection per quarter (1:¼) mile, unless topography and site conditions require a lesser distance.

2. Local Street intersecting with a collector street: No more than one intersection per four hundred (400) feet.
  3. Local Street intersecting with another local street: A minimum separation distance of one hundred twenty-five (125) feet.
  4. Arterial or Collector Street intersecting with another arterial or collector street: As determined by IDOT or the County Engineer, whichever is more strict.
- b. Intersection Angle. All intersections shall be at right angles (ninety (90) degrees) unless topography or physical conditions require a lesser angle. In no case shall intersections be less than sixty (60) degrees.
  - c. Vertical Alignment. The gradient of an intersection approach shall not exceed two (2) percent, unless topography or physical conditions require a steeper grade. In no case shall the gradient of an intersection approach be greater than five (5) percent. This required grade shall be maintained a minimum of one hundred (100) feet from the intersection.
  - d. Sight Distance. The minimum sight distance shall be set forth by the County Engineer.
  - e. Traffic Circles. Traffic circles may be used when two (2) local streets intersect. If used, the minimum inside radius of the traffic circle shall be at least forty (40) feet.
  - f. Intersection Radii. Intersection radii shall be as follows in Table 8-1:

**TABLE 8-1  
INTERSECTION RADII**

Local Street Intersection with:			
	Local	Collector	Arterial
Right-of-Way Line	30	35	Determined by IDOT
Pavement	15	25	Determined by IDOT

All measurements in feet

- h. Rights-of-Way.
  1. Every right-of-way established for subdivision purposes is to be separate and distinct from the lots or parcels adjoining said right-of-way. It shall be excluded from the dimensions or areas of said adjacent lots or parcels. All rights-of-way shall be dedicated to the public by the developer. The minimum right-of-way width shall be established by IDOT or County Highway Department, whichever is applicable, and these regulations as noted in Table 8-2, below.
  2. Arterial Streets shall be developed to the Standards of IDOT and the County Highway Department.
  3. Alleys. When alleys are part of the subdivision, curb and gutter shall be prohibited for the alley. Instead, alleys shall be a two-inch invert in the cross-section of the alley

pavement. Any closed storm sewer inlet shall be located in the center of the pavement of the alley.

**TABLE 8-2  
RIGHT-OF-WAY WIDTHS**

Street Classification	Residential	Nonresidential
Arterial:		
State	Determined by IDOT or County Engineer	
County Primary	Determined by IDOT or County Engineer, Minimum 80	
County Non-Primary	Determined by IDOT or County Engineer, Minimum 80	
Collector:		
Township Collector	60	60
Local		
Township Local	60	60
Cul-de-sac	60	60
Private	25*	Not Permitted
Alley	17	25
Frontage Street:	60	80

All measurements in feet

\* Required easement width

i. Cul-de-Sacs.

1. General. A cul-de-sac shall be provided at the end of a permanent dead end road. The length of such a road shall be measured from the center line of the road of origin to the center of the terminus.
2. Minimum Standards. The minimum design standards for a cul-de-sac shall be as noted in Table 8-3, below, unless limitation of the site by reason of topography or existing development makes development impractical except with a longer length, as determined by approval of the Peoria County Highway Department and the Department of Planning and Zoning.

**TABLE 8-3  
CUL-DE-SAC STANDARDS**

Standard	Residential	Nonresidential
Maximum Length	1,000	1,500
Minimum Length	150	300
Right-of-Way Radius	60	60
Pavement Radius	55	50
Entrance Right-of-Way Radius	20	20
Entrance Pavement Radius	25	25

All measurements in feet

4. *Construction Standards.*

- a. Purpose. In order to provide for streets built properly with suitable materials to the proper depth and width; to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, and road maintenance equipment; and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the following construction standards for new street construction shall be required. The standards as noted below shall apply to all new streets, except as specified.
- b. Inspection Procedures. All major and moderate subdivisions shall be subject to the inspection procedure identified below. There shall be no waiver from this process. The developer shall be responsible for making arrangements to schedule each required inspection with a licensed civil engineer. The Township Road Commissioner shall be notified at least seventy-two (72) hours prior to each inspection in order that he may be present at each inspection. Documentation shall be submitted to the Planning and Zoning Department in the form of an affidavit signed and sealed by the engineer within five (5) working days of completion of each inspection. If a deficiency or violation is identified during an inspection, then said violation shall be corrected and re-inspected prior to proceeding with the next phase of construction. If the developer proceeds without an inspection or when in violation, he shall be subject to the stop work order fees as identified in Appendix A of this chapter. If the sole violation is of Section 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter, a stop work order fee from either Section 3.16 ("Plat Approval") or Article 8, Subdivisions, or Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") shall be assessed, but not a stop work order fee from both chapters.
  1. First Inspection. The first inspection shall occur when all earthwork has been completed and prior to the installation of the base material. The items to be checked include at a minimum:



- a. Compliance with Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.
  - b. Compliance with the appropriate Geometrics requirements as identified in subsection 8.3.3-3, above.
  - c. Proper compaction of the sub-base.
2. Second Inspection. The second inspection shall occur upon the complete installation of the base material and prior to the installation of the surface material. The items to be checked include at a minimum:
- a. Continued compliance with Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.
  - b. Continued compliance with the appropriate Geometrics requirements as identified in subsection 8.3.3-3, above.
  - c. Compliance with the requirements of subsection 8.3.3-4.c.1, below.
3. Third Inspection. The third inspection shall occur during the installation of the surface material. The items to be checked include at a minimum:
- a. Bituminous Surfaces.
    1. Continued compliance with Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.
    2. Continued compliance with the appropriate Geometrics requirements as identified in subsection 8.3.3-3, above.
    3. Compliance with the requirements of subsection 8.3.3-4.c.2, below.
    4. Compliance with the State of Illinois specifications for bituminous plant mix materials.
  - b. Portland Concrete Cement Surfaces. This inspection would also include sidewalks (if required), and curb and gutter.
    1. Continued compliance with Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.
    2. Continued compliance with the appropriate Geometrics requirements as identified in subsection 8.3.3-3, above.
    3. Compliance with the requirements of subsection 8.3.3-4.c.2, below.
    4. Compliance with the State of Illinois specifications for Portland concrete cement materials.
4. Fourth Inspection. The fourth inspection shall be the final inspection with the intent of inspection approval meaning the street is ready for the release of financial security and acceptance for maintenance by the appropriate road authority. The township road commissioner shall be notified and included in this final inspection of the road improvements. The items to be checked include at a minimum:
- a. Final compliance with Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits") and 7.13

("Erosion, Sediment, and Stormwater Control") of this chapter (Erosion, Sediment, and Stormwater Control Ordinance).

- b. Final compliance with the appropriate Geometrics requirements as identified in subsection 8.3.3-3, above.
  - c. Final compliance with the requirements of subsection 8.3.3-4.c.2, below.
- c. Streets.
- 1. Base. The base of all proposed streets shall meet or exceed all of the standards in this subsection, the requirements identified in Tables 8-4 and 8-5.
    - a. Material. The base of all proposed streets shall be either CA-6 or CA-10 aggregate. All materials shall be from State approved suppliers.
    - b. Width. The width of the base of all proposed streets shall conform to Table 8-4 ("Street Base Widths").
    - c. Depth. The depth of the base of all proposed streets shall conform to Table 8-5 ("Street Base Depths"). This depth shall be the depth after compaction.
    - d. Installation. The base of all proposed streets shall be applied to the sub-base using a mechanical spreader or spreader box. The base shall also be rolled with a pneumatic-tired roller to the compacted depth as required in Table 8-5, below. A compaction rate of ninety (90) percent shall be achieved prior to the installation of the surface.

**TABLE 8-4  
STREET BASE WIDTHS**

Street Classification	Residential	Nonresidential
Arterial:		
State	Determined by IDOT or County Engineer, Minimum 40	
County Primary	Determined by IDOT or County Engineer, Minimum 40	
County Non-Primary	Determined by IDOT or County Engineer, Minimum 40	
Collector:		
Township Collector	36	36
Local:		
Township Local	36	30
Cul-de-sac	36	30
Private	18	Not Permitted

Alley	15	20
Frontage Street:	Determined by IDOT or County Engineer, Minimum 30	

All measurements in feet

**TABLE 8-5  
STREET BASE DEPTHS**

Street Classification	Residential	Nonresidential
Arterial:		
State	Determined by IDOT or County Engineer	
County Primary	Determined by IDOT or County Engineer, Minimum 10	
County Non-Primary	Determined by IDOT or County Engineer, Minimum 10	
Collector:		
Township Collector	10	12
Local:		
Township Local	10	12
Cul-de-sac	10	12
Private	6	Not Permitted
Alley	10	12
Frontage Street:	Determined by IDOT or County Engineer, Minimum 10	

All measurements in inches

2. Surface. The surface of all proposed streets shall meet or exceed all of the standards in this subsection, the information identified in Tables 8-6 and 8-7. A3 surfacing ("tar and chip") shall be strictly prohibited.

- a. Material. The surface of all proposed streets shall be a bituminous plant mix conforming to State of Illinois specifications Portland Concrete Cement (PCC) may be substituted with the written approval of the County Engineer.
- b. Width. The width of the surface of all proposed streets shall conform to Table 8-6 ("Street Surface Widths").
- c. Depth. The depth of the surface of all proposed streets shall conform to Table 8-7 ("Street Surface Depths").
- d. Installation. The bituminous plant mix surface shall be applied in two (2) courses or lifts, a binder course and a surface course.
  - 1. Binder Course. The binder course shall be two-thirds ( 2/3 ) of the total depth of the required surface depth. The binder course shall be allowed to settle for one winter and spring season prior to the application of the surface course. Any settling requiring patching shall be patched prior to the application of the surface course. The settling requirement may be waived by the County Engineer, provided proper compaction tests meeting ninety-five (95) percent of optimum density has been submitted to the County Engineer.
  - 2. Surface Course. The surface course shall be one-third ( 1/3 ) of the total depth of the required surface depth. The surface course shall be applied after the binder course has settled for at least one winter season and any required patching has been completed.

**TABLE 8-6  
STREET SURFACE WIDTHS**

Street Classification	Residential	Nonresidential
Arterial:		
State	Determined by IDOT or County Engineer, Minimum 24	
County Primary	Determined by IDOT or County Engineer, Minimum 24	
County Non-Primary	Determined by IDOT or County Engineer, Minimum 24	
Collector:		
Township Collector	30	36
Local:		
Township Local	30	30
Cul-de-sac	30	30
Private	18	Not Permitted

Alley	15	20
Frontage Street:	Determined by IDOT or County Engineer	

All measurements in feet

**TABLE 8-7  
STREET SURFACE DEPTHS**

Street Classification	Residential	Nonresidential
Arterial:		
State	Determined by IDOT or County Engineer, Minimum 6	
County Primary	Determined by IDOT or County Engineer, Minimum 6	
County Non-Primary	Determined by IDOT or County Engineer, Minimum 6	
Collector:		
Township Collector	3	3
Local:		
Township Local	3	3
Cul-de-sac	3	3
Private	2	Not Permitted
Alley	3	3
Frontage Street:	Determined by IDOT or County Engineer, Minimum 3	

All measurements in inches

[d. Reserved.]

e. Curb and Gutter.

1. Residential. Curb and gutter shall be required for residential streets when required by a municipality exercising its extra-territorial authority, or where an underground or closed stormwater systems are either required or proposed. When required all curb and gutter

shall be barrier type with depressed entrances for driveways. The depressed entrance shall be a minimum of eighteen (18) feet.

2. Nonresidential. Curb and gutter shall be required for nonresidential streets when required by a municipality exercising its extra-territorial authority, or where an underground or closed stormwater systems are either required or proposed. When required all curb and gutter shall be barrier type with depressed entrances for driveways. The depressed entrance shall be a minimum of twenty-five (25) feet.

f. Pedestrian Ways.

1. Sidewalks.

- a. Sidewalks shall be required on both sides of all streets in a residential subdivision containing lots having an area of one-quarter ( $\frac{1}{4}$ ) acre or less.
- b. Sidewalks shall be required on only one side of every street in a residential subdivision containing lots having an area between one-quarter ( $\frac{1}{4}$ ) and one acre.
- c. Sidewalks are not required in a residential subdivision containing lots having an area of one acre or greater. However, if provided, the sidewalks shall meet or exceed the minimum specification requirements.
- d. Specifications. Sidewalks shall be located a minimum of one foot inside the right-of-way line, a minimum of four (4) feet in width, and a minimum of three and one-half ( $3\frac{1}{2}$ ) inches in thickness of Portland concrete cement that meets or exceeds the IDOT materials specifications for Portland concrete cement sidewalks.

2. Trails. Trails may be installed as a substitute for sidewalks when they are required, if approval is granted by the County Highway Department and the Township Road Commissioner. Should the subdivision include trails, they shall meet or exceed the minimum standards below.

- a. All trails shall be constructed within an easement or a public right-of-way. Said easement shall be described and shown on the preliminary plat, construction plans, and final plat.
- b. Trails shall be a minimum of fifty (50) feet from any principal structure.
- c. Trails shall be a minimum of five (5) feet from any property line.
- d. Trails shall have a minimum gravel base of eight (8) inches. The base material shall be CA6 or better.
- e. The trail surface shall be a minimum four (4) inches of limestone screenings or two (2) inches of asphalt, Class I-11 or I-11 modified.
- f. Trails shall be a minimum of eight (8) feet wide.
- g. Maintenance of trails:
  1. If a trail is located in a public right-of-way, the road authority who accepts the right-of-way for maintenance shall be responsible for maintenance of the trail unless a notation has been made on the final plat for maintenance by another entity, such as the homeowners' association.
  2. If a trail is located in an easement or dedicated open space, the owners of the lots in the subdivision shall be responsible for maintenance of the trail.

3. Accessibility Requirements. All sidewalks and trails shall conform to the minimum requirements of the American's with Disabilities Act and the State of Illinois' Environmental Barriers Act.

g. Public Safety.

1. Signalization. The developer, at his expense, shall provide all required signalization including but not limited to street name signage, and traffic control devices.
    - a. Street Name Signs. Street Name Signs shall be installed at the northeast corner of every intersection within the subdivision, and the intersection of any existing exterior streets. The street name sign shall indicate the street names as shown on the final plat. The street name signs shall be approved by the appropriate road authority.
    - b. Traffic Control Devices. Proper traffic control shall be provided at every intersection with the subdivision. At a minimum a stop sign shall be installed at every exit of the subdivision. As may be required by IDOT or the County Engineer, traffic lights shall be installed by the developer.
  2. Guard Rails. Guard rails or warning posts may be required in situations identified by IDOT. If required by the County Engineer, said guard rails or warning posts shall be installed pursuant to IDOT standards for placement and materials.
5. *Approval of Right-of-Way and Pavement Deficiencies.*
- a. The right-of-way width in areas where the right-of-way has been platted but the road has not been built or accepted for maintenance, may be approved at the existing right-of-way width.
  - b. Right-of-way widths, street widths and cross-sections in a proposed subdivision which deviate from the standards in this article may be considered for approval at deficient dimensions provided that:
    1. The proposed street is an extension of a deficient street.
    2. The proposed street intersects the deficient street.
  - c. In no case shall the right-of-way be less than fifty (50) feet in width.

8.3.4 *Utilities.* The proper design, location, installation and maintenance of utilities is in the long term interest of the residents of Peoria County in that it promotes general health and safety. Extension of utilities should be encouraged in such a manner that it promotes a compact form of development.

1. *Water Supply.*
  - a. Purpose. The intent of these regulations is to ensure that County residents have an adequate and safe water supply, and to further the intent of the comprehensive plan by promoting compact growth with adequate public utilities.
  - b. Water System Required. The following shall be required:
    1. Tract Surveys. If an existing public water supply is within a reasonable distance of the parcels created by tract survey, the developer, at his expense, shall extend the public water supply to all parcels created as part of the tract survey and extension of the existing water supply shall not be waived by the County Board. A reasonable distance shall be deemed to be not greater than three hundred (300) feet for a single-family residence and not greater than one thousand (1,000) feet for a commercial establishment or multifamily dwelling. If an existing public water supply is not within a reasonable distance, parcels created by tract survey may be served by private well, provided they have obtained the appropriate permits from the Health Department. A waiver from the County Board shall not be required.
    2. Minor Subdivisions.
      - a. If an existing public water supply is within a reasonable distance of the subdivision, the developer, at his expense, shall extend the public water supply to all parcels created as part of the minor subdivision and extension of the existing water supply shall not be waived by the County Board. This shall be done during the construction of the other improvements in the development, and designed to accommodate the demand to be generated by the subdivision and in accordance with Distribution

System Requirements, below. At the time of construction, the owner of each lot created shall be required to hook-up to the public water supply. A reasonable distance shall be deemed to be not greater than three hundred (300) feet for a single-family residence and not greater than one thousand (1,000) feet for a commercial establishment or multifamily dwelling.

- b. If a public water supply does not exist within a reasonable distance of the subdivision, the developer shall be required to obtain a waiver from the County Board in accordance with subsection 8.3.4-1.d.

3. Moderate Subdivisions.

- a. If an existing public water supply is within a reasonable distance of the subdivision, the developer, at his expense, shall extend the public water supply to all parcels created as part of the moderate subdivision and extension of the existing water supply shall not be waived by the County Board. This shall be done during the construction of the other improvements in the development, and designed to accommodate the demand to be generated by the subdivision and in accordance with Distribution System Requirements, below. At the time of construction, the owner of each lot created shall be required to hook-up to the public water supply. A reasonable distance shall be deemed to be not greater than three hundred (300) feet for a single-family residence and not greater than one thousand (1,000) feet for a commercial establishment or multifamily dwelling.
- b. If a public water supply does not exist within a reasonable distance of the subdivision, the developer shall be required to obtain a waiver from the County Board in accordance with subsection 8.3.4-1.d.

4. Major Subdivisions. All major subdivisions shall be developed using a public water supply or community water supply system. The use of individual wells for each lot platted shall be strictly prohibited and shall not be waived by the County Board.

- a. Public Water Supply. If a public water supply exists within a reasonable distance of the subdivision, the developer, at his expense, shall extend the public water supply to all parcels created as part of the major subdivision. This shall be done during the construction of the other improvements in the subdivision, and designed to accommodate the demand to be generated by the subdivision and in accordance with Distribution System Requirements, below. At the time of construction, the owner of each lot created shall be required to hook-up to the public water supply. A reasonable distance shall be deemed to be not greater than three hundred (300) feet for a single-family residence and not greater than one thousand (1,000) feet for a commercial establishment or multifamily dwelling.
- b. If a public water supply does not exist within a reasonable distance of the subdivision, the developer shall, at his expense, install a community water supply system. The developer shall obtain the appropriate permits from the Illinois Environmental Protection Agency, and provide said documentation to the Plat Officer as part of the approval of the construction plans. The developer, at his expense, may extend public water to the subdivision in lieu of a community water supply system.

c. Distribution System Requirements.

- 1. A complete water main supply system to be connected to an existing public water supply or a community water supply shall be approved by the Illinois Environmental Protection Agency.
- 2. The developer shall be responsible for the proper installation of the entire distribution system, including, but not limited to, all water mains, stubs from the water mains to every platted lot, fire hydrants, and any other part of the system to adequately meet the minimum standards set forth below.



3. Such distribution system shall consist of adequately sized mains, not less than eight (8) inches in diameter.
  4. Fire Hydrants. Fire Hydrants shall be required as a part of any distribution system. There shall be at least one hydrant per distribution system. They shall be placed on a water main no less than eight (8) inches in diameter. They shall be spaced a maximum of five hundred (500) feet apart. Any hydrant placed in a public right-of-way shall be approved as part of the construction plan approval process.
  5. The system shall be so designed as to supply a minimum of three (3) gallons per minute per person, based on the expected total population, at a minimum pressure of thirty (30) pounds per square inch.
- d. Waiver. Requirements stated in this section may be waived in accordance with Section 3.15 ("Subdivision Waivers and Appeals") of this chapter only in those areas not served by a public water supply unless the regulation specified above states that it cannot be waived. The County Board may waive the requirement for a public water supply in a minor or moderate subdivision and allow the subdivision to be served by individual wells for each lot, provided the developer submits satisfactory documentation to support this request. Such documentation shall include, but not be limited to:
1. Documentation regarding proximity to existing water supply, both current and planned expansion by the appropriate water authority.
  2. Detailed and documented cost comparison of the projected costs of public water, community water, and individual wells.
  3. Documentation shall be provided to demonstrate that an adequate quantity and quality of water will be available for all lots proposed. Such documentation may be provided by the Illinois State Geological Survey or the Illinois State Water Survey.
  4. Documentation from an existing well in the immediate vicinity documenting the production of water at a minimum rate of three (3) gallons per minute (gpm.)
  5. The developer shall provide data from a test boring(s) completed by a well driller denoting the availability of water at this location. Location of the test well(s) shall be identified by the Illinois State Water Survey, the Peoria City/County Health Department and a licensed well driller. Results of such boring shall indicate a minimum three (3) gallons per minute (gpm) produced.
2. *Sanitary Sewers.*
- a. Purpose. To protect the health and safety of county residents by providing for the safe and sanitary disposal of domestic sewage.
  - b. Sanitary Sewers Required. The following shall be required:
    1. Tract Surveys. Parcels created by tract survey shall be required to connect to an existing sanitary sewer that has capacity and is down stream from the parcels to be created when said parcels are within a reasonable distance. A reasonable distance shall be deemed to be not greater than three hundred (300) feet of the property boundary for a single-family residence and not greater than one thousand (1,000) feet of the property boundary for a commercial establishment or multifamily dwelling. When a sanitary sewer exists within a reasonable distance but is not capable of serving the parcels to be created, or if no sanitary sewer exists within a reasonable distance of the parcels to be created, an onsite wastewater treatment system may be used for each parcel to be created. The installation of such system shall be the responsibility of the owner obtaining a permit for construction of the principal structure on the parcel. A parcel created by tract survey with an existing principal structure and an existing onsite wastewater treatment system, may be allowed to continue using said system.

2. Minor Subdivisions. Lots created by minor subdivision shall be required to connect to an existing sanitary sewer that has capacity and is down stream from the lots to be created when said parcels are within a reasonable distance. A reasonable distance shall be deemed to be two thousand five hundred (2,500) feet from the nearest approved public sewer system to the nearest portion or point of the proposed subdivision. When a sanitary sewer exists within a reasonable distance but is not capable of serving the lots to be created, or if no sanitary sewer exists within a reasonable distance of the lots to be created, an individual sewage disposal system may be used for each parcel to be created, if approved by the Peoria City/County Health Department. A waiver from the County Board shall not be required. The installation of such system shall be the responsibility of the owner obtaining a permit for construction of the principal structure on the lot(s). A lot created by minor subdivision with an existing principal structure and an existing individual sewage disposal system, may be allowed to continue using said system.
3. Moderate Subdivisions. Lots created by moderate subdivision shall be required to meet or exceed the following:
  - a. All moderate subdivisions shall be designed and built with a sanitary sewer collection system connected to an existing system for waste water treatment and disposition with sufficient capacity and acceptable degree of treatment to accommodate the subdivision. Where any part of an existing system is located within a reasonable distance, the developer shall at his expense connect to said system. A reasonable distance shall be deemed to be two thousand five hundred (2,500) feet from the nearest approved public sewer system to the nearest portion or point of the proposed subdivision. If the existing system to which a subdivision would be connected to has insufficient capacity or degree of treatment, the developer shall provide at his expense the means to increase the capacity or degree of treatment to accommodate the subdivision.
4. Major Subdivisions. Lots created by major subdivision shall be required to meet or exceed the following:
  - a. All major subdivisions shall be designed and built with a sanitary sewer collection system connected to an existing system for waste water treatment and disposition with sufficient capacity and acceptable degree of treatment to accommodate the subdivision. Where any part of an existing system is located within a reasonable distance, the developer shall at his expense connect to said system. A reasonable distance shall be deemed to be two thousand five hundred (2,500) feet from the nearest approved public sewer system to the nearest portion or point of the proposed subdivision. If the existing system to which a subdivision would be connected to has insufficient capacity or degree of treatment, the developer shall provide at his expense the means to increase the capacity or degree of treatment to accommodate the subdivision.
- c. Waiver. Requirements stated in subsection 8.3.4-2 may be waived in accordance with Section 3.15 ("Subdivision Waivers and Appeals") of this chapter. The following additional criteria shall be met in order to obtain a waiver for the utilization of individual septic systems.
  1. Where there is no existing system to which the subdivision can be reasonably connected, either by reason of distance or insufficient capacity which cannot be reasonably increased, then the developer shall provide a means for waste water treatment and disposition as may be approved by the Peoria City/County Health Department.
  2. Soil profiles shall be required by the Peoria City/County Health Department. No soil profiles shall be taken in areas where the natural topography is to be cut or filled; it being the intention of this requirement that such tests show soil conditions in which the individual sewage disposal systems will be installed and will be expected to function.

3. If approved surface private sewage disposal systems are required to dispose of effluent, the outfall shall be constructed in accordance with the design standards set forth in Chapter 19 of the County Code. When necessary, easements shall be provided for such outfalls, and such easements shall be clearly marked on the final subdivision plat. No effluent shall be discharged to any roadside ditch. No such outfall pipe shall be laid under any public street, unless plans and installation are approved in writing by the health department and the appropriate highway official.

3. *Storm Sewers.*

- a. The developer shall provide a stormwater control system to adequately serve the subdivision which conforms to the minimum requirements of Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.
- b. In addition to the requirements of Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control"), the design of the stormwater control system shall also consider and show in the designs the following:
  1. The watershed area of which the subdivision is a part.
  2. The use of existing drainage courses wherever possible.
  3. A plan of swales or a closed system to prevent flooding and ponding of streets within and adjacent to the subdivision.
- c. Culverts. In subdivisions with an open stormwater control design, the proper installation of culverts shall be required at the access point to each lot platted. The exact location, type, and sizing of culverts shall be determined by the road authority to which the property is gaining access from. However, culverts shall have the following minimum requirements:
  1. Residential. Culverts that access lots used for residential purposes shall be at a minimum:
    - a. A corrugated metal or better design.
    - b. Have a minimum diameter of eighteen (18) inches or as approved by the appropriate road authority.
    - c. Have a minimum subgrade cover of six (6) inches.
    - d. Have a minimum length of thirty (30) feet.
  2. Nonresidential. Culverts that access lots used for nonresidential purposes shall be at a minimum:
    - a. A corrugated metal or better design.
    - b. Have a minimum diameter of twenty-four (24) inches or as approved by the appropriate road authority.
    - c. Have a minimum subgrade cover of ten (10) inches.
    - d. Have a minimum length of thirty (30) feet.
- d. Ditches and Swales. Ditches and swales shall meet the following minimum requirements:
  1. With grades of four (4) percent or less, ditches and swales shall be seeded and covered with mulch or erosion (excelsior) blanket.
  2. With grades between four (4) and eight (8) percent, ditches and swales shall have sod channels and ditch checks. Ditches may be required to be lined with rock rip-rap. Said rip-rap shall be at least six (6) inches, but no more than eighteen (18) inches.

3. With grades eight (8) percent or greater, ditches and swales shall be lined with rock rip-rap. Said rip-rap shall be at least six (6) inches, but no more than eighteen (18) inches.
4. *Other Utilities.*
  - a. Other utilities shall be considered as natural gas, electrical services, telephone, cable televisions (CATV), and other similar services distributed by pipe, wire or cable.
  - b. The developer shall make arrangements for all utilities to be installed entirely underground throughout the entire subdivision. The developer shall provide easements along common property lines that are wide enough to accommodate the cable or conduit which provides said utilities. The easements shall be shown on the preliminary plat, any required construction plans, and the final plat. All utility lines shall be placed either within a public right-of-way or within the platted utility easement. If placed within the public right-of-way, the utility shall be located within five (5) feet of the outer edge of the right-of-way and along the back slope of the ditch, unless curb and gutter is provided.
  - c. If alleys are part of the development, all utilities shall be located in said alleys and other public right-of-way, and shall access each lot from the alley.
  - d. All utility lines placed within a public rights-of-way or easements shall be planned so as not to conflict with other underground utilities.
  - e. Electrical transformers and telephone junction boxes shall not be placed in any portion of a designated stormwater improvement.

(Ord. of 3-13-14)

#### Sec. 8.4 - Open Space Recommendations

8.4.1 *Intent.* To further the goals and objectives of the Peoria County Comprehensive Land Use Plan, and the intent of this chapter as identified in Section 1.3.3, Subdivision Purpose, open space regulations shall be encouraged pursuant to this article for the following purposes:

1. To protect the land, air, natural resources of the State of Illinois, pursuant to 50 ILCS 805/1 et seq.;
2. To better integrate development into and minimize the impact on the natural environment;
3. To allow for recreational opportunities of the subdivision's residents, which improves the community;
4. To improve the health of the subdivision's occupants;
5. To protect the important natural resources found specifically in Peoria County.

8.4.2 *Applicability and Standards.*

1. *Tracts Surveys.* Tract surveys shall be exempt from the standards of this article.
2. *Minor Subdivisions.* Minor subdivisions shall be exempt from the standards of this article.
3. *Major and Moderate Subdivisions.* Major and moderate subdivisions are encouraged, but not required, to adhere to the following standards. Open Space recommendations shall be on a sliding scale based on the size of the subdivision as shown in Table 8-8, Open Space Recommendations. Open space shall be either common or public open space, as defined in Article 11, Definitions.

### **TABLE 8-8 OPEN SPACE RECOMMENDATIONS**

Subdivision Type	Subdivision Size (acres)	Open Space Encouraged	
		Percent of Subdivision Size	Acres
Residential:	40—80	15%	6—12
	81+	20%	12 +
Nonresidential:	40+	20%	8.20 +
Mixed-Use:	40+	20%	8.20 +

4. *Additional Open Space.* Any open space dedicated by the developer beyond the minimum required shall also be held to the requirements of this section.
5. *Open Space Components.* Items or features that may be considered as part of the subdivision's open space shall include, but not be limited to:
  - a. Natural features such as lakes, streams, wetlands, forests, prairies, flood hazard areas, areas of steep slope and highly erodible soils, and areas which provide important and valuable functions, such as floodwater storage, groundwater recharge, soil stabilization, water quality enhancement, temperature modulation, and wildlife habitat.
  - b. Scenic, recreational, and/or historic amenities.
6. *Access to Open Space.* The dedicated open space shall be incorporated into the development such that it shall be accessible to all property owners and residents in the development and its minimum dimensions are functionally useable.

#### 8.4.3 *Ownership and Maintenance.*

1. *Ownership.* The developer shall choose one of the following selections for long-term ownership of the dedicated open space. For all selections, the owner shall be responsible for permanent maintenance of the dedicated open space, and property tax that may be levied by a local unit of government.
  - a. *Developer.* The developer maintains ownership of the dedicated open space.
  - b. *Property Owners' or Residents' Association.* As part of the platting process, the developer creates the association. Purchase of a lot requires membership in the association. Dues are charged annually to cover the cost of maintenance and/or tax that may be required.
  - c. *Local Unit of Government.* The developer may enter into an agreement with a local unit of government for the purpose of transferring ownership to said unit of government.
  - d. *Land Trust.* The developer may transfer ownership of the dedicated open space to a land trust whose mission involves proper stewardship of the land. Said trust shall have a 501(c)(3) not-for-profit status, and such transfer shall be subject to the approval of the Plat Officer.

### Sec. 8.5 - Certificates and Notations

- 8.5.1 *Intent.* In order to allow for accurate, consistent and efficient review of development proposals, the following language shall be required for all certificates and notations. As stated in Section 3.16 ("Plat

Approval") of this chapter, all certificates are required to be no more than one inch from any edge of the survey.

8.5.2 *Tract Surveys.*

1. *Certificates.* The following certificates shall be required on all tract surveys.

a. County Clerk's Certificate. The certificate for the County Clerk shall be as follows.

State of Illinois	)	
	)	ss
County of Peoria	)	

I hereby certify that I find no delinquent taxes, unpaid current taxes, delinquent special assessments or unpaid current special assessments against any of the real estate embraced in the attached Plat of Survey and Description.

Given under my hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

County Clerk	Deputy County Clerk	(SEAL)
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b. Certificate of Current Ownership. The certificate for the property owner shall be as follows.

State of Illinois	)	
	)	ss
County of Peoria	)	

I/We, \_\_\_\_\_, the Owner(s) of Record of the land shown in the attached Plat, do hereby authorize and acknowledge the Survey of the land as described in the accompanying Legal Description. Also, to the best of my knowledge the described parcel is located in \_\_\_\_\_ school district.

Given under my hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner of Record                      Owner of Record

Owner of Record                      Owner of Record

Subscribed and Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

c. Appropriate Road Official.

1. District Engineer for the Illinois Department of Transportation. The certificate for the State of Illinois when the tract survey fronts on a state highway shall be as follows.

State of Illinois	)	
	)	ss
County of Peoria	)	

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to Chapter 765 Illinois Compiled Statutes, Act 205, Section 2. However, a permit for access is required by the owner of the property. A plan that meets requirements contained in the Department's "policy on permits for access driveways to State Highways" will be required by the Department. This \_\_\_ day of \_\_\_\_\_, 20\_\_.

Director of Highways,  
Region Three Engineer

2. County Highway Official's Certificate. The certificate for the County Engineer shall be as follows.

State of Illinois	)	
	)	ss
County of Peoria	)	

This plat has been approved by the Peoria County Highway Department with respect to roadway access pursuant to 765 ILCS 205/2 and Section 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval"), and Article 8, Subdivisions, of this Chapter 20 of the Peoria County Code. However, a highway permit for access may be required by the property owner. Access will be allowed by the County in accordance with the policy on permits for access driveways to county roadways. This \_\_\_ day of \_\_\_\_\_, 20\_\_.

County Engineer

3. Township Road Commissioner's Certificate. The certificate for the Township Road Commissioner shall be as follows.

State of Illinois	)	
	)	ss
County of Peoria	)	

This plat of survey has been reviewed by the Township Road Commissioner with respect to roadway access, and the plat of survey meets the safety and access control standards in \_\_\_\_\_ Township. This \_\_\_ day of \_\_\_\_\_, 20\_\_.

Township Road Commissioner

d. Surveyor's Certificate. The certificate for the Surveyor shall be as follows.

State of Illinois	)	
	)	ss
County of Peoria	)	

This is to certify that I, \_\_\_\_\_, an Illinois Professional Land Surveyor, No. \_\_\_\_, have surveyed and subdivided the property as described and shown by the attached plat, which is a correct representation of said survey and subdivision. All distances are shown in feet and decimals thereof.

Given under my hand and Seal this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Professional Land Surveyor (SEAL)

e. Plat Officer's Certificate. The certificate for the Plat Officer shall be as follows.

State of Illinois	)	
	)	ss
County of Peoria	)	

This tract survey is hereby approved in accordance with the provisions of the Plat Act of Illinois (55 ILCS 5/5-1041) and Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval"), and Article 8, Subdivisions, of this Chapter 20 of the



Peoria County Code. It is in conformance with the goals and objectives of the County's Comprehensive Land Use Plan.

Given under my hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Peoria County Plat Officer (SEAL)

2. *Required Notations.* The following shall be required on all tract surveys or only as noted.
  - a. *Health Department Note.* This shall be noted on every tract survey: *"This tract survey does not provide for, nor imply, assurance of the compatibility for future construction utilizing a private sewage disposal system. A permit shall be obtained from the Peoria City/County Health Department prior to start of construction."*
  - b. *Water Note.* If the parcel is served by a public water provider or water district, then *"Water for this parcel is provided by \_\_\_\_\_ . Notice of hook-up is required prior to start of construction."* shall appear on the tract survey. If the parcel is not served by any water provider, and an individual well would be needed, then *"There is no public water provider to this parcel. Development of the parcel requires a well permit from the Peoria City/County Health Department before the start of construction."* shall appear on the tract survey.
  - c. *Long Driveways.* For any parcel being created by tract survey that extends greater than five hundred (500) feet from the adjacent right-of-way and street, the following shall appear on the tract survey: *"NOTICE TO THE PUBLIC: The creation of long private driveways may result in increased response time or inaccessibility by emergency service vehicles."*
  - d. *Zoning.* Every tract survey shall note the zoning of the parcel on the day of recording with the following note, *"On (date) , this parcel is known to be zoned \_\_\_\_\_."*
  - e. *Floodplain.* The surveyor shall determine if the parcel is located within any regulatory floodplain or floodway. If so, it shall be noted graphically on the tract survey, and textually with the following language, *"This parcel is located in a special flood hazard area. Zone \_\_\_\_\_, Community Panel \_\_\_\_\_. Improvements to this parcel may require special approval."*

8.5.3 *Preliminary Plats Certificates.* The following certificates shall be required on all preliminary plats.

1. *Surveyor's Certificate.* The certificate for the Surveyor shall be as follows:

State of Illinois	)	
	)	ss
County of Peoria	)	

This is to certify that I, \_\_\_\_\_, an Illinois Professional Land Surveyor, have surveyed and subdivided the property as described and shown by the attached plat, which is a correct representation of said survey and subdivision. All distances are given in feet and decimal parts thereof. I further certify that part of the property covered by this subdivision \_\_\_\_\_(is/is not) within one and one-half (1½) miles of the corporate limits of an incorporated city, town, or village exercising extraterritorial subdivision control; and that the tract \_\_\_\_\_(is/is not) within five hundred (500) feet of any drainage course draining six hundred forty (640) acres or more.

Given under my hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Professional Land Surveyor	Number	(SEAL)
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2. *Municipal Certificates of Approval.* For those municipalities exercising extraterritorial subdivision control, the certificate required in that municipality's subdivision ordinance shall be affixed to the preliminary plat.
3. *County Plat Officer Certificate of Approval.* The certificate for the County Plat Officer shall be as follows.

State of Illinois	)	
	)	ss
County of Peoria	)	

This preliminary plat is hereby approved in accordance with the provisions of the Plat Act of Illinois (55 ILCS 5/5-1041) and Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval"), and Article 8, Subdivisions, of this Chapter 20 of the Peoria County Code. It is in conformance with the goals and objectives of the County's Comprehensive Land Use Plan.

Given under my hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Peoria County Plat Officer (SEAL)

8.5.4 *Final Plats.*

1. *Certificates.* The following certificates shall be required on all final plats:
  - a. *County Clerk's Certificate.* The certificate for the County Clerk shall be as follows:

State of Illinois	)	
	)	ss
County of Peoria	)	

I hereby certify that I find no delinquent taxes, unpaid current taxes, delinquent special assessments or unpaid current special assessments against any of the real estate embraced in the attached Plat of Survey and Description.

Given under my hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

County Clerk	Deputy County Clerk	(SEAL)
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- b. Certificate of Current Ownership. The certificate for the property owner shall be as follows. In addition, if the development includes the construction of roads or placement of easements, then a statement shall be included by the developer dedicating streets, or rights-of-way, and reserving easements and any sites for public uses.

State of Illinois	)	
	)	ss
County of Peoria	)	

I/We, \_\_\_\_\_, the Owner(s) of Record of the land shown in the attached Plat, do hereby authorize and acknowledge the Subdivision of the land as described in the accompanying Legal Description. Also, to the best of my knowledge the described parcel is located in \_\_\_\_\_ school district.

Given under my hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner of Record

Subscribed and Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public (SEAL)

- c. Appropriate Road Official.

1. District Engineer for the Illinois Department of Transportation. The certificate for the State of Illinois when the subdivision fronts on a state highway shall be as follows.

State of Illinois	)	
	)	ss
County of Peoria	)	

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to Chapter 765 Illinois Compiled Statutes, Act 205, Section 2. However, a Permit for access for \_\_\_\_\_ is required by the owner of the property. A plan that meets requirements contained in the Department's

"Policy on Permits for Access Driveways to State Highways" will be required by the Department. This \_\_\_ day of \_\_\_\_\_, 20\_\_.

Director of Highways,  
Region Three Engineer

2. County Highway Official's Certificate. The certificate for the County Engineer shall be as follows.

State of Illinois	)	
	)	ss
County of Peoria	)	

This plat has been approved by the Peoria County Highway Department with respect to roadway access pursuant to 765 ILCS 205/2 and Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval") and Article 8, Subdivisions, of this Chapter 20 of the Peoria County Code. However, a highway permit for access may be required by the owner of the property. Access will be allowed by the County in accordance with the policy on permits for access driveways to county roadways. This \_\_\_ day of \_\_\_\_\_, 20\_\_.

County Engineer

3. Township Road Commissioner's Certificate. The certificate for the Township Road Commissioner shall be as follows.

State of Illinois	)	
	)	ss
County of Peoria	)	

This plat has been reviewed by the Township Road Commissioner with respect to roadway access, and the subdivision meets the safety and access control standards in \_\_\_\_\_ Township. This \_\_\_ day of \_\_\_\_\_, 20\_\_.

Township Road Commissioner

- d. Health Department Certificate. The certificate for the Peoria City/County Health Department shall be as follows.

State of Illinois	)	
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	)	ss
County of Peoria	)	

This is to certify that this plat has been reviewed by the Peoria City/County Health Department regarding compliance with all applicable County Ordinances related to the disposal of sewage, and it is hereby approved by the Peoria City/County Health Department provided that the requirements of Chapter 19 of the Peoria County Code are met in the installation of individual sewage disposal systems on each lot.

This \_\_\_ day of \_\_\_\_\_, 20\_\_.

Peoria City/County Health Department  
Representative of Health Authority

- e. Municipal Certificates of Approval. For those municipalities exercising extraterritorial subdivision control, the certificate required in that municipality's subdivision ordinance shall be affixed, signed, and sealed to the final plat.
- f. Surveyor's Certificate. The certificate for the Surveyor shall be as follows:

State of Illinois	)	
	)	ss
County of Peoria	)	

This is to certify that I, \_\_\_\_\_, an Illinois Professional Land Surveyor, have surveyed and subdivided the property as described and shown by the attached final plat, to be known as \_\_\_\_\_, which is a correct representation of said survey and subdivision. All distances are given in feet and decimal parts thereof. I further certify that part of the property covered by this subdivision \_\_\_(is/is not)\_\_\_ within one and one-half (1½) miles of the corporate limits of an incorporated city, town, or village exercising extraterritorial subdivision control; and that the tract \_\_\_(is/is not)\_\_\_ within five hundred (500) feet of any drainage course draining six hundred forty (640) acres or more.

Given under my hand and Seal this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Professional Land Surveyor	Number	(SEAL)
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- g. Plat Officer's Certificate. The certificate for the Plat Officer shall be as follows:

State of Illinois	)	
	)	ss
County of Peoria	)	

This final plat is hereby approved in accordance with the provisions of the Plat Act of Illinois (55 ILCS 5/5-1041) and Sections 3.14 ("Subdivisions"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval"), and Article 8, Subdivisions, of this Chapter 20 of the Peoria County Code. It is in conformance with the goals and objectives of the County's Comprehensive Land Use Plan. Good and sufficient security has been posted with the Peoria County Clerk in the penal sum sufficient to cover estimated and probable expenditures necessary to conform with submitted construction plans.

Given under my hand and Seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Peoria County Plat Officer (SEAL)

2. *Required Notations.* The following shall be required on all final plats or only as noted.

- a. *Water Note.* If the lots being created by the subdivision are served by a public water provider or water district, then "*Water for these lots is provided by \_\_\_\_\_ . Notice of hook-up is required prior to start of construction on each lot.*" shall appear on the final plat. If the lots being created by the subdivision are not served by any water provider, and individual wells will be needed, then "*There is no public water provider to these lots. Development of each lot requires a well permit from the Peoria City/County Health Department before the start of construction.*" shall appear on the final plat.
- b. *Zoning.* Every final plat shall note the zoning of the parcel on the day of recording with the following note, "*On (date) , this parcel is known to be zoned \_\_\_\_\_.*"
- c. *Floodplain.* The surveyor shall determine if the parcel being subdivided is located within any regulatory floodplain or floodway. If so, it shall be noted graphically on the final plat, and textually with the following language, "*(All or Part) of the lots in this subdivision are located in a special flood hazard area. Zone \_\_\_\_\_, Community Panel \_\_\_\_\_ . Improvements to these lots may require special approval.*"

(Ord. of 3-13-14)

ARTICLE 9. - NONCONFORMITIES

Sec. 9.1 - Nonconformities

9.1.1 *Purpose, Applicability.* The purpose of this section is to regulate and limit the continued existence of certain uses and structures established prior to the effective date of these regulations that do not conform to these regulations.

9.1.2 *Nonconforming Uses Located in Structures Adaptable to Permitted Uses.*

- 1. Nonconforming uses, if the structure to which the use is devoted is adaptable to a permitted use in the district in which it is located, may continue only in accordance with the provisions of this section.

2. Normal repair and maintenance may be performed to allow the continuation of such nonconforming use. However, the continuation, maintenance, or normal repair shall not extend or expand the nonconforming use and may only include:
    - a. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;
    - b. Maintenance of land areas to protect against health hazards and to promote the safety of surrounding land uses;
    - c. Repairs which are required to remedy unsafe conditions which cause a threat to public safety; and
    - d. Maintenance or repair of a sign in a way that does not change the exterior message.
  3. Such nonconforming use shall not be expanded, nor shall the nonconforming use be enlarged by additions to the structure in which the nonconforming use is located or the occupation of additional lands, unless its nonconforming status is removed pursuant to subsection 9.1.5, Termination of Status as Nonconforming.
  4. Except as provided in subsection 9.1.5, Termination of Status as Nonconforming, the nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once the nonconforming use is changed to a conforming use, the nonconforming use shall not be reestablished.
  5. Where the nonconforming use is discontinued or abandoned for six (6) consecutive months, then the use shall not be reestablished or resumed, and any subsequent use of the land or structure shall conform to the requirements of these regulations.
  6. Where a structure in which the nonconforming use is located is destroyed or damaged (either gradually or suddenly) to fifty (50) percent or more of its assessed value, the use shall not be reestablished or resumed and the structure may be repaired or restored only for uses which conform to the standards of these regulations for the zoning district in which it is located. Assessed value shall be determined by reference to the official property tax assessment rolls for the year the structure is destroyed or damaged. The extent of damage or destruction shall be determined by the Zoning Administrator by comparing the estimated cost of repairs or restoration with the assessed value. In the event that such damage or destruction occurs suddenly and is less than fifty (50) percent of the cost of reconstructing the entire building or structure, no repairs or construction shall be made unless such restoration is started within one year from the date of the partial destruction and is diligently pursued to completion. In the case of gradual destruction where the damage to the structure does not total more than fifty (50) percent of its assessed value, the reconstruction must commence within six (6) months after discovery that the extent of the destruction or damage approached fifty (50) percent of its assessed value and must be diligently pursued to completion.
- 9.1.3 *Nonconforming Structures.* If a nonconforming structure is destroyed or damaged (either gradually or suddenly) to fifty (50) percent or more of its assessed value it may be repaired or restored only if the structure conforms to the standards of these regulations for the zoning district in which it is located. Assessed value shall be determined by reference to the official property tax assessment rolls for the year the structure is destroyed or damaged. The extent of damage or destruction shall be determined by the Zoning Administrator by comparing the estimated cost of repairs or restoration with the assessed value.
- 9.1.4 *Nonconforming Vacant Lots.*
1. Except as provided below in subsection 9.1.4-2, a nonconforming vacant lot may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all limitations and minimum requirements for setbacks, height, open space, and floor area established in these regulations for the zoning district in which the lot is located.

2. If two (2) or more adjacent and vacant nonconforming lots are in single ownership at any time, and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located, then such lots shall be considered and treated as a single lot or several lots which meet the minimum requirements of these regulations for the district in which such lots are located.
3. Notwithstanding the limitation in subsection 9.1.4-1, above, a nonconforming vacant lot may be used for a single-family dwelling, provided that:
  - a. The lot is located in a district in which dwelling units are permitted; and
  - b. All other development standards are met.

#### 9.1.5 *Termination of Status as Nonconforming.*

1. Notwithstanding the provisions of Section 9.1.2, Nonconforming Uses Located in Structures Adaptable to Permitted Uses, above, a nonconforming use or structure may be deemed to be in conformity with these regulations, and may be allowed to continue and to expand as a lawfully existing use or structure, through the issuance of a special use permit in accordance with the provisions of this subsection.
2. To establish a nonconforming use or structure as a lawfully existing use or structure, the owner of the property, or his or her authorized agent, shall apply for a special use permit in accordance with the procedures established in Section 3.5 ("Special Use Permits") of these regulations.
3. A special use permit shall not be issued for the nonconforming use or structure unless it will be compatible with the surrounding area and will be improved according to the following requirements:
  - a. Buffers. A buffer conforming to the standards of Section 7.6 ("Landscaping and Bufferyards") shall be provided between the nonconforming use or structure and any abutting lot.
  - b. Off-Street Parking. Any off-street parking area located on the lot shall be improved to meet the landscaping standards established in Section 7.6 ("Landscaping and Bufferyards") for or the zoning district in which the parking area is located.

#### 9.1.6 *Issuance of Special Use Permit.*

1. Upon determining that the nonconforming use or structure satisfies all of the above requirements and that a fee has been paid pursuant to Section 1.6 ("Review Fees"), the Zoning Administrator shall recommend approval to the Zoning Board of Appeals for that use or structure or for the expansion of that use or structure. The special use permit shall specifically state how the nonconforming use or structure differs from the regulations and standards set forth in these regulations.
2. Upon receipt of the special use permit, the use or structure shall no longer be treated as a nonconformity and shall be allowed to continue as a lawfully existing use or structure unless it is abandoned or discontinued for six (6) months or unless the structure in which the use is located is destroyed or damaged to one hundred (100) percent of its assessed value. This status as a lawfully existing use shall apply only to the specific use or structure for which the permit is issued and not to any other use or structure that may be located on the lot.
3. In no event shall the use or structure be allowed to expand to greater than fifty (50) percent of the floor area or lot area that it occupied on the effective date of these regulations or on the effective date of any amendment to these regulations which rendered the use or structure nonconforming.

9.1.7 *Time Line for Compliance.* Upon discovery by the County, owners and occupants of nonconforming uses or structures shall be notified by certified mail of possible nonconformance with this section. The owners, occupants, or agents thereof shall apply for a nonconforming use certificate within thirty-five (35) days after notification of possible noncompliance. Failure to make such an application within thirty-five (35) days shall be prima facie evidence that the structure or use of the land is an illegal use and not a nonconforming use. Applications shall include all evidence necessary to show conclusively the



existence and the extent of the nonconformity. This evidence shall be in written form and may include photographs and building plans.

9.1.8 *Record of Nonconforming Use Certificates.* The Zoning Administrator shall make and keep a record of all nonconforming buildings, structures and land uses. This record shall include all evidence submitted with the application.

9.1.9 *Nonconforming Use Certificate.* If a nonconforming use is established as a result of the requirements in Section 9.1.3, Nonconforming Structures, or 9.1.4, Nonconforming Vacant Lots, above, then the Zoning Administrator shall issue a Nonconforming Use Certificate. The fee for such service is set forth in Appendix A.

## ARTICLE 10. - VIOLATIONS, PENALTIES, AND ENFORCEMENT

### Sec. 10.1 - Responsibility for Enforcement

The provisions of these regulations shall be enforced by the Zoning Administrator, who shall, upon due investigation, determine whether a violation of this chapter exists. In the event the Zoning Administrator determines that a violation of this chapter exists, he shall provide written notice of the violation to the owner.

(Res. of 7-12-12)

### Sec. 10.2 - Violations

Failure to comply with the requirements of this chapter, including the terms or conditions of any permit, special use or variance granted under these regulations, shall be deemed to be a violation of this chapter and shall be subject to the remedies and penalties provided herein.

### Sec. 10.3 - Remedies and Enforcement Procedures

1. In the event that any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or that any building, structure, or land is used in violation of these regulations, the Zoning Administrator, or other proper authority of the County, or any person whose value or use of property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceeding in the circuit court:
  - a. To prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of the building, structure, or land;
  - b. To prevent the occupancy of the building, structure, or land;
  - c. To prevent any illegal act, conduct, business, or use in or about the premises;
  - d. To restrain, correct or abate the violation;
2. With the exception of Sections 3.10 ("Floodplain Development Permit"), 3.11 ("Swimming Pool Permits"), 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval"), 7.13 ("Erosion, Sediment, and Stormwater Control"), 7.14 ("Floodplain Regulations"), 7.15 ("Swimming Pools"), 7.16 ("Vehicle Races and Stunts"), Article 8, Subdivisions, the Zoning Administrator may institute proceedings with the Code Hearing Unit, as provided in Chapter 2, Article V, of the Peoria County Code, for violations of this chapter.
3. In addition to other remedies provided by these regulations and other applicable laws, the Zoning Administrator shall, when a violation has been determined to exist:
  - a. Refrain from issuing any subsequent development approvals for the developer until the violation has been corrected; and

- b. Inform the violator that no further work under an existing approval may proceed until the violation has been corrected.
  - c. For a violation of Sections 3.10 ("Floodplain Development Permit") and 7.14 ("Floodplain Regulations"), inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a standard flood insurance policy to be suspended. Any person found in violation of the provision of Sections 3.10 ("Floodplain Development Permit") and 7.14 ("Floodplain Regulations") may be enjoined from continuing the violation.
  - d. Whenever a pool violating the terms of Section 7.15 ("Swimming Pools") constitutes a menace to public safety, the Zoning Administrator shall have the power to require that such a pool be drained to a level not to exceed eighteen (18) inches until such time as the same is in the opinion of the Zoning Administrator no longer a menace or hazard to the health and safety of the public.
4. Nothing herein shall prevent the County from taking other lawful action to prevent or remedy any violations of this chapter. All costs connected therewith shall accrue to the person or persons responsible.

(Res. of 7-12-12)

#### Sec. 10.4 - Penalties and Costs

1. *Fines.* Unless otherwise provided, the violation of the terms of these regulations is hereby declared to be a petty offense, punishable by a fine not to exceed five hundred dollars (\$500.00) for each offense. Each week that a violation is permitted to exist shall constitute a separate offense. Fines may be imposed by the Code Hearing Unit, as provided in Chapter 2, Article V, of the Peoria County Code or by the circuit court upon the prosecution of any violation of the terms of this chapter.
  - a. The violation of any of the terms of Section 7.13, ("Erosion, Sediment, and Stormwater Control"), shall constitute an offense punishable by a fine not to exceed five hundred dollars (\$500.00), with each day the violation remains uncorrected constituting a separate offense. Such fine is in addition to any other remedy provided by law.
  - b. Whoever shall be convicted of violating the provisions of Article 8, Subdivisions, Section 3.14 ("Subdivision"), Section 3.15 ("Subdivision Waivers and Appeals"), and Section 3.16 (Plat Approval") shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each violation, and each separate day or part thereof that such violations continue shall be deemed to be a separate offense.
  - c. The violation of the terms of Section 7.15, ("Swimming Pools") shall constitute an offense punishable by a fine not to exceed one thousand dollars (\$1,000.00) for each violation. Each week the violation remains uncorrected constitutes a separate offense.
  - d. The violation of the terms of Section 7.16 ("Vehicle Races and Stunts") shall constitute an offense punishable by a fine not to exceed one thousand dollars (\$1,000.00) for each violation. Each day the violation remains uncorrected constitutes a separate offense.
2. *Costs.* All costs connected with any remedies or enforcement proceedings shall accrue to the person or persons responsible for the violation. Code Hearing Unit violations are subject to additional court costs of one hundred fifty dollars (\$150.00) per hearing plus recording costs.

#### ARTICLE 11. - DEFINITIONS

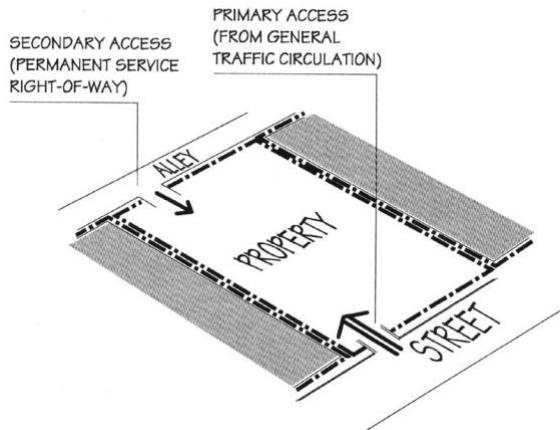
##### Sec. 11.1 - Definitions

For the purposes and intent of these regulations, the following words and terms have the meanings specified herein:

"A" and "A"-numbered zones: Those areas in the floodplain subject to a one percent or greater chance of flooding in any given year.

*Abutting*: Having property boundaries or lot lines in common with, but not being separated by a street, alley or other public right-of-way.

*Access*: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.



*Access Permit*: A permit issued by the appropriate highway authority for the construction, maintenance, and use of a driveway or public street or highway connecting to an existing highway.

*Accessory*: A use, building or structure, or part of a building or structure which: (1) is subordinate to and serves the principal building or structure or principal use; (2) is subordinate in area, extent, or purpose to the principal building or structure or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same lot as the principal building or structure or principal use served, with the exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot as the building or use served.

*Acre*: Forty-three thousand five hundred sixty (43,560) square feet.

*Act*: An act in relation to the regulation of the rivers, lakes, and streams of the State of Illinois, 615 ILCS 5/5 et seq.

*Adjacent/Adjoining*: Abutting or being directly across a street, alley, or other public right-of-way from.

*Adjacent lands*: At a minimum is an area within fifty (50) feet of the project area, and includes all surrounding land that may either impact a site, or be impacted by potential soil erosion, sediment and/or stormwater run-off as a result of land disturbing activities conducted on a site.

*Adult Bookstore, Adult Novelty Store, Adult Video Store*: "Adult Bookstore, Adult Novelty Store, or Adult Video Store" means a commercial establishment which has a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a significant or substantial section of its sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas";

The term "Adult Bookstore, Adult Novelty Store, or Adult Video Store" shall also include a commercial establishment which regularly maintains one or more "Adult Arcades." "Adult Arcade" means

any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing "specified sexual activities" or specified "anatomical areas."

*Adult Cabaret:* "Adult Cabaret" means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, regardless of whether alcoholic beverages are served, which regularly features: (1) persons who appear semi-nude, (2) live performances which are characterized by the exposure of any "specified anatomical areas," or (3) films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas."

*Adult Motel:* "Adult motel" means a motel, hotel, or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, and which regularly provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas" and which regularly advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, and (b) offers a sleeping room for rent for a period of time less than ten (10) hours.

*Adult Motion Picture Theater:* "Adult Motion Picture Theater" means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the exhibition or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

*Adult Theater:* "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in state of semi-nudity or live performances which are characterized by their emphasis upon the exposure of "specified anatomical areas" or "specified sexual activities."

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

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

*Adult-Use Cannabis Dispensing Organization:* A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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

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

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

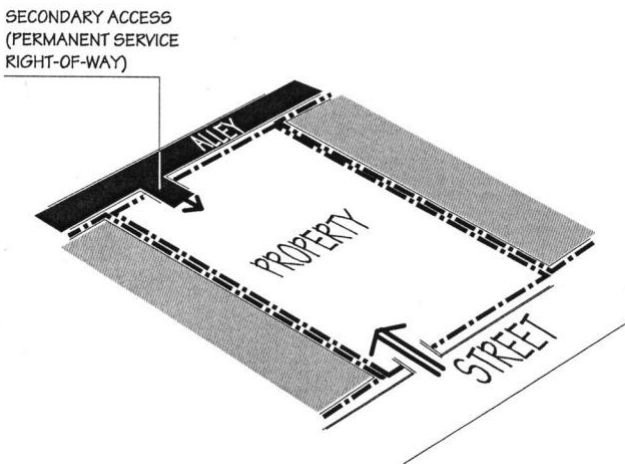
*Aggrieved Party or Person:* A party or person whose legal right has alleged to have been invaded or infringed, or whose pecuniary interest is alleged to be directly affected by a government act complained of.

*Agriculturally-Related Business:* A business activity related to agriculture that includes, but is not limited to: grain drying and storage; grain elevators; agricultural production and distribution; repair and sale of farm implements; and sale of feed and sod.

*Agriculture:* Land used for agricultural purposes when such agricultural purpose constitutes the principal activity on the land. Agricultural purposes include the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, wholesale greenhouses and the growing, developing, processing, conditioning or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

*Agricultural Facility:* Any building or structure suitable for use in farming, ranching, the production of agricultural commodities, or the treating, processing, or storing of such agricultural commodities and machinery when such activities are customarily engaged in by farmers as a part of farming, and not including structures used for living purposes.

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



*Alteration:* Any change, replacement, or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress and egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

*Antenna:* An arrangement of wires or metal rods used in transmitting or receiving electromagnetic waves. Per Section 7.1 ("Telecommunications Carrier Facilities") the term "Antenna" shall have the following meaning: An antenna device by which radio signals are transmitted, received or both.

*Appeals Board:* The Erosion, Sediment and Stormwater Control Appeals Board.

*Applicant:* Any person, firm, corporation, or agency that submits an application.

*Application For Development Approval:* The application form and all accompanying documents and exhibits required in order to obtain development approval.

*Appurtenances:* The visible, functional, or ornamental objects accessory to and part of a building(s).

*Areas of concentrated flow or bodies of water:* Any area where water may accumulate or flow, whether continual or as the result of a storm event, including, but not limited to, lakes, rivers, streams, creeks, ponds, ditches, swales, gullies, ravines, street gutters and other similar features.

*As-Built Plans:* Construction plans prepared and submitted by the developer's engineer that show the required improvements post-construction. Ideally, the original construction plans should match the as-built plans.

*Authorized Factory Representative:* An individual with technical training of a Wind Energy Conversion System ("WECS"), who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.

*Automated Teller Machine:* A machine that dispenses money and/or receives deposits.

*Automobile:* A two-axle motor vehicle designed and used primarily for the conveyance of not more than nine (9) persons that weighs less than eight thousand (8,000) pounds.

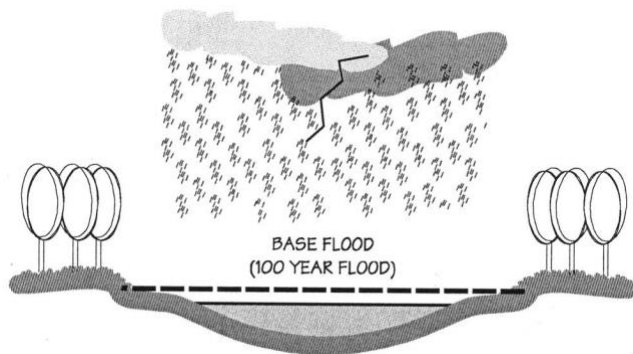
*Automobile Body Repair:* The business of autobody repair for automobiles. The term may include automobile repair, mechanical, as well as structural repair or appearance alteration (e.g., painting or detailing).

*Automobile Repair:* The business of mechanical or electrical repair work and servicing of automobiles, including fast service, tune-up, and lubricating facilities, but specifically excluding body work or painting.

*Automobile Sales:* A building or land used for the sale and display of automobiles or motorcycles. Accessory uses may include automobile repair and vehicle preparation.

*Automobile Service Station:* Any building, structure, or lot used for one or more of the following: (1) dispensing, selling or offering for retail sale, gasoline, kerosene, lubricating oil, or grease for the operation and maintenance of automobiles, including the sale and installation of tires, batteries and other minor accessories and services for automobiles; or (2) automobile mechanical repair. This may include buildings or structures that are used for the retail sale and direct delivery to motor vehicles of cigarettes, candy, soft drinks and other related items for the convenience of the motoring public, and may include facilities for the washing of automobiles where production line methods are not used. Such establishments shall not include facilities for automobile body repair, mechanical vehicle repair, vehicle body repair, car washing, or the sale or storage of new or used automobiles or trailers.

*Base Flood:* The flood having a one percent chance of being equaled or exceeded in a given year. The base flood is also known as the 100-year flood.



*Base Flood Elevation:* The elevation in relation to mean sea level of the crest of the base flood.

*Basement:* A story entirely or partly underground and having at least one-half ( $\frac{1}{2}$ ) of its height below grade.

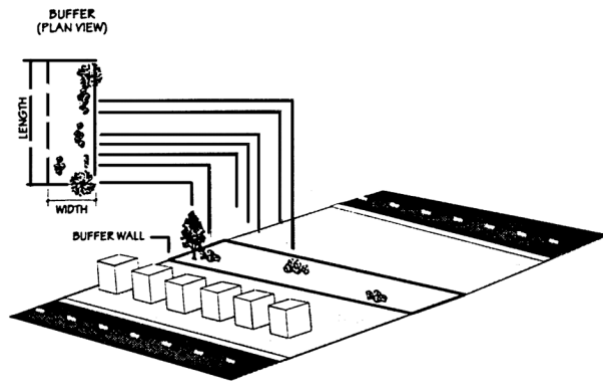
*Best Available Data:* Data available from a variety of sources including DFIRM, FIRM, USGS Topographical Data, and/or professional engineer which can be used to make a determination as to the location of a flood hazard area. Determinations may be compiled with a combination of data from a variety of sources.

*Billboard:* A nonresidential sign, which is located off-premises, greater than one hundred (100) square feet in sign face area.

*Block:* A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

*Bluff:* A steep headland, river bank, or cliff with a broad face and with a slope of thirty-five (35) percent or greater.

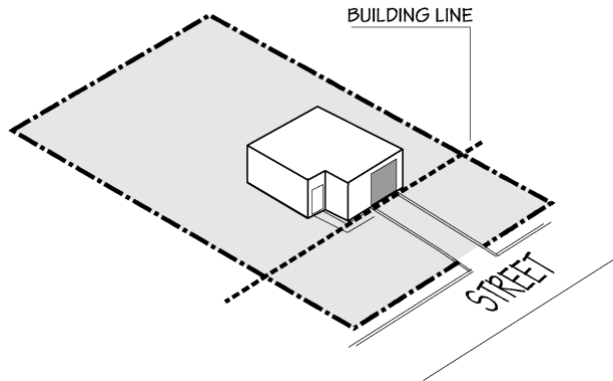
*Buffer:* A combination of vegetation, fencing, berms and open spaces which is used to physically separate or screen land uses.



*Building:* Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. Per Sections 3.10 ("Floodplain Development Permit") and 7.14 ("Floodplain Regulations") the term "Building" shall have the following meaning: A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty (180) days.

*Building Envelope:* The three-dimensional space within which a structure is permitted to be built on a parcel and that is defined by the maximum height regulations and minimum yard setbacks of the Unified Development Ordinance.

*Building Line:* A line parallel to the right-of-way line touching that part of a building closest to the right-of-way.



**Bulk:** The size and setback of buildings or structures, and the location of buildings or structures with respect to one another, and includes, but is not limited to the following: (a) size and height of buildings; (b) location of exterior walls at all levels in relation to lot lines, streets, or to other buildings; (c) floor area ratio; (d) all open space allocated to buildings; and (e) amount of lot area and lot width provided per dwelling unit.

**Business:** An occupation, employment, or enterprise which occupies time, attention, labor and materials, or wherein merchandise is sold or where services are offered.

**Caliper:** The diameter of a tree trunk, measured in inches. For the purpose of this Unified Development Ordinance caliper shall be taken six (6) inches above the ground up to, and including four-inch caliper trees, and twelve (12) inches above the ground for larger sizes. Caliper is generally associated with nursery stock for new plantings.

**Camp:** A tract of land on which may be located temporary or permanent buildings, structures, or tents, which land, together with appurtenances thereon, is used for seasonal, recreational, or other similar purposes.

**Cannabis:** Marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act.

**Cannabis Business Establishment:** An, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization, Adult-Use Cannabis Processing Organization, Adult-Use Cannabis Transporting Organization, Medical Cannabis Cultivation Center, or Medical Cannabis Dispensing Organization.

**Cannabis concentrate:** A product derived from cannabis that is produced by extracting cannabinoids, including tetrahydrocannabinol (THC), from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice, or dry ice; or butane, propane, CO<sub>2</sub>, ethanol, or isopropanol and with the intended use of smoking or making a cannabis-infused product. The use of any other solvent is expressly prohibited unless and until it is approved by the Illinois Department of Agriculture.

**Cannabis-infused product:** A beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis or cannabis concentrate that is not intended to be smoked.

**Canopy or Awning:** A permanent roof-like shelter which may be freestanding or extending from part or all of a building face and is constructed of some durable material such as metal, glass or plastic.

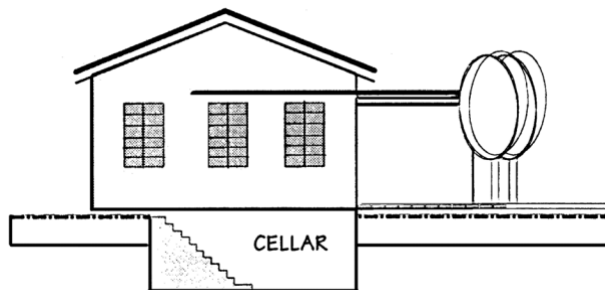


*Caretaker:* A person who is responsible for the protection of property, equipment, and/or merchandise and who resides on such premises.

*Carport:* A roofed structure permanently open on at least two (2) sides and designed for or occupied by automobiles or recreational vehicles.

*Car Wash:* A completely or partially enclosed building or structure for the washing of automobiles or other motor vehicles, either by automatic or semi-automatic means, whether or not in conjunction with other goods or services provided to customers.

*Cellar:* A story having more than one-half ( $\frac{1}{2}$ ) of its height below grade, and distinguished from a basement by not being well lighted and fitted for living purposes. A cellar is not included in computing the number of stories for the purposes of height or floor area measurement.



*Certificate of Occupancy:* A document issued by the County allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all applicable County regulations.

*Child Care Center:* An individual, agency or organization which regularly provides preschool instruction or supervision and care on a regular basis for less than twenty-four (24) hours per day for one or more children in a facility other than a detached dwelling, who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

*Child Care Home:* Any detached dwelling which receives more than four (4) but no more than eight (8) children for less than twenty-four (24) hours per day. The maximum of eight (8) children received shall be reduced in number by the family's natural or adopted children and all other persons under the age of fourteen (14) residing in the home. This does not include an operation which receives only children from a single family.

*Clinic:* Any building or portion thereof, the principal use of which is for offices of one or more licensed physicians, ophthalmologists, dentists, psychologists or the like for the examination and treatment of persons on an out-patient basis only.

*Clinic, Animal:* Any building or portion thereof, the principal use of which is for offices of one or more licensed veterinarians for the examination and treatment of animals on an out-patient basis only.

*Club:* A structure and/or facilities used for the purpose of meetings and/or events for a nonprofit association of persons who are bonafide members organized for some common purpose and paying regular dues; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

*Cluster Subdivision:* A major or moderate residential subdivision in which the individual lots are clustered, grouped, or arranged so as to achieve a more flexible site.

*Code Hearing Unit:* A hearing unit which has the function of expediting the prosecution and correction of code violations.

*College or University:* An institution providing full-time or part-time education beyond the high school level, including any dormitories, lodging rooms or other housing for students or faculty.

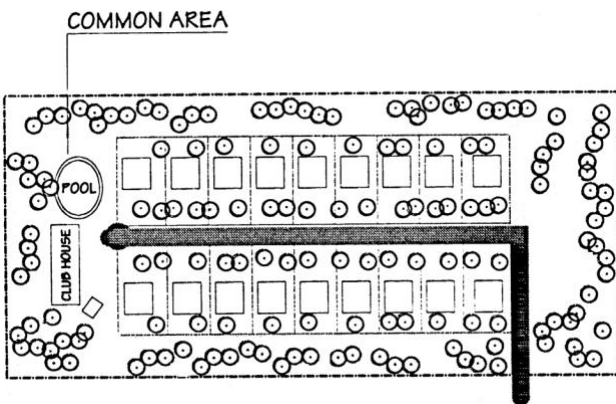
**Commercial Retail Establishment:** A building, property, or activity the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to, clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, florists, furniture stores, hardware stores, pet stores, toy stores, and variety stores but does not include restaurants or personal service establishments. This use specifically excludes any Adult-Use or Medical cannabis business establishments.

**Commercial Vehicle or Truck:** A motor vehicle which has a gross weight in pounds, including vehicle and maximum load, in excess of eight thousand (8,000) pounds and which is not primarily designed for carrying passengers.

**Commercial Wind Energy System:** A wind energy conversion system (WECS) or combination of wind energy conversion systems that is designed to have a capacity in excess of the amount needed for residential and agricultural uses and that has a combined nameplate capacity of greater than one hundred (100) kW.

**Commission:** The Tri-County Regional Planning Commission.

**Common Area:** A lot, parcel, or area within a development conveniently accessible to all residents or occupants of the development, designed as a significant focus, not including required setbacks, private open space, or impervious surface, designed to accommodate some group social functions.



**Community Center:** A building for social, educational and recreational activities of a neighborhood or community, including a social hall or lodge, not operated primarily for commercial purposes.

**Community Sewer System:** A community sewer system including collection and treatment facilities established by the developer to collectively serve an entire new subdivision in an outlying area. It shall not include individual sewage disposal systems.

**Community Water System:** A public water system which serves at least fifteen (15) service connections used by residents or regularly serves at least twenty-five (25) residents at least sixty (60) days a year. A permit for a community water system is issued by the Illinois Environmental Protection Agency.

**Comprehensive Land Use Plan:** The complete plan or any of its parts for the development of the County as prepared by the Plan Commission or any other planning agency and adopted by the County Board as the official plan.

**Conservation Area:** Environmentally sensitive areas with characteristics such as steep slopes, wetlands, floodplains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

**Conservation Easement:** A restriction against further development of a portion of a tract in the form of a deed restriction.

**Contiguous:** Abutting or adjoining.

*Contractor:* Any person or firm engaged in construction, building services, excavation or maintenance on a contract basis.

*Control Measure:* Any proposed temporary or permanent measures to be installed to control erosion, sediment and stormwater run-off from a project area.

*Convenience Store:* A retail store with a floor area of less than five thousand (5,000) square feet, which sells groceries and/or beer and wine, and is open fifteen (15) to twenty-four (24) hours a day, but not including an automobile service station.

*County:* Peoria County, Illinois.

*County Board:* The elected, legislative body of Peoria County, Illinois.

*County Clerk:* The elected or appointed Clerk of Peoria County, Illinois.

*County Code:* The Peoria County Code.

*County Engineer:* The appointed head of the Peoria County Highway Department.

*County Recorder:* The elected or appointed Recorder of Deeds of Peoria County, Illinois. After a subdivision has been approved it is recorded in the Recorder's Office.

*Cultivation Center:* A facility operated by an organization or business that is registered in accordance with 410 ILCS 130/1 et seq. by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

*Culvert:* A drain, ditch, or conduit, not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk, or public way.

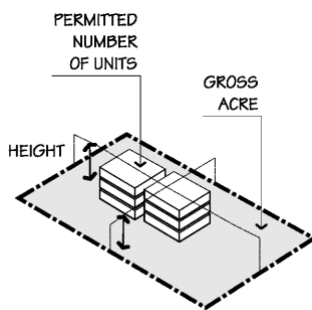
*Curb:* A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area.

*Curb Cut:* The opening along the curb line at which point vehicles may enter or leave the roadway.

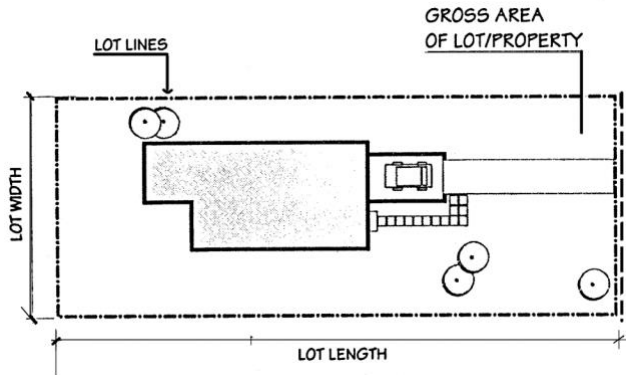
*Dam:* All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included. This definition specifically excludes "levees" as defined in this section.

*Dance Hall:* Establishments in which a minimum of twenty (20) percent of the total floor area is designed and used as a dance floor, or where an admission fee is directly collected, or some other form of compensation is obtained for dancing.

*Density:* The permitted number of dwelling units per gross acre of land to be developed.

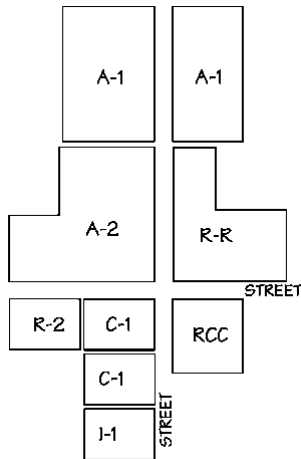


*Density, Gross:* All the area within the boundaries of the particular area, excluding nothing.



*Department:* The Peoria County Department of Planning and Zoning.

*Developer:* Any person who commences proceedings under these regulations to affect a development of land.



*Development:* The following activities: (1) the division of a parcel of land into two (2) or more parcels; (2) the construction, reconstruction, conversion, structural alteration, relocation, enlargement, or demolition of a structure; (3) the mining, excavation, landfill, drilling, grading, deposition of refuse, solid or liquid waste, or fill on a parcel of land; (4) the alteration of the shore or bank of a pond, lake, river, or other waterway; or (5) any use or change in the use or intensity of use of any structure or any change in the intensity of use of land.

Per Sections 3.10 ("Floodplain Development Permit") and 7.14 ("Floodplain Regulations") the term "Development" shall have the following meaning: Any manmade change to real estate including:

- (1) Construction, reconstruction, repair, or placement of a building or any addition to a building;
- (2) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days;
- (3) Mining, dredging, filling, grading, paving, excavation or drilling operations or other alterations of the ground surface, except for the surface mining of fossil fuels;
- (4) Demolition of a structure or redevelopment of a construction site;
- (5) Substantial improvement of an existing building;
- (6) Installation of utilities, construction of roads, bridges, culverts or similar projects;
- (7) Construction or erection of levees, dams, walls, or fences;

- (8) Storage of equipment or materials including the placement of gas and liquid storage tanks;
- (9) Clearing of land as an adjunct of construction; and
- (10) Any other activity that will change the direction, height or velocity of flood or surface waters.

Development does not include maintenance of existing buildings and facilities such as reroofing or resurfacing of roads when there is no increase in elevation; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

*Diagonal setback:* Indicates a measurement for setback that is calculated by measuring from the water surface at the pool's edge to the lowest electrical service line.

*Diameter at Breast Height (dbh):* The diameter of the trunk of a tree measured in inches at a point four and one-half (4½) feet above ground level, or grade. This point of measurement is used for established, mature trees.

*Digital Flood Insurance Rate Map (DFIRM):* Digital maps prepared by the Federal Emergency Management Agency (FEMA) that depict the Special Flood Hazard Areas (SFHA) within a community. These maps include insurance rate zones and floodplains and may or may not depict floodways. These maps replace existing FIRMs.

*Distinguished or Characterized by an Emphasis Upon:* "Distinguished or Characterized by an Emphasis Upon" means the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or description of Specified Sexual Activities or Specified Anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description "specified anatomical areas" or "specified sexual activities."

*District:* A part, zone, or geographic area within the County within which certain zoning or development regulations apply.

*Disturbed Area:* Any area of land on which the pre-development ground surface will be affected or altered by the development activities. This includes, but is not limited to, grading, clearing, stock piling, tracking and other similar activities.

*Dormitory:* A building containing kitchen and bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six (6) persons who are not related by blood, marriage, or adoption but who are affiliated with or employed by the same educational, religious, or health institution, and which is not located on the principal lot occupied by that institution. "Dormitory" shall not include an overnight accommodation, residential-care home, or health institution.

*Drainage area:* From any point where water leaves the site, it is the land over which water flows toward the point.

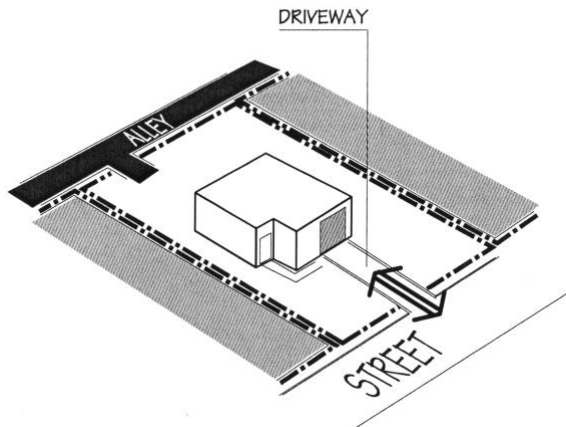
*Drip Line:* The footprint of a canopy, awning or other roof-like structure that is delineated by the perpendicular measure of the structure's most outside edge to the grade below.

*Drive-in Theater:* An outdoor movie theater designed to allow patrons to view motion pictures while seated in their parked automobiles.

*Drive-Through Service Window:* A facility which is accessory to a commercial retail establishment, personal service establishment, office, financial institution, or fast-food restaurant and is designed or intended to enable a customer, without exiting a motor vehicle parked on or moving through the premises, to transact business with a person outside the motor vehicle.

*Duplex:* A building containing two (2) single-family dwelling units totally separated from each other by a common, unpierced wall extending from ground to roof.

*Driveway:* Any surface providing direct ingress to and egress from a parking space or structure.



*Dwelling:* A building or portion of a building designed or used exclusively for residential purposes, including single-family and multifamily dwellings, but not including overnight accommodations.

*Dwelling, Attached:* A dwelling unit that shares common walls with at least one other dwelling and includes duplexes on one lot or two (2) townhouses on individual lots.

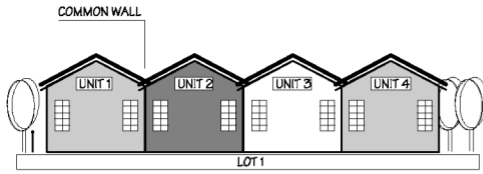
*Dwelling, Detached:* A dwelling unit that is developed with open yards on all sides, but not including recreational or motor vehicles.

*Dwelling, Multifamily:* Three (3) or more dwelling units on one lot, including modular homes, attached along and sharing one or more common walls between any two (2) units and/or stacked one above another.

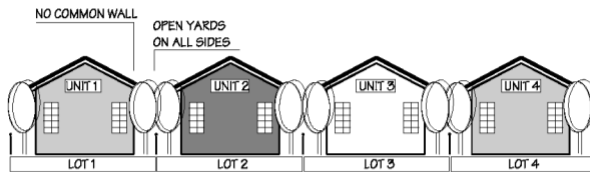
*Dwelling, Single-Family:* A detached dwelling, designed for or intended to be occupied by one family.

*Dwelling, Townhouse:* An attached group of up to eight (8) dwelling units, including modular homes, which share one or more common walls between any two (2) units and in which each unit has living space on the ground floor and a separate entrance on the ground floor.

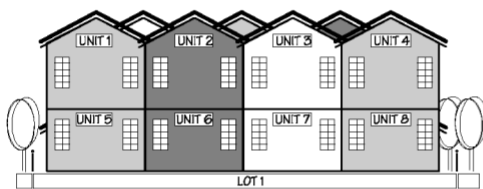
*Dwelling, Two-Family:* A multiple-family dwelling designed and intended to house two (2) families.



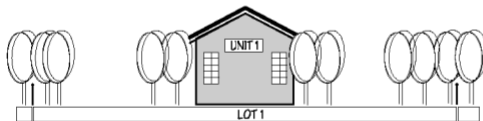
DWELLING -- ATTACHED



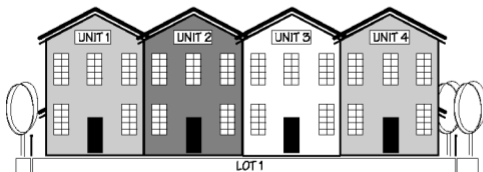
DWELLING -- DETACHED



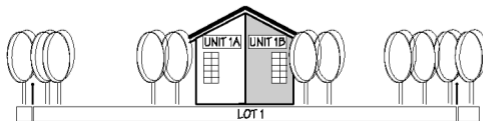
DWELLING -- MULTI-FAMILY



DWELLING -- SINGLE FAMILY



DWELLING -- TOWNHOUSE



DWELLING -- TWO FAMILY

**Dwelling Unit:** One or more rooms in a building which are arranged, designed, or used as living quarters for one family only, including individual bathrooms and complete kitchen facilities that are permanently installed to serve the entire family within each dwelling unit, not available for rental on a daily or weekly basis.

**Easement:** Authorization by a property owner for another to use the owner's property for a specified purpose.

**Elevation Certificate:** A form published by the Federal Emergency Management Agency (FEMA) that is used to certify the elevation to which a building has been elevated.

**Employ, Employee, and Employment:** "Employ, Employee, and Employment" describe and pertain to any person who performs any service on the premises of an adult use, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or

otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

*Environmental Corridor:* Integrated linear systems of land, water, plant, and animal resources that are generally depicted on Peoria County's adopted Comprehensive Land Use Plan, and that include, but are not limited to: (1) natural areas such as lakes, streams, floodplain, wetlands, forests, and prairies which provide important and valuable functions, such as floodwater storage, groundwater recharge, soil stabilization, water quality enhancement, temperature modulation, and wildlife habitat; and (2) scenic, recreational, and/or historic amenities.

*Erosion Control Administrator:* The person appointed by the Peoria County Board to administer the Erosion, Sediment, and Stormwater Control requirements pursuant to Sections 3.12 ("General Erosion and Stormwater Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control") of this chapter.

*Erosion Control Consultant:* An independent contractor of Peoria County charged with the review and inspection of Erosion, Sediment, and Stormwater Control Permits pursuant to Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13, ("Erosion, Sediment, and Stormwater Control Permits") and 7.13 (Erosion, Sediment, and Stormwater Control") of this chapter.

*Establish or Establishment:* "Establish or Establishment" shall mean and include any of the following:

- (1) The opening or commencement of any adult use as a new business;
- (2) The conversion of an existing business, whether or not an adult use, to any adult use;
- (3) The addition of any adult use to any other existing adult use; or
- (4) The relocation of any adult use.

*Equipment housing:* Per Sections 3.9 ("Telecommunications Carrier Facilities Variances") and 7.1 ("Telecommunications Carrier Facilities") the term "Equipment housing" shall have the following meaning: a combination of one or more equipment buildings or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself.

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

*Facility:* Per Sections 3.9 ("Telecommunications Carrier Facilities Variances") and 7.1 ("Telecommunications Carrier Facilities") the term "Facility" shall have the same meaning as "Telecommunications Carrier Facility" as defined in Article 11, Definitions.

*Facility lot:* Per Sections 3.9 ("Telecommunications Carrier Facilities Variances") and 7.1 ("Telecommunications Carrier Facilities") the term "Facility lot" shall have the following meaning: the zoning lot on which a facility is or will be located.

*Family:* An individual, or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than six (6) persons not related by blood, marriage or adoption, living together as a single housekeeping unit. The term "family" shall not include a fraternity, sorority, overnight accommodation, or residential-care home.

*Farm:* Any parcel of land used for the growing and harvesting of crops, for the feeding, breeding and management of livestock, for dairying, or for any other agricultural or horticultural use.

*FCC:* The Federal Communications Commission.

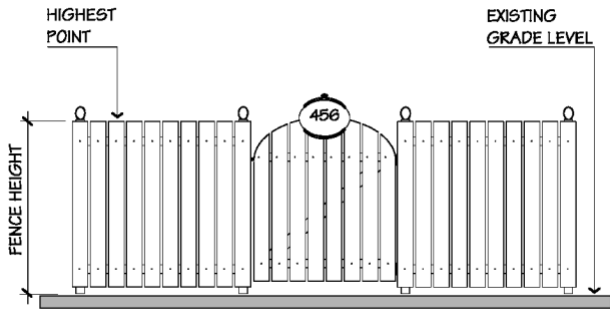
*Feedlot:* A place in which animal livestock (excluding fowl) are fed, raised, or held prior to slaughter or sale.

*FEMA:* Federal Emergency Management Agency and its regulations at 44 CFR 59-79 effective as of November 1, 1989.

*Fence:* A freestanding structure made of metal, masonry, composition, or wood, or a combination thereof, including gates, resting on or partially buried in the ground, rising above ground level, and used



to delineate a boundary or as a barrier or means of protection, confinement or screening. The term "fence" does not include arbors or trellises.



*Fence, Height:* That height as measured from the existing grade level of the property on which the fence is installed to the highest point located on the fence, excluding ornamental features.

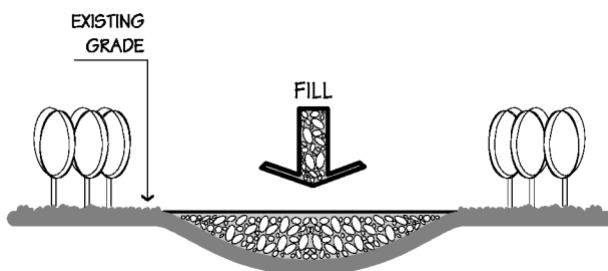
*Fence, Open:* A fence of which open spaces afford direct views through the fence that comprise at least fifty (50) percent of each one-foot wide segment extending over the entire length and height of the fence, and includes gates.

*Fence, Perimeter:* A fence that follows the outward boundaries of the property on which it is located.

*Fence, Solid:* A fence that conceals from view of adjacent property, streets, or alleys and any and all activities conducted behind it, and includes gates.

*Fencing, Ornamental:* A type of fence that is not intended to act as a barrier or means of protection, confinement, or screening, but is decorative in nature or is a component of a yard landscape. Ornamental fencing does not include chain link fences, but may include decorative posts, lattices, arbors, trellises, and types of split rail fences.

*Fill:* Any act by which earth, sand, gravel, rock, clay, concrete, rubble, waste, or any other material is deposited, placed, replaced, stored, pushed, dumped, pulled, transported or moved by man or caused to be deposited, placed, replaced, stored, pushed, dumped, pulled, transported, or moved by man to a new location and any conditions resulting therefrom, including but not limited to, the increase in the natural ground surface elevation.



*Fill, Clean:* Construction or demolition debris such as uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, dirt, or sand.

*Financial Institution:* A bank, credit union, savings and loan association or other similar entity or organization which makes or purchases loans or provides other financial assistance.

*Financial Security:* The letter of credit, surety bond, or cash escrow provided by the developer to secure the proposed street and erosion/stormwater improvements that may be required.

*Five-year frequency storm event:* The storm event rainfall depth during a twenty-four-hour period which is exceeded, on the average, once every five (5) years.

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

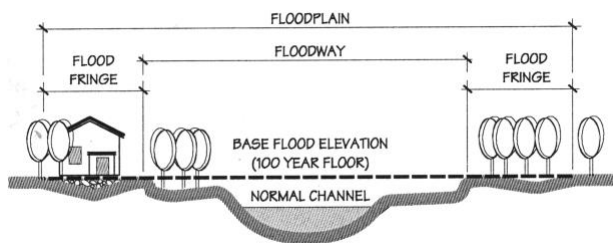
**Flood Frequency:** A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

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

**Flood Insurance Rate Maps (FIRM):** Maps prepared by the Federal Emergency Management Agency (FEMA) that depict the Special Flood Hazard Areas (SFHA) within a community. These maps include insurance rate zones and floodplains and may or may not depict floodways.

**Flood Protection Elevation:** The elevation of the base flood elevation or 100-year frequency flood plus two (2) feet at any given location in a designated floodplain, pursuant to Sections 3.10 ("Floodplain Development Permit") and 7.14 ("Floodplain Regulations") of this chapter.

**Floodplain:** That area with water and ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached special flood hazard areas, ponding areas, etc. The floodplain is also known as the Special Flood Hazard Area (SFHA). The floodplains are those lands within the jurisdiction of the county that are subject to inundation by the base flood or 100-year frequency flood.



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

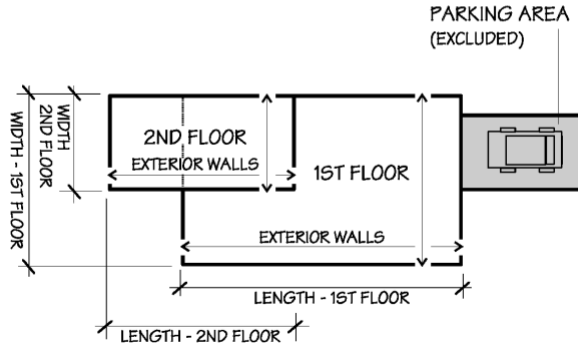
**Floodproofing Certificate:** A form published by the Federal Emergency Management Agency (FEMA) that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

**Floodway:** The channel and the adjacent land areas that must be reserved in order to discharge the regulatory base flood without cumulatively increasing the water surface elevation more than one-tenth (  $1/10$  ) of one foot.

**Floor Area:** The sum of the gross horizontal areas of each floor measured from the exterior walls or from the center line of party walls. "Floor Area" includes the floor area of accessory buildings and structures, but does not include any area used exclusively for the parking of motor vehicles.

**CALCULATION**

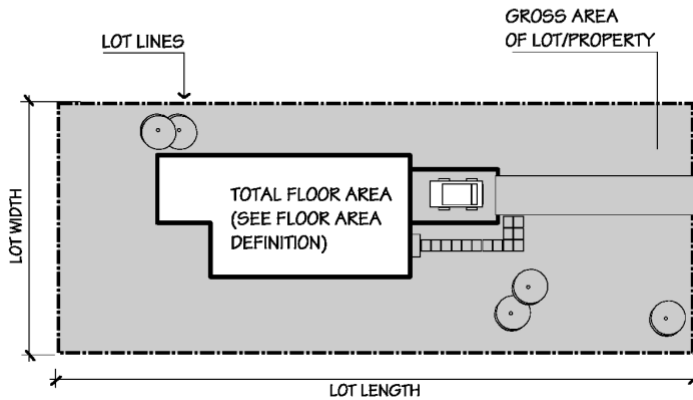
$$\text{TOTAL FLOOR AREA} = \text{1ST FLOOR LENGTH} \times \text{WIDTH (FROM EXTERIOR WALLS)} + \text{LENGTH} \times \text{WIDTH (OF EACH ADDITIONAL FLOOR MEASURED FROM EXTERIOR WALLS)}$$



**Floor Area Ratio (FAR):** The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

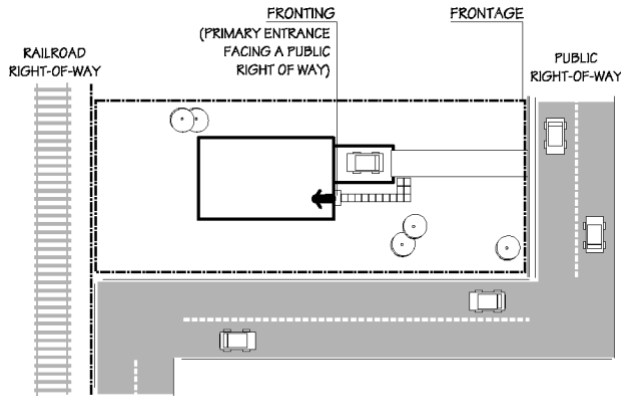
**CALCULATION**

$$\text{FLOOR AREA RATIO (FAR)} = \frac{\text{TOTAL FLOOR AREA}}{\text{GROSS AREA OF LOT/PROPERTY}}$$



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

**Frontage:** The length of the property line on any one parcel parallel to and along each public right-of-way it borders.



*Fronting:* The front or primary entrance to a building facing a public right-of-way line.

*Fuel Station:* Any equipment used to dispense fuels that are capable of serving no more than two (2) automobiles or vehicles at a time.

*Garage, Private:* A building designed for the storage of motor-driven vehicles, including not more than one commercial vehicle the load capacity of which shall not exceed a gross vehicle weight of eight thousand (8,000) pounds, under the control of the owner or tenant of the premises and which is not operated or leased for commercial gain. A private garage shall be limited to seven hundred fifty (750) square feet in size.

*Garage, Public:* A building designed, used, or intended to be used for the housing, care, or storage of more than three (3) motor-driven vehicles or more than one commercial vehicle, that is available to the public for compensation, whether by prior rental or lease agreement or on an hourly or daily basis.

*Gas Station Convenience Store:* Any building, structure, or parcel primarily used for the dispensing, selling or offering for retail sale gasoline, diesel fuel, or kerosene. A retail store which sells convenience items such as groceries and alcoholic beverages and may also have restaurant facilities accessory to the sale of the fuel. This shall not include any repair or service to an automobile or vehicle, and it shall not include the sale of parts for said repair.

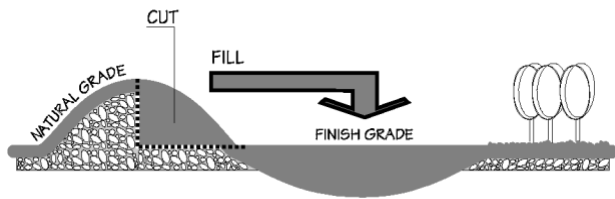
*Golf Course:* A multiple hole course for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges which are not accessory to a golf course.

*Governmental Use:* A building, use or structure owned or occupied and regulated by a government agency, or an agent thereof, including a public facility, but not including a vehicle storage yard, food irradiation facility, educational or health institution, university, military facility, residential care home.

*Governmental Use, Essential:* A governmental use that is indispensable to the community's health, safety and welfare, including, but not limited to: police stations, fire stations, emergency medical services, and governmental buildings without equipment storage.

*Governmental Use, Nonessential:* A governmental use that is not critical to the health, safety, and welfare of the community, such as: libraries, museums, post offices, and governmental buildings with equipment storage.

*Grade:* The slope of the ground, a road, street, or other public way specified in percentage terms.



*Grade, Finished:* The final slope of the ground after development, expressed in a percent.

*Grade, Natural:* The slope of the ground in its natural state, before construction, filling, or excavation, expressed in a percent.

*Grading:* Any activity which removes or covers the vegetative surface, including, but not limited to: excavation, stripping, fill, or any combination thereof (and the conditions resulting from any excavation, stripping or fill), tree removal, clearing, filling, or the removal of topsoil or fill.

*Grasslands:* Land in which the dominant plant species are native grasses.

*Greenhouse:* A nursery located in a building with a foundation whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season flowers, shrubs and plants.

*Greenhouse, Commercial:* A greenhouse where flowers, shrubs and plants that are grown off-site are sold.

*Greenhouse, Noncommercial:* A greenhouse where flowers, shrubs, and plants are grown on-site for personal enjoyment, wholesale distribution, or sale. "Noncommercial greenhouses" are a form of "agriculture."

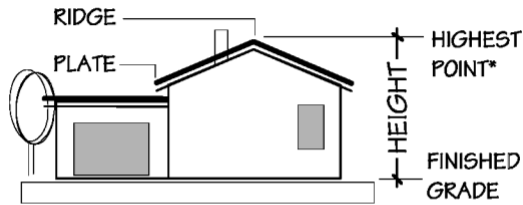
*Health Club or Fitness Center:* A privately owned building or enclosed structure containing recreational facilities, such as athletic or physical conditioning equipment, racquet courts, and/or a swimming pool, which is operated on a private membership basis and restricted to use by members and their guests.

*Health Department:* The Peoria City/County Health Department.

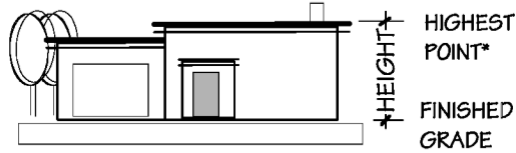
*Heavy Equipment:* Equipment, including, but not limited to, construction, and municipal implements.

*Height:* The vertical distance from grade to the highest point of the roof of a building or structure.

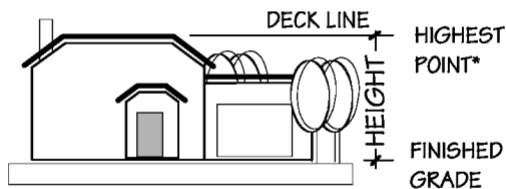
### GABLE OR HIP ROOF



### FLAT ROOF



### MANSARD ROOF



\* APPURTENANCES LIKE CHIMNEYS ARE EXCLUDED IN THE HEIGHT CALCULATION

*Height of a Facility:* Per Sections 3.9 ("Telecommunications Carrier Facilities") and 7.1 ("Telecommunications Carrier Facilities") the term "Height of a Facility" shall have the following meaning: the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than three (3) feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of three (3) feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation.

*High Quality Native Plant Communities:* Vegetative communities such as woodlands, prairies, and wetlands characterized by an unusual number and diversity of plant species native to Illinois.

*Highway Department:* The Peoria County Highway Department.

*Historic Sites:* A structure or place of outstanding historical and cultural significance and designated as such by State or Federal government or by a local government or local nonprofit historical society or foundation.

*Historic Structure:* Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the secretary of the interior; or
  - b. Directly by the secretary of the interior in states without approved programs.

*Holiday:* A legal holiday as designated by the Illinois State Legislature.

*Holiday Weekend:* A weekend with a legal holiday immediately preceding or occurring on the following day.

*Home Improvement Center:* A business which sells, primarily at retail, supplies and equipment for home improvements, including hardware, housewares, lumber, lighting and electrical fixtures, appliances, and lawn and garden center products.

*Home Occupation:* A business, profession, occupation, or trade which is conducted within a residential portion of a building or an accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use within the dwelling.

*Horizontal Separation Distance:* Per Sections 3.9 ("Telecommunications Carrier Facilities Variances") and 7.1 ("Telecommunications Carrier Facilities") the term "Horizontal Separation Distance" shall have the following meaning: the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building.

*Hospital:* A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two (2) or more unrelated persons, whose principal residence is located elsewhere, and who are admitted for overnight stay or longer in order to obtain medical and/or psychiatric treatment of illnesses, diseases, injuries and deformities.

*Hospital, Animal:* A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of animals which are admitted for overnight stay or longer in order to obtain veterinary treatment for illnesses, diseases, injuries and deformities.

*IDNR:* Illinois Department of Natural Resources.

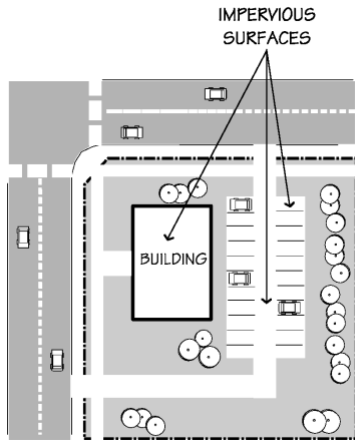
*IDNR/OWR:* Illinois Department of Natural Resources, Office of Water Resources.

*IDOT:* Illinois Department of Transportation.

*IEPA:* Illinois Environmental Protection Agency.

*ILCS:* Illinois Compiled Statutes.

*Impervious Surface:* An all-weather surface or ground cover that resists the absorption of surface water into the soil. Such surfaces include those constructed of stone, brick, asphalt, concrete, tile, terrazzo, gravel composite, or any other paving material, used for parking, driveways, patios, terraces, walkways, and the like, as well as areas covered by buildings, decks, porches, swimming pools, and tennis courts.



*Improvement:* Any structure, object, fence, gate, wall, work of art or other object that permanently becomes part of, placed upon, or is affixed to real estate. Per Article 8, Subdivisions, and Article 3, Development Review Procedures, Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals") and 3.16 ("Plat Approval") the term "Improvement" shall have the following meaning: Any change to a parcel from its natural state, which includes, but is not limited to, the installation of drainage ditches, roadways, parkways, sidewalks, pedestrian ways, land for schools or other public uses, off-street parking areas, and the construction of structures.

*Improvement, Private:* An improvement made for the betterment of the public or a property owner's association where the developer, property owners' association, or other private entity is responsible for installation, maintenance, and operation. It shall not have an effect on pre-existing improvements for which a unit of government's responsibility is established.

*Improvement, Public:* Any improvement made for the betterment of the public for which a local unit of government may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

*Industrial Hemp:* The plant *Cannabis sativa L.* and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis that has been cultivated under a license issued under the Industrial Hemp Act [505 ILCS 89] or is otherwise lawfully present in this State, and includes any intermediate or finished product made or derived from industrial hemp.

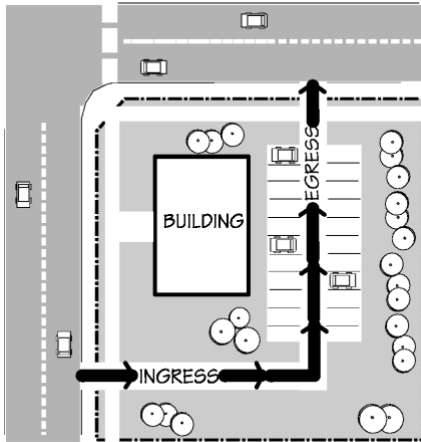
*Industry, Heavy:* The assembly, fabrication, manufacturing, storage or processing of goods and materials that ordinarily have significant impacts on the environment or on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards, or that otherwise do not constitute "light industry," such as food processing plants, resource extraction, recycling centers, sawmills, composting services, scrap or salvage operations, petroleum storage facilities, or facilities handling or processing hazardous and/or toxic material.

*Industry, Light:* The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed twenty-five (25) percent of the floor area of all buildings on the lot. This includes, but is not limited to, printing, publishing or photography plants, dry-cleaning processing stations, carpet cleaning establishments, facilities for auto body work, welding, painting or major repair work, research laboratories which are designed or equipped for basic or applied research or experimental study, testing or analysis in the natural sciences or engineering, including any educational activities associated with and accessory to such research. This shall not include uses that constitute "heavy industry."



*Infrastructure:* Facilities and services needed to sustain residential, commercial, industrial, and all other land use activities, including, but not limited to, streets, water supply, sanitary sewers, storm sewers, and sidewalks and trails.

*Ingress and Egress:* Entrance or access and exit, respectively.



*Institutional Use:* Uses that may or may not be permitted or special uses in a zoning district that typically provide educational, governmental, health, recreational, religious, social, and transportation services the community on either a for-profit or not-for-profit basis.

*Junkyard:* An area of land, and any accessory thereon, which is used primarily for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including motor vehicles, machinery and equipment not in operable condition, or parts thereof, and other metals, paper, rags, rubber tires, and glass, except within completely enclosed buildings.

*kennel, Commercial:* A use or structure intended and used for the breeding or overnight boarding of animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for and accessory to the testing and medical treatment of the physical disorders of animals.

*Lake:* An inland body of water with an acre or more of surface area.

*Land Disturbing Activity:* Any change in land, which may result in soil erosion from water or wind and the movement of sediments into State or County waters or on to lands in the County, or a change in the amount and/or intensity of stormwater run-off, including, but not limited to, the covering with an impervious surface, stockpiling, clearing, grading, excavating, rehabilitating, transporting, depositing or filling of land.

*Land Trust:* A tax exempt not-for-profit organization classified as a Section 501(c)(3) organization under the Internal Revenue Code in the State of Illinois, whose mission is the acquisition of undeveloped land for the purpose of perpetual maintenance and preservation of said undeveloped land.

*Land Use and Transportation Committee:* The County Board Committee assigned land use and transportation related duties.

*Landlocked:* A parcel, existing or proposed, without direct access or frontage to a public street.

*Landscaping:* Trees, shrubs, flowers, vines, potted plants, ground cover, walkways, ponds, fountains, sculptures, earth berms, fences, stone, bark, and other materials used to create an outdoor environment.

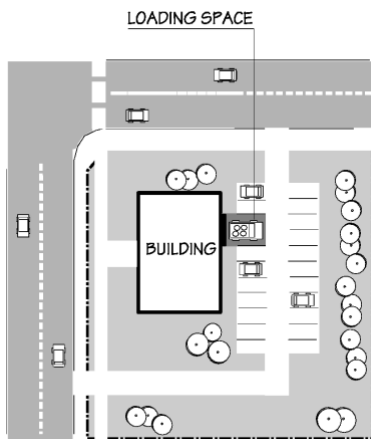
*Landscape Contractor:* A business principally engaged in the decorative and functional alteration, planting and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

*Letter of Map Revision (LOMR):* Letter that revises base flood or 100-year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FIRM.

*Levee:* A continuous dike or ridge of earth for confining water away from an area of land that would otherwise flood.

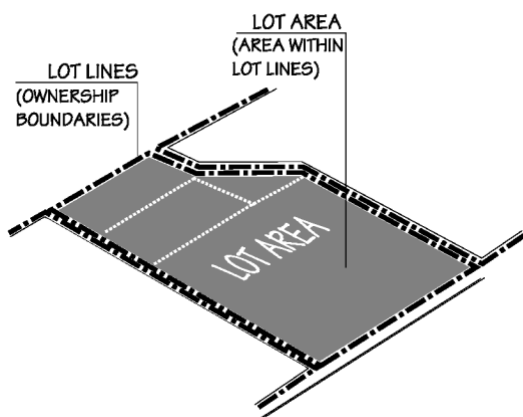
*Linear:* A straight and horizontal measurement between points.

*Loading Space:* A space with access to a street or alley for the standing, loading, or unloading of motor vehicles delivering or picking up goods and materials.

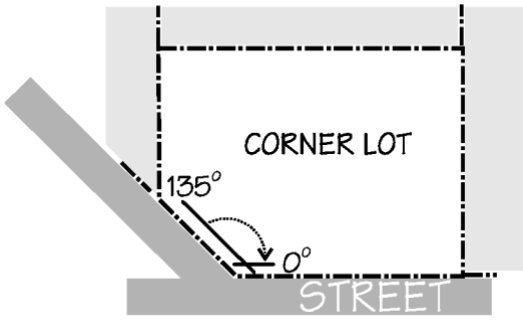


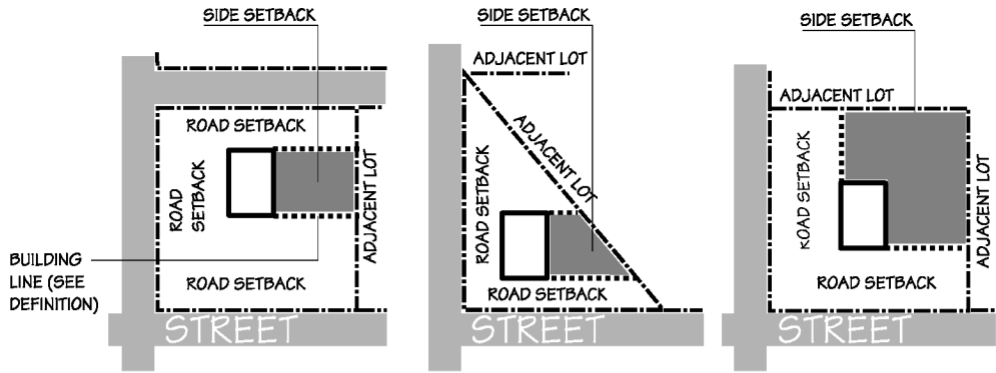
*Lot:* A parcel of land legally described or subdivided as a distinct portion or piece of land or lot of record to be separately owned, used, or developed. Per Article 8, Subdivisions, and Article 3, Development Review Procedures, Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), and 3.16 ("Plat Approval") the term "Lot" shall have the following meaning: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or possession, or for building development.

*Lot Area:* The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including area occupied by streets or bodies of water fed by natural means.

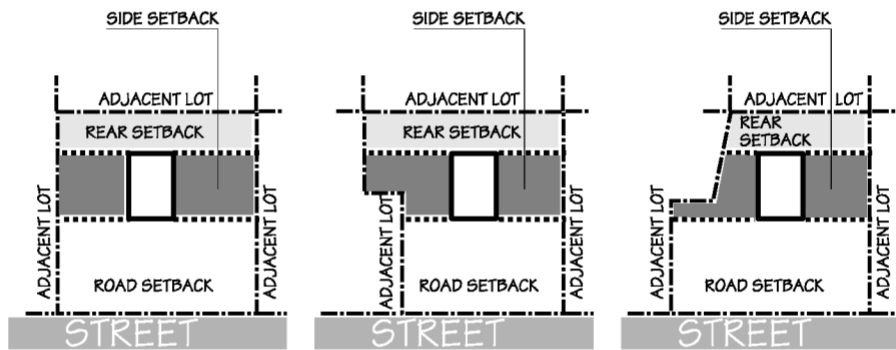


*Lot, Corner:* A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of less than one hundred thirty-five (135) degrees with each other, or a lot having two (2) front yards.

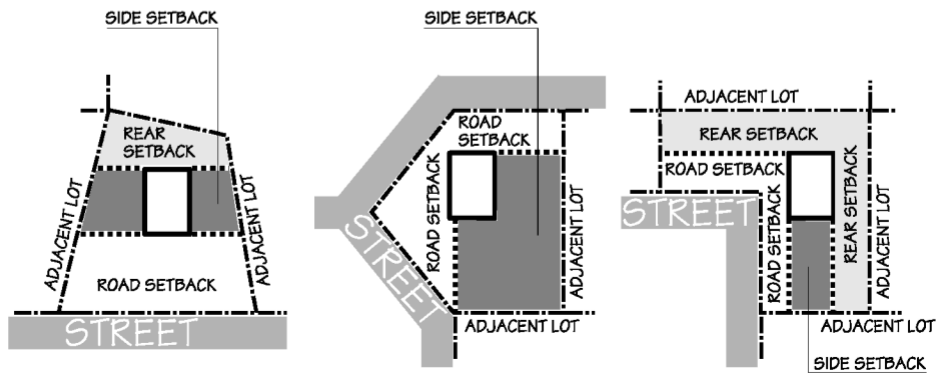




CORNER LOT EXAMPLES



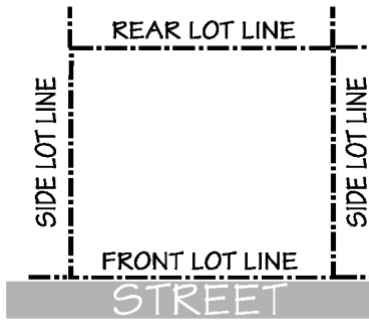
INTERIOR LOT EXAMPLES



ODD-SHAPED LOT EXAMPLES

*Lot, Flag:* A parcel where access to the public street is by a narrow strip that is a portion of the parcel.

*Lot Line:* A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.



*Lot Line, Front:* The boundary of a lot which abuts a street. On a corner lot, the front lot line is the lot line which is opposite the front wall of the principal structure.

*Lot Line, Rear:* The lot line which is most distant from and most nearly parallel to the front lot line, or in the case of an irregular or triangular lot, a lot line ten (10) feet long within the lot, parallel to and a maximum distance from the front lot line.

*Lot Line, Side:* A lot line which is not a front lot line or a rear lot line.

*Lot Line Setback Distance:* Per Sections 3.9 ("Telecommunications Carrier Facilities Variances") and 7.1 ("Telecommunications Carrier Facilities") the term "Lot Line Setback Distance" shall have the following meaning: the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility's lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right-of-way.

*Lot of Record:* A single lot which is part of a subdivision plat which has been recorded in the office of the Recorder of Deeds of Peoria County, Illinois or a single parcel of land, the deed of which has been recorded in the office of the Recorder of Deeds of Peoria County, Illinois.

*Major Stands of Trees:* Areas which are one or more acres in size, and which have seventeen (17) or more deciduous trees native to Illinois per acre each measuring at least six (6) inches in diameter at breast height.

*Manufactured Home:* A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on site for more than one hundred eighty (180) consecutive days.

*Manufactured Home Park or Subdivision:* A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Manufacturing:* Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

*Marina:* A boat basin and recreational facility, located on waterfront property or having direct water access, providing moorings for boats, and one or more of the following facilities: boat launching ramps, boat livery, boat sales, maintenance shops, marine supply store, and fuel dock.

*Market Value:* The assessed value as shown on record in the Office of the Peoria County Supervisor of Assessments, unless a certified appraisal or actual sales price is submitted to the Zoning Administrator.

*Medical Cannabis Cultivation Center:* A facility operated by an organization or business that is registered in accordance with 410 ILCS 130/1, et al. by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

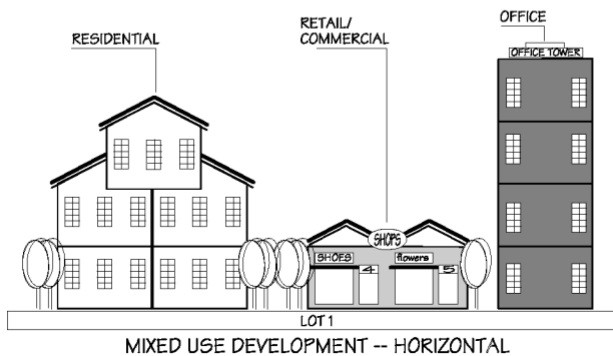
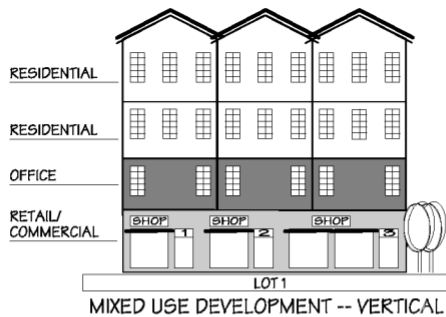
**Medical Cannabis Dispensing Organization:** A facility operated by an organization or business that is registered in accordance with 410 ILCS 130/1, et al. by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

**Medical Rehabilitation Center:** Any building or any portion thereof, the principal use of which is for offices and treatment facilities for physical, occupation, and recreational therapists or the like for the examination and treatment of persons on an outpatient basis only, but does not include clinics or medical offices.

**Mineral Extraction Facility:** The extraction of coal, sand, gravel, stone, or other materials by open pit or shaft methods, or the removal of topsoils as a principal use of land not incidental to any use or a permitted construction project. The term includes mining equipment, such as conveyors, crushers, washers, draglines, wheels, dredges, drill rigs and other similar-related equipment, but does not include asphalt plants, ready-mix concrete facilities, and other similar facilities and uses.

**Mitigation:** Mitigation includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety and welfare. Examples of mitigation include soil erosion and sedimentation control and channel restoration.

**Mixed Use Development:** A development that is comprised of a group of two (2) or more types of development, such as multifamily, commercial, and retail, constructed on the same lot or parcel of land under single ownership, in accordance with the zoning district in which it is located.



**Mobile Home:** A structure that meets the National Manufactured Home Construction and Safety Standards Act ("the HUD Code," 42 U.S.C. 5401) that is designed for permanent or temporary habitation and so constructed as to permit its transport on wheel from the place of its construction to the location or subsequent locations at which it is intended to be a permanent or temporary habitation and designed to permit the occupancy thereof as a dwelling place of one or more persons.

**Mobile Home Park:** A site containing spaces with required improvements and utilities for the long term placement of mobile homes and that may include services and facilities for the residents, but not including recreational vehicle parks or camps.

*Mobile/Modular Home Sales:* The sale or display of mobile homes, modular homes, or both for order and sale.

*Modular Home:* A dwelling unit approved by the Illinois Department of Public Health and composed of elements substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. The term does not include mobile homes.

*Motor Racing Facility:* Any facility or course upon which is conducted motor racing activities or events.

*Motor Vehicle:* A self-propelled device, and any combination of devices which are propelled or drawn by a self-propelled device, intended for the transportation of people or property. The term specifically includes, but is not limited to, automobiles, trucks, motorcycles, motor bikes, go-carts, all-terrain vehicles, and any other recreational vehicles.

*Muffler:* A device for abating the sounds of escaping gases of an internal-combustion engine. A muffler may be one of the following types:

*Muffler, Annular Swirl Flow (Auger Type):* The exhaust gases in the annular swirl flow muffler follow a circular path down the length of the muffler. The inner design is like an auger.

*Muffler, Perforated Straight Core, with Sound-Absorbing Medium:* In this type muffler, the central tube shall be perforated and shall be fully surround from beginning to end with an absorbing medium (e.g., fiberglass, steel wool or similar material).

*Muffler, Reverse Flow (Baffle):* The reverse flow devices incorporate a multitube and baffled design. The exhaust gases do not flow straight through these devices, but take a multipath, back-and-forth route through the device.

*Muffler, Stacked 360 Degree Diffuser Discs:* This type of muffler works by causing the exhaust gases to be ninety (90) degrees and then flow through stacked three hundred sixty (360) degrees diffuser discs.

*Multi-Modal Center:* A facility for the receipt, transfer, short-term storage, or dispatching of goods which may involve one or more modes of transportation, including, but is not limited to air, rail, barge, and vehicle.

*New Construction:* For the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*NGVD:* National Geodetic Vertical Datum of 1929. Reference surface set by the National Geodetic survey deduced from a continental adjustment of all existing adjustments in 1929.

*Non-Community Water System:* A public water system that is not a community water system that has at least fifteen (15) service connections used by nonresidents, or regularly serves twenty-five (25) or more nonresident individuals for at least sixty (60) days a year. A permit for a non-community water system is issued by the Illinois Department of Public Health.

*Nonconforming Building or Structure:* Any building or structure lawfully existing on the effective date of these regulations, or any amendment thereto, rendering such building or structure nonconforming, which does not comply with all of the standards of these regulations or any amendment thereto.

*Nonconforming Use:* Any use lawfully being made of any land, building, or structure on the effective date of these regulations or any amendment thereto rendering such use nonconforming, which does not comply with all of these regulations or any amendment thereto. Per Sections 3.10 ("Floodplain Development Permit") and 7.14 ("Floodplain Regulations") the term "Nonconforming Use" shall have the following meaning: Any structure which was constructed prior to the adoption of the National Flood Insurance Program which presently does not meet the elevation requirements of the current FIRM/DFIRM.

*Nonconforming Vacant Lot:* Any lot of record which does not contain a use or building and which does not meet the minimum area or width requirements established in these regulations or any amendment thereto.

*Non-Conversion Agreement:* A recorded agreement, which shall run with the land identified in an attached legal description, between a property owner and floodplain administrator to document a property owner's understanding of the limitations on construction and use of a structure's enclosed area located below the identified flood protection elevation, when said structure is located within a Special Flood Hazard Area.

*Nonresidential Zoning District:* Per Sections 3.9 ("Telecommunications Carrier Facilities Variances") and 7.1 ("Telecommunications Carrier Facilities") the term "Non-Residential Zoning District" shall have the following meaning: all zoning districts designated under these regulations, except for residential zoning districts.

*Normal agricultural practices:* Activities associated with the preparation and tilling of land for the purposes of growing crops, or raising livestock, which may include, but are not limited to, the construction of conservation measures, plowing, disking, and cultivating.

*Nudity or a State of Nudity:* "Nudity" or "State of Nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

*Nursery:* Land or greenhouses where flowers, shrubs, and plants are grown on-site for personal enjoyment, wholesale distribution, or sale.

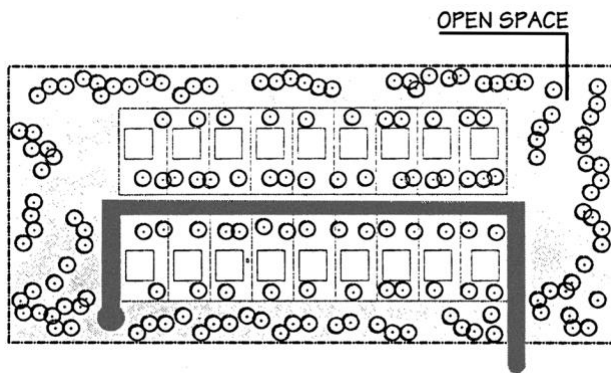
*Nursing Home:* A home for the elderly, chronically ill, infirm, or incurable persons, or a place of rest for those suffering bodily disorders, in which three (3) or more persons, not members of a family residing on the premises, are provided with food, lodging and medical care, but not including hospitals, or clinics.

*Office:* A use or building where business is conducted which does not primarily involve retail activities at that location. This includes, but is not limited to, general business offices, government offices, insurance offices, law offices, and real estate sales and management offices.

*On-Premises Consumption:* The use or consumption of cannabis, cannabis concentrate, or cannabis-infused products or solutions at the location where such product is sold.

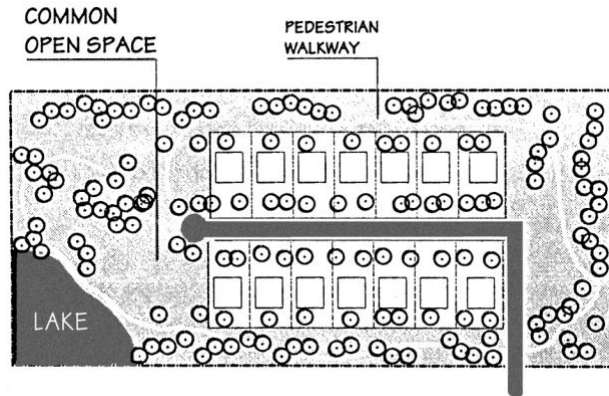
*Open Picnic Shelter:* A covered structure with no exterior or interior walls, usually equipped with tables, benches, grills, and trash receptacles, and intended to be used as a place to assemble, cook, eat, and/or relax.

*Open Space:* Any portion of a parcel or area of land or water which is open and unobstructed from the ground to the sky, including areas maintained in a natural and undisturbed character. The term "open space" shall not include water below the mean high water line, or areas covered with buildings, structures, sidewalks, patios, parking areas, except that fifty (50) percent of any area paved with permeable materials shall be considered "open space."





*Open Space, Common:* Land or an area of water or a combination of both land and water located within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.



*Open Space, Private:* Open space, the use of which is normally limited to the occupants of a single dwelling or building or parcel.

*Open Space, Public:* Open space owned by a public agency and maintained by it for use and enjoyment of the general public.

*Open Space, Useable:* Total area of open space exclusive of right-of-way, drives, parkways and slopes greater than thirty (30) percent. The least dimension of each parcel of useable open space shall not be less than thirty (30) feet.

*Outlot:* A lot depicted on a final plat which does not meet the requirements of Article 8, Subdivisions, and Article 3, Development Review Procedures, Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval") for lots of record, and whose use shall be limited to open space, future right-of-way, stormwater detention or retention, or combined with an adjacent lot of record. Outlots shall be prohibited from being improved with a building.

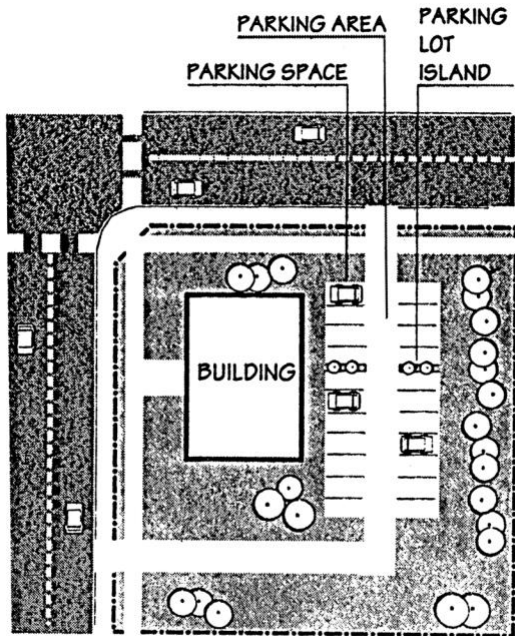
*Overnight Accommodation:* A facility offering transient lodging accommodations at a daily rate to the general public and which may also provide additional services, such as restaurants, meeting rooms, and recreational facilities, such as hotels, motels, and bed and breakfast establishments.

*Owner:* A person or persons recorded as such on official records and includes a duly authorized agency or notary, a trustee, a purchaser, or a devisee; any person having a vested or contingent interest in the property in question. Per Section 7.2 ("Wind Energy Conversion Systems") the term "Owner" shall have the following meaning: the individual or entity that intends to own and operate the wind energy system in accordance with this ordinance.

*Parcel:* A contiguous lot or tract of land owned and recorded or controlled by the same person(s) or entity.

*Park:* A lot, or portion thereof, or aggregation of contiguous lots, used by the public for outdoor recreational activities, including any accessory office, picnic tables, maintenance building, restroom facility, storage facility, or similar accessory use or structure.

*Parking Area:* An area containing one or more designated parking spaces.



*Parking Deck:* A structure or building in which automobiles are parked on two (2) or more levels or stories.

*Parking Lot:* A parking area that is open to the sky, but not including the uppermost level of a parking deck.

*Parking Lot Island:* A landscaped area surrounded by a parking lot on three (3) or more sides.

*Parking Space:* An area, enclosed or unenclosed, reserved for the parking of one motor vehicle.

*Parkway:* A strip of land situated within the dedicated street right-of-way and (1) located between the roadway and right-of-way line; (2) a median located between the roadways; or (3) landscaped.

*Particulate Matter:* Material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

*Perimeter Control:* Any control measure installed between the down slope side of the disturbed area and the property line and/or between the down slope side of the disturbed area and any area of concentrated flow.

*Permanent Foundation:* A closed perimeter formation intended to support and anchor the unit and consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which shall include, but not necessarily be limited to, cellars, basements, or crawl spaces, but does exclude the use of piers.

*Person:* An individual, corporation, governmental agency, business, trust estate, proprietorship, firm, partnership, two (2) or more persons having joint or common interest, or any other legal entity.

*Personal Service Establishment:* A business which provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at another location. This includes, but is not limited to, travel agencies, dry-cleaning and laundry drop-off and pick-up, laundry coin-op, stations, tailors, hair stylists, cosmeticians, toning or tanning salons, postal substations, package delivery drop-off and pick-up stations, quick-print photo establishments, shoe repair shops, interior design studios, and domestic pet services.

*Place of Worship:* A church, synagogue, temple, mosque or other institution for religious worship, including any accessory use or structure, such as a school, day care center, or dwelling that is located on the same lot.

*Planned Development:* A parcel or tract of land initially under unified ownership or control, and which is or is intended to be the site for two (2) or more principal buildings or one or more principal use, or one principal building for two (2) or more principal uses. The term "planned development" includes all planned developments, whether residential, commercial or otherwise in nature, regardless of whether an actual division of property is required or not, and regardless of whether it is specifically labeled a planned development or not.

*Planned Development, Residential:* A development comprised of attached and/or detached dwelling units that has coordinated common open space and service areas and is built in accordance with densities specified in the zoning district in which it is located.

*Plat:* A map, plan or layout representing a tract of land showing the boundaries, location, and existing conditions, such as easements and utilities, of individual properties and streets, or showing a map of a subdivision or site plan.

*Plat Act:* The Illinois Plat Act now in effect or as hereafter amended, 765 ILCS 205/0.01 et seq.

*Plat Officer:* The person appointed by the County Board to administer Article 8, Subdivisions, and Article 3, Development Review Procedures, Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), and 3.16 ("Plat Approval") of the County Code or his designee.

*Plot:* A single unit parcel of land, or a parcel of land that can be identified and referenced.

*Porch:* A platform which projects from the exterior wall of a building, has direct access to the street level of the building, is covered by a roof or eave which may be supported by posts, and has no roof-supporting walls on three (3) sides.

*Pond:* An island body of water with less than an acre of surface area.

*Prairie:* An open area covered by low-growing plants, dominated by grasslike species of which at least one-half (½) are true grasses, and with less than mature tree per acre. An open area characterized by a predominance of grasses and wildflowers, one-half (½) of which are native grasses to Illinois.

*Pre-project condition:* A condition that impacts erosion, sediment, or stormwater run-off characteristics of a site prior to start of construction activity. The pre-project condition shall be based on the predominant land use for the past five (5) years. For example, if a site has been cropland for four (4) of the past five (5) years and in grass just prior to development, the land use would be cropland for the pre-project condition.

*Principal Building or Structure:* A building or structure containing the principal use of the lot.

*Principal Residential Building:* Per Sections 3.9 ("Telecommunications Carrier Facilities Variances") and 7.1 ("Telecommunications Carrier Facilities") the term "Principal Residential Building" shall have its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal residential building" shall not include any structure that is not designed for human habitation.

*Private Sewage Disposal System:* Any sewage handling or treatment facility receiving domestic sewage from less than fifteen (15) people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge. Typically designed for sewage treatment for use by a single residence.

*Private swimming pool:* A body of water in an artificial or partly artificial receptacle or other container whether installed or constructed above or below ground elevation with a depth of two (2) feet or more (and a minimum surface area of one hundred twenty-five (125) square feet or to be used for swimming, wading, diving or recreational bathing located on private residential property for the use of the property's owner and guests.

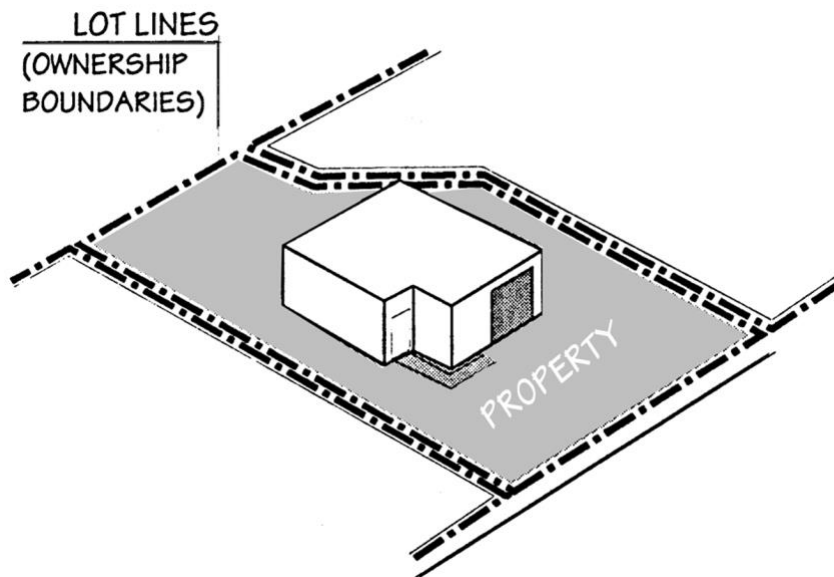
*Private Water System:* Any supply which provides water for drinking, culinary, and sanitary purposes and serves the improvements on a single parcel.

*Project:* Any development involving modification to land which involves a land disturbing activity.

*Properly Installed Muffler:* A properly installed muffler is one which is:

- (1) Correctly installed per the manufacturer's instructions; and
- (2) Fully functional; and
- (3) Has no leaks or holes in the walls of the exhaust tubing or muffler body; and
- (4) Has no defect or modifications to reduce its sound reduction capabilities.

*Property:* A lot, parcel, or tract of land, together with any improvements and/or structures erected, constructed or contained thereon.



*Property Owners Association:* An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision—be it a lot, parcel, site, unit plot, or any other interest—is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, or other interest of the member. It may also be referred to as a Home Owners' or Residents' Association.

*Public Facilities:* A building, use or structure owned or occupied by a government agency, or an agent thereof, such as a jail, housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violation of criminal laws, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, or hazardous waste treatment or storage facility, but not including a residential-care home, rehabilitation center, or education or health institution.

*Public Transportation Facilities:* Passenger terminals, stations, shelters and related facilities primarily intended for the transportation of commuters.

*Public Utility Structure:* An electricity or gas substation, water or wastewater storage tank, tower, reservoir, filtration plant or pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution or transfer station for electricity between the point of generation and the end user, including communication support structures and antennas, radio, television, microwave transmission or relay towers, and other similar distributing equipment. Pursuant to statute (55 ILCS 5/5-12001), the County's zoning powers do not include the right to specify or regulate the type or

location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in the Public Utilities Act (220 ILCS 5/1-101 et seq.), if the public utility is subject to the Messages Tax Act (35 ILCS 610/1 et seq.), the Gas Revenue Tax Act (35 ILCS 615/1 et seq.), or the Public Utilities Revenue Act (35 ILCS 620/1 et seq.) or if such facilities or equipment are located on any rights-of-way and are used for railroad purposes.

*Public Water System:* A system for the provision to the public of piped water for human consumption, if the system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days per year. Such a system is regulated by IEPA. The term public water system includes any collection, treatment, storage and distribution 168, 170, facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

*Qualifying Structure:* Per Sections 3.9 ("Telecommunications Carrier Facilities Variances") and 7.1 ("Telecommunications Carrier Facilities") the term "Qualifying Structure" shall have the following meaning: a supporting structure that is (i) an existing structure, if the height of the facility, including the structure, is not more than fifteen (15) feet higher than the structure just before the facility is installed, or (ii) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than fifteen (15) feet higher than the height of the existing structure just before the facility is installed.

*Racing Event:* Any time, speed, pulling, or distance competition using motor vehicles.

*Racing Vehicle:* Every self-propelled device, in, upon or by which any person may be transported and which is participating in a motor racing activity or event at a motor racing facility.

*Recreation Area or Facility:* A building, auditorium, stadium, outdoor amphitheater, open or enclosed structure, outdoor field or playground containing recreational space, such as a tennis court, swimming pool, bowling alley, and/or gymnasium, and operated by a government agency or as a business.

*Recreational Vehicle:* A vehicular-type portable structure (marine or terrain) without a permanent foundation that can be towed, hauled, or driven, and that is primarily designed for recreational, camping, and travel use, including, but not limited to: camping trailers, motor homes, mini motor homes, travel trailers, truck campers, van campers, stock cars, boats, snowmobiles, or other such item used primarily for recreational purposes. "Recreational Vehicle" also includes trailers designed to transport materials other than people, including, but not limited to, boats, vehicles, snowmobiles and other forms of cargo. When recreational vehicles are affixed to a trailer, the vehicles and trailer shall be considered one (1) recreational vehicle.

*Recreational Vehicle Park:* Any lot or parcel of land designed to be occupied by two (2) or more recreational vehicles as temporary living quarters for recreation or vacation purposes. The term includes any structures or vehicles intended for use as a part of such recreational vehicle park.

*Recycling Center:* A site or facility that accepts only segregated, non-hazardous, non-special, homogenous, non-putrescible materials such as dry paper, glass, cans, or plastics, for subsequent use in the secondary materials market. This shall not include a facility which handles, collects, or otherwise stores or processes automobile bodies or parts, toxic or hazardous materials, or recyclable materials mixed with other refuse.

*Recycling Drop off Center:* A facility where recyclable materials are temporarily stored or collected, or are processed by manual separation.

*Regional stormwater management system:* A system which is designed, constructed and maintained to provide stormwater control for multiple land owners.

*Registered Land Surveyor:* A surveyor who is licensed to practice professional surveying by the State of Illinois.

*Registered Professional Architect:* An architect registered in the State of Illinois, under the Illinois Architectural Practices Act of 1989 (225 ILCS 305/1 through 305/40).

*Registered Professional Engineer:* An engineer registered in the State of Illinois, under the Illinois Structural Engineering Licensing Act (225 ILCS 340/1 through 340/38), or the Professional Engineering Practice Act of 1989 (225 ILCS 325/1 through 325/49).

*Regularly Features or Regularly Shown:* "Regularly Features or Regularly Shown" means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult use.

*Regulatory Floodway:* The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by IDNR/OWR, which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no more than a one-tenth-foot increase in stage due to the loss of flood conveyance or storage, and no more than a ten (10) percent increase in velocities. To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory floodway map (or charts consulted where applicable) and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, IDNR/OWR should be contacted for the interpretation.

*Repetitive Loss:* Flood related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each flood event on average equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

*Residence:* A dwelling where a person is actually living at a specific point in time.

*Residential-Care Home:* A dwelling in which staff persons provide care, education, and participation in community activities for a group of unrelated individuals who have long-term mental, intellectual, developmental or physical disabilities or handicaps, and who are unable to live independently but are capable of community living if provided with an appropriate level of supervision, assistance and support services, but who do not require on-site medical or nursing facilities, with the primary goal of developing or exercising basic skills for daily living. This does not include dwellings for persons whose primary reason for placement in the dwelling is the abuse of alcohol or controlled substances, or the need for continuous nursing or medical care, or for persons who have recently been released from incarceration, or dwellings which serve as an alternative to incarceration for persons convicted of criminal offenses or declared criminally insane or dangerous.

*Residential-Care Home, Small:* A residential-care home with one to five (5) residents.

*Residential-Care Home, Medium:* A residential-care home with six (6) to eight (8) residents.

*Residential-Care Home, Large:* A residential-care home with more than eight (8) residents.

*Residential Zoning District:* Per Sections 3.9 ("Telecommunications Carrier Facilities Variances") and 7.1 ("Telecommunications Carrier Facilities") the term "Residential Zoning District" shall have the following meaning: a zoning district that is designated under these regulations and is zoned predominantly for residential uses.

*Residential Use:* Any dwelling, designed and intended to house one or more families.

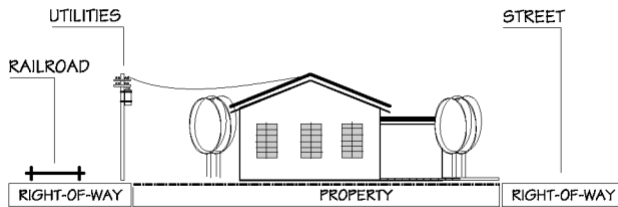
*Restaurant:* An establishment, including banquet halls, that is open to the public where food and beverages are regularly prepared, consumed and sold: (a) at a table or counter within the premises; (b) for consumption at a table or counter outdoors, but located on the premises; (c) for consumption in automobiles or other motor vehicles located in parking areas on the premises; and (d) for consumption off the premises. The term includes "fast food" restaurants, whose principal business is the sale of preprepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

*Resubdivision:* The further division of lots within a subdivision previously made and approved or recorded according to law.

*Right-of-Way:* A lineal area of land dedicated to the public by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad,

electric transmission lines, oil or gas pipeline, water line, sanitary sewer, storm sewer, and other similar uses.

*Right-of-Way Line:* The outer boundary of a right-of-way.



*Riparian Zone/Riparian Corridor:* Natural vegetation along the edge of a stream that: modulates temperature; provides nutrient input into the stream system; provides a buffer that intercepts surface runoff, filtering out sediments and pollutants; provides erosion control through soil stabilization; and serves as habitat and movement corridors for wildlife who utilize the stream for food, water and cover.

*Riverine SFHA:* Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

*Rivers and Streams:* Those perennial and intermittent rivers and streams included on 7.5 minute quadrangle topographic maps published by the U.S. Geologic Survey.

*Road:* Any right-of-way that has been improved for the purposes of providing a surface for vehicular traffic, including any Federal, State, County, township, and municipal controlled facilities.

*Road Frontage:* All of the property fronting on one side of a street between two (2) intersecting streets, or in the case of a dead-end street, all of the property along one side of the street between an intersecting street and the end of such dead-end street.

*Roof:* A solid overhead structure used for protection or shielding from the sun, rain, or other elements of weather.

*Runoff:* That portion of precipitation that has not been absorbed by the soil or plant material and which reaches the drainage system or the edge of a parcel of land.

*Sanitary District:* The Greater Peoria Sanitary District.

*Sanitary Sewer:* A constructed conduit for the collection and carrying of liquid and solid sewage wastes, other than storm sewers, to a sewage treatment plant.

*Scenic Area/Vista:* An area from which a diversity of natural features can be observed, which generally includes a focal point, such as a river or lake.

*School:* A building or group of buildings and all associated structures, facilities and grounds in or on which instruction in subjects which are fundamental and essential in general education is offered to students. This includes a privately or publicly owned elementary school, middle school, junior high school, or high school which does not provide lodging for students.

*School, Arts:* A secondary or higher education facility primarily teaching skills in crafts and the fine arts and does not provide lodging or dwelling units for students or faculty.

*School, Boarding:* A privately owned school which provides lodging or dwelling units for students on the same property.

*School, Vocational:* A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade or business and does not provide lodging or dwelling units for students or faculty. The term "vocational schools" may include schools that teach repair skills for automobiles or other types of heavy machinery that require garage and/or outdoor work space.

**Screening:** Structures, solid fences, or evergreen vegetation maintained for the purpose of concealing from view the area or objects behind such structures, solid fences or vegetation.

**Self-closing:** Closing or shutting automatically after being opened.

**Self-latching:** Closing or shutting so that the latch catches automatically after opening.

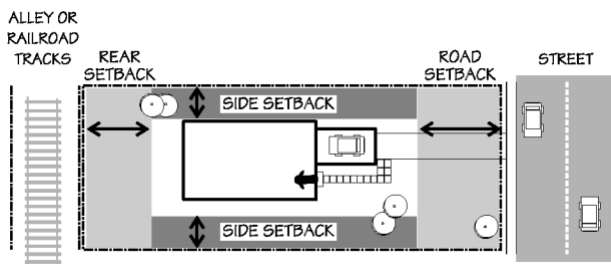
**Semi-Nude Model Studio:** "Semi-Nude Model Studio" means any place where a person, who regularly appears in a state of semi-nudity is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

**Semi-Nude or State of Semi-Nudity:** "Semi-Nude or State of Semi-Nudity" shall mean a state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices. It is a defense to prosecution for any violation of this ordinance that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

- (1) By a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:
  - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
  - (b) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class.

**Semi-Private Water System:** A water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single-family dwelling. Such a system would serve less than fifteen (15) serviced connections used by residents or regularly serves less than twenty-five (25) residents at least sixty (60) days a year. A permit for a semi-private water system would be issued by the Illinois Department of Public Health or the Peoria City/County Health Department.

**Setback:** The horizontal distance between any portion of a structure or any development activity and a right-of-way, the bank of a perennial stream, the centerline of an intermittent stream, the ordinary high water mark of a lake or pond, and the edge of a wetland, measured at the structure's or development's closest point to the bank, centerline, ordinary high water mark, easement, property line, or other point on or near the site.

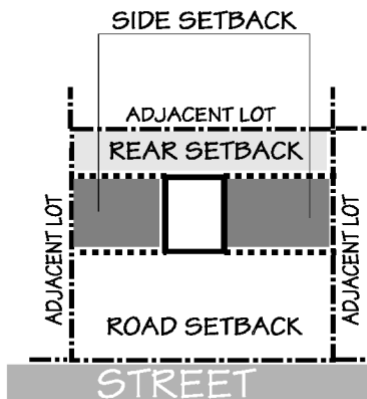


**Setback, Rear:** An open space between the rear of a building or structure and the lot line farthest from the front lot line, projected to the side lines of the lot on which the building or structure is located.

**Setback, Road:** An open space between a building or structure and the street line of the lot on which the building or structure is located, unoccupied and unobstructed from the ground upward, except by fences or as otherwise provided in these regulations. In measuring a road setback, the horizontal distance between the streetline and the closest projection of the building shall be used. Every required road setback shall be measured at right angles (ninety (90) degrees) from the street line.



*Setback, Side:* An open space between the side of a building or structure and a lot line running to the street abutting the lot, projected to the front setback and rear setback of the lot on which the building or structure is located.



*Severe Repetitive Loss:* Flood related damages sustained by a structure on four (4) separate occasions during a ten-year period for which the cost of repairs is greater than five thousand dollars (\$5,000.00) and the cumulative amount of such damage exceeds twenty thousand dollars (\$20,000.00); or, flood related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs cumulatively exceeds the market value of the structure before the damage occurred.

*Sewers and Sewage Disposal System Ordinance:* Chapter 19 of the Peoria County Code, as amended, and sometimes referred to as the Sewage Disposal Ordinance.

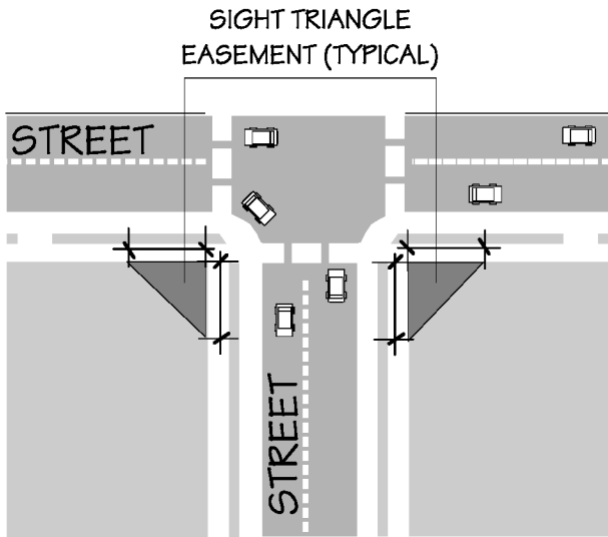
*Sexually Oriented Adult Business:* "Sexually Oriented Adult Business" shall be interchangeable with "Adult Business" and shall mean an adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or semi-nude model studio.

*Sexually Oriented Entertainment Activity:* "Sexually Oriented Entertainment Activity" means the sale, rental, or exhibition for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances which are characterized by an emphasis on the exposure or display of specific sexual activity.

*Shopping Center:* A building or group of buildings containing ten (10) or more commercial retail establishments, personal service establishments, and/or restaurants intended to serve regional shopping needs and constructed on a parcel of land under unified ownership or control, and which is planned and developed with unified building design and coordinated parking and service areas.

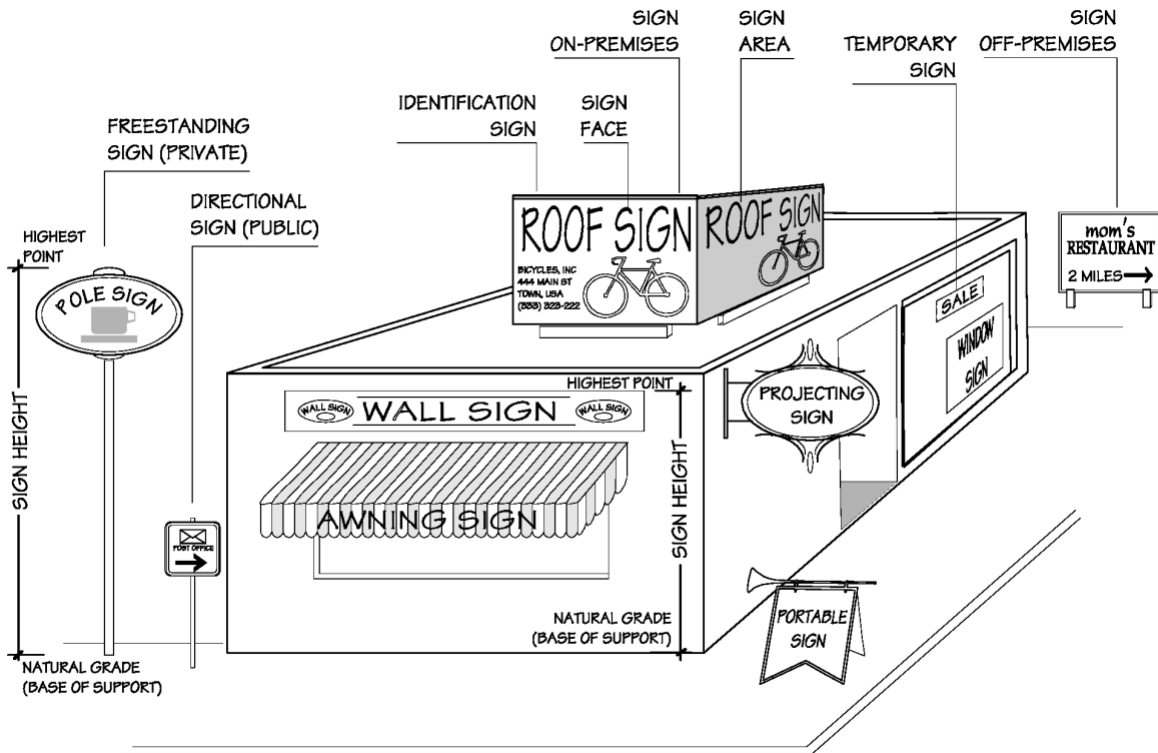
*Sidewalks:* A paved, surfaced, or leveled portion of the right-of-way, paralleling and usually separated from the street, used as a pedestrian walkway.

*Sight Triangle:* The area of the corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.



*Sign:* Any object, device, display or structure, or part thereof, which is used primarily to advertise, identify, display or direct or attract attention to an object, person, establishment, product, service, event or location by any means including, without limitation, words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images, visible beyond the boundaries of the lot or parcel on which they are situated or visible from any public thoroughfare or right-of-way. This includes, but is not limited to, wall signs, freestanding signs, ground signs, window signs, awning or canopy signs, marquees, changeable copy signs, message boards, illuminated signs, moving signs, temporary signs, portable signs, pennants, banners, streamers or any other attention-getting device, flag, or other display, whether affixed to a building or erected elsewhere on the premises. The term "sign" excludes those features of a building which are an integral part of the building's design and structure.

*Sign Area:* The entire area of all sign faces, cumulatively, including sign faces on which no copy is currently displayed.



*Sign, Banner:* A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted.



*Sign, Canopy or Awning:* Any sign which is affixed to, painted on or suspended from a canopy or awning.

*Sign, Copy, Changeable or Message Board:* A sign on which the copy changes automatically on a lampbank or through mechanical means, such as electrical or electronic time and temperature units, or is changed manually in the field in or upon the surface area of the sign.

*Sign, Directional:* A sign containing directional information about public places owned or operated by Federal, State, or Local governments or their agencies; publicly or privately owned historic, educational, cultural, scientific and religious sites; areas of natural or scenic beauty; or areas for outdoor recreation.

Information displayed on a directional sign shall be limited to the name of the business/entity, location, and hours of operation.

*Sign Face:* That part of the sign which is or can be used to identify, to advertise, to communicate information, or for visual representation which attracts the attention of the public for any purpose. This shall include any background material, panel, trim, color, and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface, or object upon or against which it is placed. This shall not include any portion of the support structure for the sign, provided that no message, symbol, or any of the aforementioned sign face criteria is placed on or designed as part of the support structure.

*Sign, Flashing:* Any sign which contains an intermittent or flashing light source, or which produces the illusion of intermittent or flashing light.

*Sign, Freestanding:* A sign which is completely or principally supported by one or more post or other support of which seventy-five (75) percent is visually or physically attached to the ground, which is not attached to the principal building on the property, and is anchored in or upon the ground. This shall include, but not be limited to, signs attached to poles or supports for lights, canopies, and other items or structures.

*Sign, Height:* The vertical distance measured from the natural grade at the base of the sign support to the highest point of the sign.

*Sign, Identification:* A sign which states the name of the business or establishment, including either the national company or local proprietor, and/or the address of a building.

*Sign, Illuminated:* Any sign which emanates light either by means of exposed tubing or lamps on its surface or by means of illumination transmitted through the sign faces.

*Sign, Indirectly Illuminated:* Any sign which reflects light from a source intentionally directed upon it, for example by means of a floodlight.

*Sign, Integral:* An identification sign which is integrated into or made an integral part of a structure. Such signs often display names of buildings, dates of erection, monumental citations, and/or commemorations.

*Sign, Nonconforming:* Any sign which was lawfully erected and maintained prior to the adoption and effective date of these regulations and any amendments hereto, which fails to conform to all applicable regulations and restrictions of this Code, or a sign previously deemed to be nonconforming for which a special permit has been issued.

*Sign, Off-Premises (Off-Site Sign):* Any sign that identifies a business, person, activity, goods, products, services or facilities or that directs persons to a different location from where the sign is located.

*Sign, On-Premises (On-Site Sign):* Any sign that identifies a business, person, activity, goods, products, services or facilities that is located on the same premises as the sign itself.

*Sign, Portable:* Any sign that is not permanently attached to the ground, a structure, or a building and which is designed to be transported to another location.

*Sign, Projecting:* Any sign that is attached to a wall in a perpendicular manner.

*Sign, Public:* A sign of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of a public duty, such as official signs and notices of any public or governmental agency, or erected by or on the order of a court or public officer, including official traffic signs authorized by the Illinois Compiled Statutes (ILCS) or the Illinois Vehicle Code.

*Sign, Temporary:* A sign which contains information which is not of a permanent character. Such signs include, but are not limited to, political signs, garage sale signs and real estate signs.

*Sign, Wall:* Any sign attached to or erected against a wall of a building or structure with the exposed face of the sign in plane approximately parallel to the plane of the wall.

*Sign, Window:* A sign that is installed inside, painted upon or placed against a window for purposes of viewing from outside the premises, not including merchandise located in a window display.

*Site:* The lot or parcel on which the project is to be developed.

*Site Plan:* A scaled plan for proposed development that contains any information that reasonably may be required in order that an informed decision can be made by the approving authority.

*Site Specific plan:* A general erosion and sediment control permit required for projects where slope is greater than ten (10) percent and/or the site contains areas of concentrated flow or bodies of water. Slope shall be determined by the maximum slope indicated on the site according to the USDA Soil Survey or topographic survey as prepared by an Illinois Registered Surveyor.

*Small Wind Energy System (noncommercial):* A wind energy conversion system consisting of a wind turbine, a tower, and associated controls or conversion electronics, which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.

*Smoke:* Small gasborne particles that are formed as a result of the incomplete combustion of materials containing carbon, and that form a visible plume in the air.

*Smoking Lounge:* A business establishment or room that is dedicated, in whole or in part, to the smoking of cannabis, cannabis concentrate, or cannabis-infused products or solutions.

*Solar Collector:* A device that captures solar radiation for use as a source of energy.

*Solar Energy Equipment:* Items including but not limited to solar collectors, lines, pumps, batteries, inverters, mounting brackets, framing, and/or foundation used for or intended to be used for the collection and conversion of solar radiation into energy suitable for use.

*Solar Energy Generation Facility:* A facility consisting of ground mounted solar collectors and supplementary solar energy equipment used to produce electric power and is either the stand alone use or one of the principal uses for the parcel of land on which it is located. In a Solar Energy Generation Facility, the electric power may be used onsite, but its primary purpose is to generate electric power for offsite utility bill credit, subscription sale, retail sale, or wholesale. The term includes ground mounted solar collectors and supplementary solar energy equipment that is accessory to a residential or nonresidential use that covers more than two (2) acres and is designed for onsite use by the owner or tenant of the residential or nonresidential use to reduce payments to the utility company.

*Solar Private:* Ground mounted solar collectors and supplementary solar energy equipment that is accessory to a residential or nonresidential use and covers an area no more than two (2) acres. In no instance can private solar be the only use on a parcel. Private solar is designed for onsite use by the owner or tenant of the residential or nonresidential use to reduce payments to the utility company.

*Solid Screen:* Either an earth berm, hill, solid wood fence, wall or a densely planted row of shrubs that cannot be seen through in any season.

*Special Flood Hazard Area (SFHA):* Any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a flood insurance rate map as an "A" or "A"-numbered zone.

*Special Use:* A use of land needing approval by the County Board. It may include but not be limited to public and quasi-public uses affecting the public interest; uses that have a unique, special, or unusual impact upon the use or enjoyment of neighboring property; and uses that affect planned development.

*Specified Anatomical Areas:* "Specified Anatomical Areas" shall mean human genitals, anus, cleft of the buttocks, or the female breast.

*Specified Sexual Activity:* "Specified Sexual Activity" means any of the following:

- (1) Sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy;  
or
- (2) Excretory functions as a part of or in connection with any of the activities described in (1) above.

*Speedway:* A racecourse used for racing automobiles or motorcycles.

*Sportsman's Club:* A recreational area or facility, and its accessory retail sales and services, containing space used for hunting, shooting or firing rifles, shotguns, pistols, skeet or traps, fishing and other similar sports.

*Stable, Horse:* A structure that is used for the shelter or care of horses.

*Stadium:* A structure or facility designed, intended, or used primarily for athletic events and containing seating and parking for spectators of those events, but not including a raceway or dragstrip.

*Standards:* The Illinois Environmental Protection Agency's Illinois Urban Manual, A Technical Manual Designed for Urban Ecosystem Protection and Enhancement published in 1995 and Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control published in 1988 by the Urban Committee of the Association of Illinois Soil and Water Conservation Districts now in effect, or as hereafter amended which is incorporated by reference herein, the Peoria County standards for Stormwater Design Analyses, found at Appendix C of this article, and the erosion and sediment control criteria and specifications found in Appendix D of this ordinance.

*Standard plan:* A general erosion and sediment control permit for projects where slope is less than ten (10) percent and there are no areas of concentrated flow or bodies of water on or immediately adjacent to the site. Slope shall be determined by the maximum slope indicated on the site according to the USDA Soil Survey or topographic survey as prepared by an Illinois Registered Surveyor.

*Start of construction:* Per Sections 3.10 ("Floodplain Development Permit") and 7.14 ("Floodplain Regulations") the term "start of construction" shall mean: the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within ninety (90) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as a clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings piers, or foundations or the erections [of] temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*State:* The State of Illinois.

*Steep slopes:* Those areas with slopes that equal or exceed thirty-five (35) percent or 2.85:1.

*Storm Sewer:* A constructed conduit for the collection, carrying, and either detaining or retaining of surface waters to a drainage course.

*Story:* That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

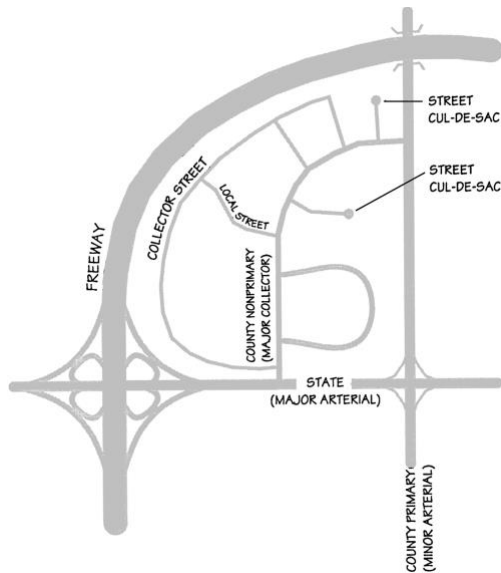


*Story, Half:* A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (

2/3 ) of the floor area is improved for use. A half-story containing an independent apartment or living quarters shall be counted as a full story.

*Stream:* An open body of running water flowing continuously or intermittently. Perennial and intermittent streams are designated in accordance with 7.5 minute topographic maps of the U.S. Geological Survey.

*Street:* All property dedicated for public or private street or roadway purposes.



*Street, County, Primary:* A street or roadway maintained by the County of Peoria which is classified as a minor arterial in that it has as its primary function inter-community traffic movement. County Primary's are also the County designated truck access routes. The secondary function of this roadway is to provide access to land.

*Street, County, Non-Primary:* A street or roadway maintained by the County of Peoria which is classified as a major collector in that it has as its primary function to collect and distribute traffic between local streets and the arterial system. The secondary function of this roadway is to provide access to land. The tertiary function of this roadway is to provide traffic movement between neighborhoods.

*Street, Collector:* A street or roadway maintained by a Township which is classified as a minor collector in that it has as its primary function to collect and distribute traffic between neighborhoods. The secondary function of this roadway is to provide access to lands.

*Street, Cul-de-Sac:* A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

*Street, Frontage:* A service street, usually parallel to a limited access highway, designed to reduce the number of access points that intersect the limited access highway.

*Street, Local:* A street maintained by a Township which is classified as local in that it has as its primary function direct access to and/or from streets, alleys and abutting properties.

*Street, Private:* A street that has not been accepted for maintenance by a local unit of government, and that is designed for the internal circulation of vehicles within any development.

*Street, State:* A street or roadway maintained by the State of Illinois Department of Transportation (IDOT) which is classified as a major arterial in that it has as its primary function inter-community and intra-metro area traffic movement. The secondary function of this roadway is to provide access to land.

*Structure:* Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for housing, business,

commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, parking decks, parking lots, walkways, paths, swimming pools, tennis courts, poles, pipelines, transmission lines, tracks, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and other accessory construction. Per Sections 3.10 (Floodplain Development Permit") and 7.14 ("Floodplain Regulations") the term "Structure" shall have the following meaning: The results of a manmade change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a travel trailer on a site for more than one hundred eighty (180) days. This, however, does not include private antennas, fences, mailboxes, flagpoles, birdbaths, sidewalks, driveways and similar items used for landscaping or decorative purposes.

*Structure, Nonresidential:* Any principal structure or accessory structure not intended for use as a dwelling including, but not limited to commercial, industrial, institutional, and agricultural uses, and any structure accessory to a dwelling which is greater than two thousand (2,000) square feet.

*Structure, Residential:* Any structure intended for use as a dwelling, and any structure accessory to a dwelling which is less than two thousand (2,000) square feet in size.

*Subdivide:* The act or process of creating a subdivision.

*Subdivider:* Any person, firm, association, corporation, trust or any other legal entity who commences proceedings under these regulations to affect a subdivision of land pursuant to Article 8, Subdivisions, and Article 3, Development Review Procedures, Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), 3.16 ("Plat Approval") of this chapter.

*Subdivision:*

- (1) As required in the State of Illinois Plat Act (765 ILCS 205/0.01 et seq.), the division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development whether immediate or in the future; provided that a division of land which may be ordered or approved by a court or affected by testamentary or intestate provisions, shall not be deemed a subdivision. The term also includes resubdivision, and when appropriate to the context, shall relate to the process of subdividing the land subdivided.
- (2) Planned development, whether an actual division of property is required or not, and regardless of whether the same is labeled a subdivision or not. However, divisions exempted under the Illinois Plat Act now in effect or as hereafter amended, 765 ILCS 205/1 et seq., are not deemed subdivisions for the purpose of these regulations, but must still meet the requirements of a Tract Survey.

*Subdivision, Major:* All subdivisions not classified as a minor subdivision or moderate subdivision, including but not limited to subdivisions of twenty-one (21) or more lots; any subdivision of twenty-one (21) or more lots requiring any new street or extension of the local government facilities or the creation of any public improvements; planned developments; or trust indentures.

*Subdivision, Minor:* Any subdivision containing not more than seven (7) lots fronting on an existing street, not involving any new street or road, or the extension of governmental facilities or the creation of any public improvements, and not in conflict with any provision or portion of the Land Use Management Plan and Map, Zoning Ordinance, or these regulations.

*Subdivision, Moderate:* Any subdivision of eight (8) to twenty (20) lots; any subdivision of one to twenty (20) lots requiring any new street or extension of the local government facilities or the creation of any public improvements.

*Substantial completion:* The point at which all exterior work is completed and the site can be used for the use intended.

*Substantial Damage:* Damage of any origin sustained by a structure whereby the cumulative percentage of cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred regardless of the actual repair work performed. Volunteer labor and materials must be included in the determination.



*Substantial Improvement:* Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds fifty (50) percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing State or County health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure. Per Sections 3.10 ("Floodplain Development Permit") and 7.14 ("Floodplain Regulations") the term "Substantial Improvement" shall have the following meaning: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. Previous improvements to a noncompliant structure will be counted towards a substantial improvement, regardless of change in ownership. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. Volunteer labor and materials must be included in the determination. The term does not, however, include either (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

*Supporting Structure:* Per Sections 3.9 ("Telecommunications Carrier Facilities Variances") and 7.1 ("Telecommunications Carrier Facilities") the term "Supporting Structure" shall have the following meaning: a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility.

*Swimming Pool:* A manmade rigid or semi-rigid receptacle for water, whether intended for indoor or outdoor use, having a depth at any point of two (2) feet or more and with a water surface area of one hundred twenty-five (125) square feet or greater, which is used or intended to be used for swimming, wading, bathing, immersion, or partial immersion of human beings, and which is constructed, installed and maintained in or above ground.

*SWCD:* Peoria Soil and Water Conservation District.

*Tattoo Parlor:* An establishment where pigment is inserted under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. The term "tattoo parlors" shall also include body piercing parlors.

*Tavern:* An establishment used primarily for the sale or dispensing of malt, vinous, or other alcoholic beverages for on-site consumption and where food may be served or sold only as an accessory to the principal use.

*Telecommunications Carrier:* A telecommunications carrier as defined in the Public Utilities Act (220 ILCS5/13-202) as of January 1, 1997.

*Telecommunications Carrier Facility:* That part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas, (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing ; and (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware.

*Temporary Use:* A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time, and does not involve the construction or alteration of any permanent structure.

*Threatened and Endangered Species:* Those plants and animals listed by the Illinois Endangered Species Protection Board in April 1990 and December 1991, respectively, as endangered and threatened species in the State of Illinois according to the 1972 Illinois Endangered Species Act, as amended.

*Top Fuel-Burning Drag Vehicles:* Drag vehicles operating on more than fifty (50) percent alcohol fuel or on nitromethane, and are commonly known as "funny cars" and "top fuel cars."

*Total Height:* The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

*Tower:* The monopole, freestanding, or guyed structure that supports a wind generator or meteorological equipment.

*Tower, Meteorological:* A tower which has equipment attached to it which is designed to assess wind and other atmospheric data and accessory equipment.

*Township Planning Commission:* A commission appointed by a Township's Board of Trustees to review and make recommendations to the Township Board on development related matters.

*Township Road Commissioner:* The elected or appointed position responsible for the maintenance of streets and rights-of-way in a Township.

*Toxic Matter:* Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.

*Tract Survey:* The splitting of a parcel that does not require a subdivision, as defined herein, and when any parcel is split into two (2) or more new parcels, all of which are greater than five (5) acres in size and need to be described using a metes and bounds description; or when any parcel is split into two (2) or more new parcels, any of which is less than five (5) acres in size and qualify under exemptions 2, 3, 8, or 9 of the State of Illinois Plat Act (765 ILCS 205/0.01 et seq.), and need to be described using a metes and bounds description.

*Transitional Bufferyard (TBY):* A landscaped area located within a side or rear yard which buffers incompatible uses from each other.

*Transportation Committee:* The County Board Committee charged with approving road names proposed in any development as defined herein.

*Trust Indenture:* Any recordable instrument by which common ground is held or maintained or assessments in a subdivision are levied for the administration of specific obligations or both.

*Turbocharger:* An exhaust gas-driven supercharger. Turbochargers meet the requirements for a well maintained muffler system. However, superchargers mechanically driven by the engine are not defined as a well-maintained system.

*Twenty-five year frequency storm event:* The storm event rainfall depth during a twenty-four-hour period which is exceeded, on the average, once every twenty-five (25) years.

*Two-year frequency storm event:* The storm event rainfall depth during a twenty-four-hour period which is exceeded, on the average, once every two (2) years.

*Unified Development Ordinance:* Chapter 20 of the Peoria County Code as amended.

*Use:* The purpose or activity for which the land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

*Use, Permitted:* Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements of these regulations for the district in which such use is located.

*Use, Principal:* The primary purpose or function that a lot serves or is proposed to serve. For land zoned or used for agriculture, if there are both agricultural buildings and a residence, only the residential use shall constitute the principal use. A principal use may either be permitted or special.

*Utility Easement:* The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

*Utility Service Line:* The means by which utility service is provided to service users, such as electric, telephone, television cable; gas, water and sewer pipes.

*Valley:* A stretch of lowland lying between hills usually comprising a drainage area; a gully or ravine.

*Variance:* A deviation from the regulations and standards adopted by this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement would cause undue hardship

owing to circumstances unique to the individual property, lot, building, structure, use or premises for which the variance is sought.

*Variance, Hardship:* A rationale for the departure from the literal requirements of these regulations when their strict enforcement would present practical difficulties in the use of a property.

*Vehicle:* Every device in, upon, or by which any person or property is or may be transported.

*Vehicle Body Repair:* The business of autobody repair for vehicles and automobiles. The term may include automobile mechanical repair, vehicle mechanical repair, as well as structural repair or appearance alteration (e.g., painting or detailing).

*Vehicle Mechanical Repair:* The business of mechanical repair work and servicing of automobiles and vehicles, including fast service, tune-up, and lubricating facilities, but specifically excluding body work or painting.

*Vehicle Sales and Rental:* The sale, rental or display of motor vehicles, boats, trailers, recreational vehicles, mobile homes, or farm equipment, not including salvage operations or scrap operations.

*Vested Rights:* Right to initiate or continue the establishment of a use which will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed.

*Vibration:* The periodic displacement, measured in inches, of earth at designated frequency of cycles per second.

*Viewing Room:* "Viewing Room" shall mean the room, booth, or area where a patron of adult use would ordinarily be positioned while watching a film, videocassette, or other video reproduction.

*Waiver:* Permission to depart from the requirements of specified sections of Article 8, Subdivisions, and Article 3, Development Review Procedures, Sections 3.14 ("Subdivision"), 3.15 ("Subdivision Waivers and Appeals"), and 3.16 ("Plat Approval").

*Warehousing, Mini-Storage:* An establishment whose primary purpose is to provide space to the general public that may be used for the storage of goods and/or materials and made up of groups of individual units contained within one or more structures.

*Water Supply and Water Wells Ordinance:* Chapter 23 of the Peoria County Code, as amended, and sometimes referred to as the Water Supply Ordinance.

*Watercourse:* Any river, stream, creek, brook, branch, natural or artificial depression, slough, gulch, draw, ditch, channel, circuit, conduit, culvert, swale, gully, ravine, wash, or natural or manmade drainageway, which has a definite channel, bed and banks, in or into which stormwater runoff and floodwater flow either regularly or intermittently.

*Weekend:* The period of time starting at 12:00 p.m. Friday and continuing until 5:00 p.m. on Sunday.

*Well-Maintained Muffler:* A device or combination of devices free of defects or modification that reduce its sound reduction capabilities, which effectively decreases the sound energy of internal-combustion engine exhaust without a muffler by a minimum of five (5) dba at trackside.

*Wetland:* An area that is permanently or periodically inundated or saturated by surface water or groundwater or otherwise has hydric soil conditions at a frequency and duration sufficient to support, or that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term "wetland" includes all wetlands that are defined as such by federal and/or state statutes and regulations for the purposes of regulating development or other activities within wetlands.

*Wholesale Establishments:* The sale of goods and materials in large quantity primarily for resale to other sellers or contractors, but not including heavy industry.

*Wind Energy Conversion System:* Any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy. Also referred to in these regulations as "WECS."

*Wind Turbine:* A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer.

*Window Display:* One or more objects set inside a building in a display case or on a window ledge which displays merchandise or relates to services offered but which is not affixed to any window.

*Working Day:* A Monday, Tuesday, Wednesday, Thursday or Friday, excluding holidays when the County courthouse is scheduled to be closed, such as Christmas.

*Yard:* An open space that lies between a building and a lot line.

*Yard, Front:* An area extending the full width of the parcel that is created by the required road setback. This area is from the right-of-way line or front property line to the building line.

*Yard, Rear:* An Area extending the full width of the parcel that is created by the required rear setback. This area is from the rear property line to the rear setback line.

*Yard, Side:* An area extending the full depth of the parcel that is created by the required side setback. This area is from the side property line to the side setback line.

*Yard, Transitional Buffer:* A landscaped yard which provides increased visual separation or screening between incompatible land uses.

*Zoning Administrator:* The County Zoning Administrator or such other person who is designated to enforce the provisions of this Ordinance within the unincorporated areas of the county.

*Zoning Board of Appeals:* The seven-member board appointed by the Chairman of the County Board.

*Zoning Districts:* The districts into which the County of Peoria, Illinois has been divided as set forth on the Zoning District Map.

*Zoning District Map:* The Official Zoning Map or series of Official Zoning Maps, showing zoning district boundaries for Peoria County.

*Zoning Regulations:* Those rules contained in Article 2, Sections 2.1, 2.2, 2.3; Article 3, Sections 3.1 through 3.9, and 3.11; Article 4; Article 5; Article 6; Article 7, Sections 7.1 through 7.12, and 7.15; Article 9; Article 10; and Article 11 of this chapter.

*Zoo:* A place where wild animals are kept, often in combination of indoor and outdoor spaces, and are viewed by the public.

(Ord. of 2-9-12; Res. of 7-12-12; Ord. of 3-13-14; Ord. of 1-11-18(2); Ord. of 12-12-19; Ord. of 7-9-20)

#### APPENDIX A - FEE SCHEDULE

ITEM	FEE
ZONING BOARD OF APPEALS	
Variance	\$265.00
Administrative Variance	\$135.00
Special Use	

Less than 100 acres	\$690.00 plus recording fee
100 acres or greater	\$690.00 plus recording fee, plus \$7.00 per acre over 100 acres
Modification	\$690.00 plus recording fee
Mobile Home	\$320.00 plus recording fee
Map Amendment (Rezoning)	\$65.00 per acre (\$955.00 min.— \$3,200.00 max.)
Appeal	\$240.00
<b>SUBDIVISION FILING FEES</b>	
Tract Survey	\$60.00
Minor Subdivision	\$450.00 + \$100.00/lot
Moderate Subdivision	\$650.00 + \$100.00/lot
Major Subdivision	\$650.00 + \$100.00/lot
<b>SUBDIVISION WAIVERS</b>	
Tract Survey Waiver	\$200.00
Subdivision Waiver	\$200.00
<b>FLOODPLAIN DEVELOPMENT</b>	
Floodplain Fill Permit	\$110.00 + \$0.80 per cubic yard of fill with a maximum fee of \$10,000.00
Floodplain Development Permit	\$160.00
Floodplain Development Review	\$110.00

EROSION CONTROL	
Erosion Control Standard Permit	\$185.00
Erosion Control Site Specific Permit	\$240.00
Erosion Control and Stormwater Permit	\$80.00 per acre (\$900.00 min. — \$3,200.00 max.)
MISCELLANEOUS SERVICES	
RCC Line-up	\$100.00
Nonconforming Use Certificate:	\$50.00
Zoning Verification	\$25.00
Floodplain Verification	\$25.00
MISCELLANEOUS PERMITS	
HOME OCCUPATION PERMIT:	
Initial Application	\$160.00
Annual Renewal	\$45.00
RACING PERMITS:	
Entire Season	\$1,000.00
Per Racing Event	\$100.00
STOP WORK ORDERS	
Moderate Subdivision	\$250.00 first day of violation + \$20.00 for each additional day violation exists

Major Subdivision	\$250.00 first day of violation + \$20.00 for each additional day violation exists
Erosion Control	\$250.00 first day of violation + \$20.00 for each additional day violation exists

(Ord. of 1-11-18(2))

APPENDIX B - SECTION CONVERSION CHART

The following chart details the section numbers and titles of the regulations in this Ordinance and shows the source from which those regulations came—previous sections from Chapter 4, Article 2; Chapter 7.5, Article 3; Chapter 9.5; Chapter 20; Chapter 21; Chapter 24 prior to the adoption of this Ordinance.

Section	Title	Former Section
Article 1 Introduction		
20.1.1	Title	24-1-1
20.1.2	Authority	20-1-3
20.1.3	Purpose and Reorganization of Existing Regulations	see below
20.1.3.1	Reorganization of Existing Regulations	New
20.1.3.2	Zoning Purpose	24-1-2
20.1.3.3	Subdivision Purpose	20-1-2
20.1.4	Jurisdiction and Applicability	see below
20.1.4.1	General	24-1-3.A
20.1.4.2	Transition Period	24-1-3.B
20.1.4.3	Vested Rights	20-1-5.C
20.1.4.4	Existing Unlawful Uses and Structures	24-1-3.C
20.1.4.5	Existing Permitted Uses	24-1-3.D
20.1.4.6	Existing Special Uses	24-1-3.E
20.1.4.7	Addition to, Expansion of, of Change of Use in Existing Special Uses	24-1-3.F
20.1.4.8	Previously Granted Variances	24-1-3.G
20.1.5	Minimum Requirements	New
20.1.6	Review Fees	24-1-4
20.1.7	Interpretation and Conflicts	24-9-3
20.1.8	Severability	24-10-2, 20-1-6
20.1.9	Rules of Construction	24-2-1
20.1.10	Effective Date	24-10-1, 20-1-5
Article 2 Decision Making and Administrative Bodies		
20.2.1	County Board	20-3-4, 24-3-1, 24-5-10
20.2.2	Zoning Board of Appeals	see below
20.2.2.1	Powers and Duties	9.5-10, 21-8, 24-3-2
20.2.2.2	Powers and Duties of the Chairman and Vice-Chairman	24-3-2.C
20.2.2.3	Conflict	24-3-2.D
20.2.2.4	Membership, Appointment, Removal, Terms, and Vacancies	24-3-2.E
20.2.2.5	Quorum and Necessary Vote	24-3-2.F
20.2.2.6	Hearing Procedures	24-3-2.G
20.2.2.7	Order of Business	24-3-2.H
20.2.2.8	Secretary	24-3-2.I
20.2.2.9	Technical Consultant	24-3-2.J
20.2.2.10	Legal Consultant	24-3-2.K
20.2.2.11	Agenda Limits	24-3-2.L
20.2.3	Zoning Administrator	see below
20.2.3.1	Creation and Appointment	24-3-3.B
20.2.3.2	Jurisdiction, Authority and Duties	24-3-3.C
20.2.3.3	Additional Duties Concerning Flood Administration	24-3-3.D
20.2.4	Plat Officer	20-2-3, 20-3-5
20.2.5	Erosion Control Administrator	7.5-61, 7.5-68



20.2.6	Erosion Control Appeals Board	see below
20.2.6.1	Powers and Duties	7.5-70
20.2.6.2	Appeals to the Erosion Control Appeals Board	7.5-71
20.2.6.3	Appeals to Court	7.5-72
<b>Article 3 Development Review Procedures</b>		
20.3.1	General Procedures	see below
20.3.1.1	Intent	24-5-1.A
20.3.1.2	Pre-Application Conference	24-5-1.B
20.3.1.3	Application Submission Requirements	24-5-1.C
20.3.1.4	Determination of Completeness of Application	24-5-1.D
20.3.1.5	Review by Zoning Administrator	24-5-1.E
20.3.1.6	Waiver of Time Limits	24-5-1.F
20.3.1.7	Examination and Copying of Application	24-5-1.G
20.3.1.8	Successive Applications	24-5-1.H
20.3.2	Building Permit	see below
20.3.2.1	General Requirement	24-5-2.A
20.3.2.2	Basis for Issuance	24-5-2.B
20.3.2.3	When Permit Required	24-5-2.C
20.3.2.4	Exemptions	24-5-2.D
20.3.2.5	Procedure	24-5-2.E
20.3.2.6	Issuance of Building Permit	24-5-2.F
20.3.2.7	Denial of Permit	24-5-2.G
20.3.2.8	Fees	24-5-2.H
20.3.2.9	Conspicuous Posting	24-5-2.I
20.3.2.10	Changes to Approved Permits	24-5-2.J
20.3.2.11	Expiration of Permit	24-5-2.K
20.3.2.12	Revocation of Permit	24-5-2.L
20.3.2.13	Violations	24-5-2.M
20.3.2.14	Multiple Permits for the Same Construction Project	24-5-2.N
20.3.3	Certificate of Compliance	see below
20.3.3.1	General Requirement	24-5-3.A
20.3.3.2	When Certificate Required	24-5-3.B
20.3.3.3	Procedure	24-5-3.C
20.3.3.4	Temporary Certificate of Compliance	24-5-3.D
20.3.3.5	Time Frame for Temporary Certificate	24-5-3.E
20.3.3.6	Compliance for New Construction	24-5-3.F
20.3.3.7	Compliance for Demolition	24-5-3.G
20.3.4	Development Permitted as of Right	see below
20.3.4.1	Purpose	24-5-4.A
20.3.4.2	Application	24-5-4.B
20.3.4.3	Action on Application	24-5-4.C
20.3.5	Special Use Permits	see below
20.3.5.1	Purpose and Authority	24-5-5.A
20.3.5.2	Authorization	24-5-5.B
20.3.5.3	Application	24-5-5.C

20.3.5.4	Approval Standards	24-5-5.D
20.3.5.5	Conditions	24-5-5.E
20.3.5.6	Action by Zoning Board of Appeals	24-5-5.F
20.3.5.7	Action by County Board	24-5-5.G
20.3.5.8	Post-Approval Process	24-5-5.H
20.3.5.9	Termination of Special Use Permits	24-5-5.I
20.3.5.10	Special Use to Run with the Land unless Otherwise Indicated	24-5-5.C.3.I
20.3.6	Text and Map Amendments	see below
20.3.6.1	Authority and Purpose	24-5-6.A
20.3.6.2	Amendment Types	24-5-6.B
20.3.6.3	Application	24-5-6.C
20.3.6.4	Approval Standards	24-5-6.D
20.3.6.5	Action by the Zoning Board of Appeals	24-5-6.E
20.3.6.6	Action by the County Board	24-5-6.F
20.3.7	Variances	see below
20.3.7.1	Authority and Purpose	24-5-7.A
20.3.7.2	Application	24-5-7.B
20.3.7.3	Approval Standards	24-5-7.C
20.3.7.4	Conditions	24-5-7.D
20.3.7.5	Action	24-5-7.E
20.3.7.6	Special Use Procedures	24-5-7.F
20.3.8	Appeals of Administrative Decisions	see below
20.3.8.1	Authority and Purpose	24-5-8.A
20.3.8.2	Notice of Appeal	24-5-8.B
20.3.8.3	Stay	24-5-8.C
20.3.8.4	Review and Public Hearing	24-5-8.D
20.3.8.5	Standard and Decision by Zoning Board of Appeals	24-5-8.E
20.3.8.6	Fees	24-5-8.F
20.3.8.7	Appeals to Court	24-5-8.G
20.3.9	Telecommunications Carrier Facilities Variances	see below
20.3.9.1	Authority and Purpose	24-5-10.A
20.3.9.2	Initiation and Review of Application	24-5-10.B
20.3.9.3	Filing and Content of Application	24-5-10.C
20.3.9.4	Approval Standards	24-5-10.D
20.3.9.5	Review of Application	24-5-10.E
20.3.9.6	Publication	24-5-10.F
20.3.9.7	Action by Zoning Board of Appeals	24-5-10.G
20.3.9.8	Action by County Board	24-5-10.H
20.3.10	Floodplain Development Permit	New cross-reference
20.3.11	Swimming Pool Permits	see below
20.3.11.1	Permits	21-4.A
20.3.11.2	Plans	21-4.B
20.3.11.3	Fees	21-4.C
20.3.12	General Erosion and Sediment Control Permits	see below
20.3.12.1	Application	7.5-65-1

20.3.12.2	Application Review	7.5-65-2
20.3.12.3	Duration	7.5-65-3
20.3.12.4	Content of General Erosion and Sediment Control Permits	7.5-65-4
20.3.12.5	Permanent Ground Surface Cover	7.5-65-5
20.3.13	Erosion, Sediment, and Storm Water Control Permits	see below
20.3.13.1	Application	7.5-66-1
20.3.13.2	Application Review	7.5-66-2
20.3.13.3	Financial Security Agreement	7.5-66-3
20.3.13.4	Duration	7.5-66-4
20.3.13.5	Permit Conditions	7.5-66-5
20.3.13.6	Permanent Ground Surface Cover	7.5-66-6
20.3.13.7	Final Inspection: Notice of Permanent Storm Water Control Measures	7.5-66-7
20.3.13.8	Maintenance of Permanent Storm Water Control	7.5-67
20.3.14	Subdivision	see below
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APPENDIX C - PEORIA COUNTY LANDSCAPING MATERIALS HANDBOOK

Tree Type	Shrub Type		Common Name	Scientific Name
	Shade	Ornamental		
			<b>ALDER</b>	
	X		European Black Alder	<i>Alnus glutinosa</i>
			<b>ARBORVITAE</b>	
			<u>Globe Shaped</u>	
		X	Globe Arborvitae	<i>Thuja occidentalis 'Woodwardii'</i>
		X	Hetz Midget Arborvitae	<i>Thuja occidentalis 'Hetz Midget'</i>
		X	Little Giant Arborvitae	<i>Thuja occidentalis 'Little Giant'</i>
		X	Rheingold Arborvitae	<i>Thuja occidentalis 'Rheingold'</i>
			<u>Upright/Pyramidal Shaped</u>	
		X	Dark Green Arborvitae	<i>Thuja occidentalis 'Niga'</i>
		X	Emerald Green Arborvitae	<i>Thuja occidentalis 'Emerald'</i>
		X	Holmstrup Arborvitae	<i>Thuja occidentalis 'Holmstrup'</i>
		X	Pyramidal Arborvitae	<i>Thuja occidentalis 'Pyramidalis'</i>
		X	Techny Arborvitae	<i>Thuja occidentalis 'Tehcny'</i>
		X	Wintergreen Arborvitae	<i>Thuja occidentalis 'Wintergreen'</i>
			<b>ASH</b>	
X			Autumn Applause White Ash	<i>Fraxinus americana 'Autumn Applause'</i>
X			Autumn Purple White Ash	<i>Fraxinus americana 'Autumn Purple'</i>
X			Blue Ash	<i>Fraxinus quadrangulata</i>
X			Cimmarron Ash	<i>Fraxinus pennsylvanica 'Cimmzam'</i>
X			Cimmarron Red Ash	<i>Fraxinus pennsylvanica 'Cimmzam'</i>
X			Green Ash	<i>Fraxinus pennsylvanica var. lanceolata</i>
X			Marshall's Seedless Green Ash	<i>Fraxinus pennsylvanica 'Marshall's Seedless'</i>
X			Patmore Green Ash	<i>Fraxinus pennsylvanica 'Patmore'</i>
X			Summit Green Ash	<i>Fraxinus pennsylvanica 'Summit'</i>
X			White Ash	<i>Fraxinus americana</i>

Tree Type		Shrub Type		Common Name	Scientific Name
Shade	Ornamental	Evergreen	Deciduous		
				<b>AZALEAS *</b>	
			X	Exbury Azalea*	
			X	Evergreen Azalea*	
			X	Lights Series Azalea*	
			X	Korean Azalea*	
			X	Royal Azalea	
				<b>BALDCYPRESS</b>	
X				Baldcypress	Taxodium distichum
				<b>BARBERRY</b>	
			X	Bonanza Gold Barberry	Berberis thunbergii 'Bogozam'
			X	Crimson Pygmy Barberry	Berberis thunbergii atropurpurea 'Crimson Pygmy'
			X	Dwarf Red Barberry	Berberis thunbergii 'Atropurpurea' Nana
			X	Golden Barberry	Berberis thunbergii 'Aurea'
			X	Japanese Barberry*	Berberis thunbergii
			X	Kobold Barberry	Berberis thunbergii 'Kobold'
			X	Royal Burgandy Barberry	Berberis thunbergii 'Gentry Cultivar'
			X	Rosy Glow Barberry	Berberis thunbergii 'Rosy Glow'
				<b>BAYBERRY</b>	
			X	Bayberry	Myrica pennsylvanica
				<b>BEAUTY BERRY</b>	
			X	Purple Beauty Berry	Callicarpa dichotoma
				<b>BEAUTYBUSH</b>	
			X	Beautybush	Kolkwitzia amabilis
				<b>BEECH</b>	
				American Beech	Fagus grandifolia
X				European Beech	Fagus sylvatica
X				Purple Weeping Beech	Fagus sylvatica 'Purple Pendula'

Tree Type		Shrub Type		Common Name	Scientific Name
Shade	Ornamental	Evergreen	Deciduous		
X				Rivers Purple Beech	Fagus sylvatica 'Riversii'
X				Tricolor European Beech	Fagus sylvatica 'Tricolor'
				<b>BIRCH</b>	
X				Heritage River birch	Betula nigra 'Heritage'
X				Whitespire Japanese Birch	Betula platyphylla japonica
X				Yellow Birch	Betula allegheniensis or Betula lutea
				<b>BLACK GUM</b>	
X	X			Black gum	Nyssa sylvatica*
				<b>BLUEBEARD'S SHRUB</b>	
			X	Bluebeard's Shrub Caryopteris	Caryopteris x clandonensis
				<b>BOXWOOD</b>	
			X	Green Gem Boxwood	Buxus micr. var. koreana x B. sempervirens 'Green Gem'
			X	Green Mound Boxwood	Buxus micr. var. koreana x B. sempervirens 'Gr. Mound'
			X	Green Mountain Boxwood	Buxus micr. var. koreana x B. sempervirens 'Gr. Mount.'
			X	Green Velvet Boxwood	Buxus micr. var. koreana x B. sempervirens 'Gr. Velvet'
			X	Korean Littleleaf Boxwood	Buxus sinica insularis
			X	Winter Beauty Boxwood	Buxus microphylla 'Winter Beauty'
			X	Winter Gem Boxwood	Buxus microphylla 'Winter Gem'
			X	Wintergreen Korean Boxwood	Buxus sinica insularis 'Wintergreen'
				<b>BUCKEYE</b>	
	X			Bottlebrush Buckeye	Aesculus parviflora
	X			O'Neill Red Horsechestnut	Aesculus camea 'O'Neill Red'
X	X			Ohio Buckeye	Aesculus glabra*
				<b>BUCKTHORN</b>	
			X	Fernleaf Buckthorn	Rhamnus frangula 'Asplenifolia'
			X	Tallhedge Buckthorn	Rhamnus frangula 'Columnaris'

Tree Type	Shrub Type		Common Name	Scientific Name
	Shade	Ornamental		
			<b>BURNING BUSH</b>	
			Burning Bush	Euonymus alata
			Chicago Fire Burning Bush	Euonymus alatus 'Chicago Fire'
			Compact Burning Bush	Euonymus alata 'compactus'
			<b>BUTTONBRUSH</b>	Cephalanthus occidentalis
			<b>CHERRY</b>	
	X		Amur Chokecherry	Prunus maackii
	X		Common Chokecherry	Prunus virginiana
	X		Higan Cherry	Prunus subhirtella
	X		Kwanzan Oriental Cherry	Prunus serrulata 'Kwanzan'
	X		Newport (Cherry) Plum	Prunus cerasifera 'Newport'
	X		Weeping Higan Cherry	Prunus subhirtella pendula
	X		Canada Red Cherry	Prunus virginiana 'Canada Red'
	X		Sargent Flowering Cherry	Prunus sargentii
			<b>CHERRY FAMILY</b>	
			Pink Flowering Almond	Prunus glandulosa
			Purpleleaf Sandcherry	Prunus x cistena
			<b>CHOKEBERRY</b>	
			Black Chokeberry	Aronia melanocarpa
			Red Chokeberry	Aronia arbutifolia
			Viking Black Chokeberry	Aronia melanocarpa 'Viking'
			<b>CLETHRA</b>	
			Hummingbird Clethra	Clethra alnifolia 'Hummingbird'
			Pink Spires Clethra	Clethra alnifolia 'Pink Spires'
			Summersweet Clethra	Clethra alnifolia
			<b>COFFEETREE</b>	
			Kentucky Coffeetree	Gymnocladus dioica
	X			



Shade	Tree Type		Shrub Type	Common Name	Scientific Name
	Ornamental	Evergreen			
	X			<b>CORKTREE</b>	
				Amur Corktree	Phellodendron amurense*
				Macho Corktree	Phellodendron amurense 'Macho'
				<b>COTONEASTER</b>	
			X	Cranberry Cotoneaster	Cotoneaster apiculata
			X	Peking Cotoneaster	Cotoneaster acutifolia (lucida)
			X	Rockspray Cotoneaster	Cotoneaster horizontalis
			X	Little Gem Cotoneaster	Cotoneaster adpressus 'Little Gem'
			X	Tom Thumb Creeping Cotoneaster	Cotoneaster adpressus 'Tom Thumb'
			X	Bearberry Cotoneaster	Cotoneaster dammeri 'Eichholz'
			X	Willowleaf Cotoneaster	Cotoneaster salicifolius 'Scarlet Leader'
			X	Hesse Cotoneaster	Cotoneaster horizontalis 'Hesse'
			X	Spreading Cotoneaster	Cotoneaster divaricata
				<b>CRAB* (28)</b>	
	X			Flowering Crabapple	Malus spectosa
				<b>CURRENT</b>	
			X	Alpine Currant	Ribes alpinum
			X	Green Mound Alpine Currant	Ribes alpinum 'Green Mound'
				<b>DAPHNE</b>	
			X	Carol Mackie Daphne	Daphne x burkwood 'Carol Mackie'
				<b>DEUTZIA</b>	
			X	Lemoine Deutzia	Deutzia x lemoinei
			X	Nikko Slender Deutzia	Deutzia gracilis 'Nikko'
			X	Pink-a-boo Deutzia	Deutzia x 'pink-a-boo'
			X	Slender Deutzia	Deutzia gracilis

Tree Type		Shrub Type		Common Name	Scientific Name
Shade	Ornamental	Deciduous	Evergreen		
				<b>DOGWOOD</b>	
		X		Bailey's Redtwig Dogwood	Cornus sericea 'Baileyi'
		X		Bud's Yellow Dogwood	Cornus alba 'Bud's Yellow'
X				Corneliancherry Dogwood	Cornus mas
		X		Dwarf Red Tipped Dogwood	Cornus pumila
X				Flowering Dogwood*	Cornum florida
		X		Isanti Redtwig Dogwood	Cornus sericea 'Isanti'
		X		Ivory Halo Variegated Dogwood	Cornus alba 'Bailhalo'
		X		Kelsey's Redtwig Dogwood	Cornus sericea 'Kelseyi'
X				Kousa Dogwood	Cornus kousa
X				Pagoda Dogwood	Cornus alternifolia
		X		Red Twig Dogwood*	Cornus sericea
				Stellar Series Constellation Dogwood	Cornus Rutgers Hybrids
		X		Variegated Dogwood	Cornus alba 'Argenteo-Marginata'
		X		Yellowtwig Dogwood	Cornus sericea 'Flaviramea'
				<b>EUONYMUS</b>	
			X	Wintercreeper Euonymus	Euonymus fortunei
			X	Jewel Euonymus	Euonymus 'Jewel'
			X	Canadale Gold Euonymus	Euonymus Fortunei 'Canadale Gold'
			X	Emerald Gaiety Euonymus	Euonymus fortunei 'Emerald Gaiety'
			X	Emerald and Gold	Euonymus fortunei 'Emerald and Gold'
			X	Pauli Euonymus	Euonymus kiautschovicus 'Pauli'
				<b>ELDERBERRY</b>	
				Cutleaf American Elder	Sambucus canadensis 'Lanciniata'
				<b>ELM</b>	
				Lacebark Elm	Ulmus parvifolia
X					

Tree Type		Shrub Type		Common Name	Scientific Name
Shade	Ornamental	Evergreen	Deciduous		
			Evergreen	<b>FALSE CYPRESS</b>	
		X		Boulevard False Cypress	Chamaecyparis pisifera 'Boulevard'
		X		Dwarf False Cypress	Chamaecyparis obtusa 'Nana'
		X		Dwarf Golden Hinoki Falsecypress	Chamaecyparis obtusa 'Nana Lutea'
		X		Dwarf Slender Hinoki False Cypress	Chamaecyparis obtusa 'Nana Gracilis'
		X		Fernspray Hinoki False Cypress	Chamaecyparis obtusa 'Filicoides'
		X		Golden Mops False Cypress	Chamaecyparis pisifera 'Filifera Golden Mops'
		X		Heather Bun Atlantic White Cedar	Chamaecyparis thyoides 'Heather Bun'
		X		Mops Sawara Falsecypress	Chamaecyparis pisifera 'Mops'
		X		Sun Gold False Cypress	Chamaecyparis pisifera 'Filifera Sungold'
		X		Threadleaf Sawara Falsecypress	Chamaecyparis pisifera 'Filifera'
		X		Weeping Nootka Falsecypress	Chamaecyparis nootkatensis 'Pendula'
				<b>FILBERT (or Hazel)</b>	
X				Turkish Filbert (or Hazel)	Corylus colurna
				<b>FIR</b>	
		X		Balsam Fir	Abies balsamea
		X		Candicans (Concolor) Fir	Abies concolor 'Candicans'
		X		Douglas Fir	Pseudotsuga menziesii
		X		Dwarf Balsam Fir	Abies Balsamea 'Nana'
		X		White (Concolor) Fir	Abies concolor
				<b>FORSYTHIA</b>	
			X	Beatrice Farrand Forsythia	Forsythia x intermedia 'Beatrice Farrand'
			X	Bronx Forsythia	Forsythia x intermedia 'Bronxensis'
			X	Gold Tide Forsythia	Forsythia 'Courtasol'
			X	Meadowlark Forsythia	Forsythia x intermedia 'Meadowlark'
			X	Spring Glory Forsythia	Forsythia x intermedia 'Spring Glory'
			X	Sunrise Forsythia	Forsythia x intermedia 'Sunrise'

Tree Type		Shrub Type		Common Name	Scientific Name
Shade	Ornamental	Deciduous	Evergreen		
				<b>FOTHERGILLA</b>	
		X		Dwarf Fothergilla*	Fothergilla 'Gardenii'
		X		Large Fothergilla	Fothergilla major
				<b>FRINGETREE</b>	
	X			White Fringetree	Chionanthus virginicus
				<b>GINGKO</b>	
X				Autumn Gold Ginkgo	Ginkgo biloba 'Autumn Gold'
X				Ginkgo	Ginkgo biloba
X				Princeton Sentry Ginkgo	Ginkgo biloba 'Princeton Sentry'
				<b>GRAPEHOLLY</b>	
		X		Compact Oregon Grapenholly	Mahonia aquifolium 'Compacta'
		X		Oregon Grapenholly	Mahonia aquifolium
				<b>HACKBERRY</b>	
X				Hackberry	Celtis occidentalis
				<b>HAWTHORN</b>	
	X			Cockspur Hawthorn	Crataegus crusgalli
	X			Thornless Cockspur Hawthorn	Crataegus crusgalli 'inermis'
	X			Downy Hawthorn	Crataegus mollis
	X			Washington Hawthorn	Crataegus phaenopyrum
	X			Winter King Hawthorn	Crataegus viridis 'Winter King'
				<b>HAZELNUT</b>	
		X		Contorted Hazelnut	Corylus avellana 'contorta'
				<b>HEMLOCK</b>	
	X			Canadian Hemlock	Tsuga canadensis
	X			Cole's Weeping Hemlock	Tsuga canadensis 'Cole's Prostrate'
	X			Eastern Hemlock	Tsuga canadensis
	X			Jeddeloh Hemlock	Tsuga canadensis 'Jeddeloh'

Tree Type		Shrub Type		Common Name	Scientific Name
Shade	Ornamental	Deciduous	Evergreen		
	X			Sargent's Weeping Hemlock	<i>Tsuga canadensis</i> 'Pendula'
				<b>HOLLY</b>	
		X		Afterglow Holly	<i>Ilex verticillata</i> 'Afterglow'
		X		Aurantiacia Holly	<i>Ilex verticillata</i> 'Aurantiacia'
			X	Blue Holly	<i>Ilex x meserveae</i> 'B.Prince', 'B.Princess', 'B.Boy', 'B.Girl'
			X	Blue Maid Holly	<i>Ilex x meserveae</i> 'Mesid'
			X	China Boy / Girl Holly	<i>Ilex rugosa x cornuta</i> 'China Boy', 'China Girl'
			X	China Hollies*	<i>Ilex</i> hybrid
			X	Compact Inkberry Holly	<i>Ilex glabra</i> 'Compacta'
			X	Dense Inkberry Holly	<i>Ilex glabra</i> 'Dense'
			X	Golden Girl Holly	<i>Ilex x meserveae</i> 'Mesgolg'
		X		Jim Dandy Holly	<i>Ilex verticillata</i> 'Jim Dandy'
			X	Meserve Blue Holly*	<i>Ilex x meserveae</i>
			X	Nordic Compact Inkberry	<i>Ilex glabra</i> 'Nordic'
		X		Red Sprite Holly	<i>Ilex verticillata</i> 'Red Sprite'
		X		Winter Red Holly	<i>Ilex verticillata</i> 'Winter Red'
				<b>HONEYLOCUST</b>	
X				Common Horsechestnut	<i>Aesculus hippocastanum</i>
X				Honeylocust*	<i>Gleditsia triacanthos inermis</i>
X				Imperial Honeylocust	<i>Gleditsia triacanthos inermis</i> 'Imperial'
X				Skyline Honeylocust	<i>Gleditsia triacanthos inermis</i> 'Skyline'
X				Sunburst Honeylocust	<i>Gleditsia triacanthos inermis</i> 'Sunburst'
				<b>HONEYSUCKLE</b>	
		X		Arnold Red Honeysuckle	<i>Lonicera tatarica</i> 'Arnold Red'
		X		Clavey's Dwarf Honeysuckle	<i>Lonicera xylosteum</i> 'Clavey'
		X		Emerald Mound Honeysuckle	<i>Lonicera xylosteum</i> 'Emerald Round'
		X		Honey Rose Honeysuckle	<i>Lonicera x</i> 'Honey Rose'

Tree Type		Shrub Type		Common Name	Scientific Name
Shade	Ornamental	Evergreen	Deciduous		
	X			<b>HOPHORNBEAM</b>	
				American Hophornbeam	<i>Ostrya virginiana</i>
X				Persian Parrotia	<i>Parrotia persica</i>
				<b>HORNBEAM</b>	
	X			American Hornbeam	<i>Carpinus caroliniana</i>
	X			Columnar European Hornbeam	<i>Carpinus betulus 'Fastigiata'</i>
				<b>HYDRANGEA</b>	
			X	Annabelle Hydrangea	<i>Hydrangea arborescens 'Annabelle'</i>
			X	Bigleaf Hydrangea*	<i>Hydrangea macrophylla</i> or <i>serrata</i>
			X	Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>
			X	Panicle Hydrangea	<i>Hydrangea paniculata</i>
			X	Pee Gee Hydrangea	<i>Hydrangea paniculata 'Grandiflora'</i>
			X	Pink Diamonds Hydrangea	<i>Hydrangea paniculata 'Pink Diamonds'</i>
			X	Tardiva Hydrangea	<i>Hydrangea paniculata 'Tardiva'</i>
			X	Unique Hydrangea	<i>Hydrangea paniculata 'Unique'</i>
				<b>JAPANESE MAPLES</b>	
	X			Bloodgood Japanese Maple	<i>Acer palmatum 'Bloodgood'</i>
	X			Cutleaf Japanese Maples	<i>Acer palmatum</i> var. <i>dissectum</i> *(3)
	X			Full Moon Maple	<i>Acer japonicum 'Aconitifolium'</i>
				<b>JUNIPER</b>	
				<u>Creeping Junipers</u>	
			X	Bar Harbor Juniper	<i>Juniperus horizontalis 'Bar Harbor'</i>
			X	Blue Chip Juniper	<i>Juniperus horizontalis 'Blue Chip'</i>
			X	Blue Rug Juniper	<i>Juniperus horizontalis 'Blue Rug'</i>
			X	Blue Sargent Juniper	<i>Juniperus chinensis sargentii 'Glauca'</i>
			X	Broadmoor Juniper	<i>Juniperus sabina 'Broadmoor'</i>
			X	Buffalo Juniper	<i>Juniperus sabina 'Buffalo'</i>

Tree Type	Shrub Type		Common Name	Scientific Name
	Evergreen	Deciduous		
Shade			Compact Youngstown Andorra Jun.	Juniperus horizontalis 'P.C. Youngstown'
			Dwarf Japanese Garden Juniper	Juniperus procumbens 'Nana'
			Green Sargent Juniper	Juniperus chinensis sargentii
			Icee Blue Juniper	Juniperus horizontalis 'Icee Blue'
			Moore-Dense Juniper	Juniperus sabina 'Monard'
			Mother Lode Juniper	Juniperus horizontalis 'Mother Lode'
			Scandia Juniper	Juniperus sabina 'Scandia'
			<u>Large Spreading Type</u>	
			Hetz Juniper	Juniperus chinensis 'Hetzl'
			Pfizer Juniper	Juniperus chinensis 'Pfitzeriana'
			<u>Compact Spreading Type</u>	
			Armstrong Juniper	Juniperus chinensis 'Armstrong'
			Blue Star Juniper	Juniperus squamata 'Blue Star'
			Compact Pfizer Juniper	Juniperus chinensis 'Pfitzeriana Compacta'
			Fruitland Compact Juniper	Juniperus chinensis 'Fruitlandii'
			Gold Coast Juniper	Juniperus chinensis 'Aurea'
			Gold Star Juniper	Juniperus chinensis pfitzerianz 'Bakurea'
			Gold Lace Juniper	Juniperus chinensis pfitzerianz 'Gold Lace'
			Sea Green	Juniperus chinensis 'Sea Green'
			Mint Julep Juniper	Juniperus chinensis 'Mint Julep'
			Kallay Pfizer Juniper	Juniperus chinensis 'Pfitzeriana Kallay'
			<u>Upright Type</u>	
			Blue Point Juniper	Juniperus chinensis 'Blue Point'
			Canaert Juniper	Juniperus virginiana 'Canaert'
			Glauca Juniper	Juniperus chinensis 'Glauca'
			Hooks Juniper	Juniperus chinensis 'Hooks'
			Keteleer Juniper	Juniperus chinensis 'Ketelecti'

Shade	Tree Type		Shrub Type		Common Name	Scientific Name
	Ornamental	Evergreen	Deciduous	Evergreen		
				X	Manhattan Blue Juniper	Juniperus virginiana 'Manhattan Blue'
				X	Robusta Green Juniper	Juniperus chinensis 'Robusta Green'
				X	Spartan Juniper	Juniperus chinensis 'Spartan'
				X	Upright Hetz Juniper	Juniperus chinensis 'Hetzii Colummaris'
				X	Wichita Blue Juniper	Juniperus scopulorum 'Wichita Blue'
		X			Skyrocket Juniper	Juniperus scopulorum 'Skyrocket'
		X			Emerald Sentinel Juniper	Juniperus virginiana 'Corcorcor'
					<b>KATSURATREE</b>	
	X				Katsuratree	Cercidiphyllum japonicum
					<b>KERRIA</b>	
			X		Japanese Kerria	Kerria japonica
			X		Double Flower Japanese Kerria	Kerria japonica 'Pleniflora'
					<b>LARCH</b>	
X					European Larch	Larix decidua
					<b>LILAC</b>	
			X		Canadian Hybrid Lilac	Syringa x prestoniae
			X		Common Lilac	Syringa vulgaris
			X		Common White Lilac	Syringa vulgaris alba
			X		Cutleaf Lilac	Syringa laciniata
			X		Donald Wyman Lilac	Syringa x prestoniae 'Donald Wyman'
			X		Dwarf Korean Lilac	Syringa meyeri 'Palibin'
			X		Dwarf Miss Kim Lilac	Syringa patula 'Miss Kim'
			X		French Hybrid Lilac*	Syringa vulgaris hybrids
			X		James MacFarlane Lilac	Syringa x josiflexa 'James MacFarlane'
X					Japanese Tree Lilac	Syringa reticulata
			X		Minuet Lilac	Syringa x prestoniae 'Minuet'
			X		Miss Canada Lilac	Syringa x prestoniae 'Miss Canada'



Tree Type	Shrub Type		Common Name	Scientific Name
	Evergreen	Deciduous		
Shade		X	Pocahontas Lilac	<i>Syringa x hyacinthiflora</i> 'Pocahontas'
			<b>LINDEN</b>	
X			American Linden	<i>Tilia americana</i>
X			Clump Littleleaf Linden	<i>Tilia cordata</i> 'Clump'
X			Crimean Linden	<i>Tilia x euchlora</i>
X			Greenspire Linden	<i>Tilia cordata</i> 'Greenspire'
X			Laurelhurst Linden	<i>Tilia x euchlora</i> 'Laurelhurst'
X			Legend Linden	<i>Tilia americana</i> 'Legend'
X			Littleleaf Linden	<i>Tilia cordata</i>
X			Redmond Linden	<i>Tilia americana</i> 'Redmond'
X			Sterling Silver Linden	<i>Tilia tomentosa</i> 'Sterling Silver'
			<b>MAGNOLIA</b>	
X			Alexander Saucer Magnolia	<i>Magnolia x soulangiana</i> 'Alexandrina'
X			Ballerina Magnolia	<i>Magnolia x loebneri</i> 'Ballerina'
X			Dr. Merrill Magnolia	<i>Magnolia x loebneri</i> 'Merrill'
X			Elizabeth Magnolia	<i>Magnolia x acuminata</i> 'Elizabeth'
X			Leonard Messel Magnolia	<i>M. x loebneri</i> 'Leonard Messel'
X			Randy Magnolia	<i>Magnolia liliiflora</i> 'Randy'
X			Royal Star Magnolia	<i>Magnolia stellata</i> 'Royal Star'
X			Saucer Magnolia	<i>Magnolia x soulangiana</i>
X			Star Magnolia	<i>Magnolia stellata</i>
X			Sweetbay Magnolia	<i>Magnolia virginiana</i>
			<b>MAPLE</b>	
X			Armstrong Red Maple	<i>Acer rubrum</i> 'Armstrong'
X			Autumn Blaze Freeman's Maple	<i>Acer x freemanii</i> 'Autumn Blaze'
X			Bowhall Red Maple	<i>Acer rubrum</i> 'Bowhall'
X			Compact Amur Maple	<i>Acer ginnala</i> 'Compactum'

Tree Type		Shrub Type		Common Name	Scientific Name
Shade	Ornamental	Evergreen	Deciduous		
X			Evergreen	Crimson King Norway Maple	Acer platanoides 'Crimson King'
X				Crimson Sentry Norway Maple	Acer platanoides 'Crimson Sentry'
X				Emerald Lustre Norway Maple	Acer platanoides 'Emerald Lustre'
	X			Flame Amur Maple	Acer ginnala 'Flame'
X				Green Column Black Maple	Acer nigrum 'Green Column'
X				Green Mountain Sugar Maple	Acer saccharum 'Green Mountain'
	X			Japanese Red Maple	Acer palmatum
X				Legacy Sugar Maple	Acer saccharum 'Legacy'
X				Norway Maple*	Acer platanoides
X				Norwegian Sunset Maple	Acer truncatum x platanoides 'Keithsform'
X				October Glory Red Maple	Acer rubrum 'October Glory'
X				Pacific Sunset Maple	Acer truncatum x platanoides 'Warrenred'
	X			Paperbark Maple	Acer griseum
X				Parkway Norway Maple	Acer platanoides 'Parkway'
X				Queen Elizabeth Hedge Maple	Acer campestre 'Queen Elizabeth'
X				Red Maple	Acer rubrum
X				Red Sunset Red Maple	Acer rubrum 'Red Sunset'
X				Sugar Maple*	Acer saccharum
X				Summershade Norway Maple	Acer platanoides 'Summershade'
X				Variegated Norway Maple	Acer platanoides 'Drummondii'
				<b>MOCKORANGE</b>	
		X	X	Buckley's Quill Mockorange	Philadelphus coronarius 'Buckley's Quill'
		X	X	Miniature Snowflake Mockorange	Philadelphus virginialis 'Dwarf Snowflake'
		X	X	Minnesota Snowflake Mockorange	Philadelphus virginialis 'Minnesota Snowflake'
			X	Mockorange	Philadelphus coronarius

Tree Type		Shrub Type		Common Name	Scientific Name
Shade	Ornamental	Evergreen	Deciduous		
X				<b>MOUNTAIN ASH</b>	
X				Cardinal Royal Mountain Ash	Sorbus aucuparia 'Cardinal Royal'
				Korean Mountain Ash	Sorbus alnifolia
	X			<b>MT. ST. HELEN'S PLUM</b>	Prunus cerasifera 'Frankthrees'
				<b>NINEBARK</b>	
			X	Dwarf Ninebark	Physocarpus opulifolius
			X	Ninebark	Dart's Gold Ninebark
				<b>OAK</b>	
X				Bur Oak	Quercus macrocarpa
X				Columnar English Oak	Quercus robur 'Fastigiata'
X				Columnar English Oak	Quercus robur 'Fastigiata'
X				Common Sassafras	Sassafras albidum
X				Pin Oak	Quercus palustris
X				Red Oak	Quercus rubra
X				Scarlet Oak	Quercus coccinea
X				Shingle Oak	Quercus imbricaria
X				Skymaster English Oak	Quercus robur 'Skymaster'
X				Swamp White Oak	Quercus bicolor
X				White Oak	Quercus alba
				<b>PEAR</b>	
X	X			Bradford Callery Pear*	Pyrus calleryana 'Bradford'
	X			Flowering Callery Pear *(8)	Pyrus calleryana
	X			Korean Stewartia	Stewartia koreana
				<b>PIERIS</b>	
			X	Compact Andromeda, Pieris	Pieris japonica 'Compacta'
			X	Mountain Fire Andromeda, Pieris	Pieris japonica 'Mountain Fire'

Tree Type	Shrub Type		Common Name	Scientific Name
	Shade	Ornamental		
			<b>PINE</b>	
		X	Austrian Pine	Pinus nigra
			Blue Japanese White Pine	Pinus parviflora 'Glauca'
			Blue Limber	Pinus flexilis 'Mill Creek'
			Blue Shag Dwarf White Pine	Pinus strobus 'Blue Shag'
			Bristlecone Pine	Pinus aristata
			Columnar White Pine	Pinus strobus 'Fastigiata'
			Contorted White Pine	Pinus strobus torulosa
		X	Dwarf Mugho Pine	Pinus mugo pumilio
			Dwarf White Pine	Pinus strobus 'Nana'
			Heldrich Pine	Pinus heldrichi leucodermis
			Heldridge Pine	Pinus heldreichii 'Compacta'
			Himalayan Pine	Pinus wallichiana
			Lacebark Pine	Pinus bungeana
		X	Limber Pine	Pinus flexilis
			Mexican White Pine	Pinus strobus 'Ayachuite Hybrid'
			Ponderosa Pine	Pinus ponderosa
			Prostrate Blue Limber	Pinus flexilis 'Postrata'
		X	Red Pine	Pinus resinosa
		X	Scotch Pine	Pinus sylvestris
			Shortee Dwarf White Pine	Pinus strobus 'Brevifolia'
			Slowmound Mugo Pine	Pinus mugo 'Slowmound'
			Swiss Stone Pine	Pinus cembra
			Vanderwolf's Pyramid Limber Pine	Pinus flexilis 'Vanderwolf's Pyramid'
			Weeping White Pine	Pinus strobus 'Pendula'
		X	White Pine	Pinus strobus

Tree Type	Shrub Type		Common Name	Scientific Name
	Shade	Ornamental		
	X		<b>PLANETREE (SYCAMORE)</b>	
	X		Bloodgood London Planetree	Platanus x acerifolia 'Bloodgood'
	X		American Planetree	Platanus occidentalis
	X		Oriental Planetree	Platanus orientalis
			<b>POTENTILLA</b>	
		X	Abbotswood Potentilla	Potentilla fruticosa 'Abbotswood'
		X	Gold Drop Potentilla	Potentilla fruticosa 'Gold Drop'
		X	Goldfinger Potentilla	Potentilla fruticosa 'Goldfinger'
		X	Jackman Potentilla	Potentilla fruticosa 'Jackman'
		X	Pink Beauty Potentilla	Potentilla fruticosa 'Pink Beauty'
		X	Potentilla*	Potentilla fruticosa
			<b>PRIVET</b>	
		X	Amur Privet	Ligustrum amurense
		X	Cheyenne Privet	Ligustrum vulgare 'Cheyenne'
		X	Golden Vicary Privet	Ligustrum x vicaryi
			<b>PYRACANTHA</b>	
		X	Gnome Pyracantha	Pyracantha coccinea 'Gnome'
		X	Kasan Pyracantha	Pyracantha coccinea 'Kasan'
		X	Pauciflora Pyracantha	Pyracantha coccinea 'Paciflora'
		X	Yukon Belle Pyracantha	Pyracantha coccinea 'Yukon Belle'
			<b>QUINCE</b>	
		X	Cameo Quince	Chaenomeles speciosa 'Cameo'
		X	Common Flowering Quince	Chaenomeles speciosa
		X	Jet Trails Quince	Chaenomeles speciosa 'Jet Trails'
		X	Texas Scarlet Quince	Chaenomeles speciosa 'Texas Scarlet'
	X		<b>RED HORSECHESTNUT</b>	Aesculus x carenea 'Briotii'

Tree Type		Shrub Type		Common Name	Scientific Name
Shade	Ornamental	Evergreen	Deciduous		
	X			<b>REDBUD</b>	
				Eastern Redbud	Cercis canadensis
X				<b>REDWOOD</b>	
				Dawn Redwood	Metasequoia glyptostroboides
			X	<b>RHODODENDRONS *</b>	
			X	Catawaba Rhododendron	Rhododendron catawbiense 'Cultivars'
			X	P.J.M. Rhododendron*	Rhododendron 'cultivars'
			X	Ramapo Rhododendron	Rhododendron fastigiatum x / R. carolinianum 'Ramapo'
				<b>ROSE</b>	
			X	David Austin English Rose*	Rosa
			X	Rugosa Rose*	Rosa rugosa
			X	Landscape Rose*	Rosa
				<b>ROSE OF SHARON</b>	
			X	Rose of Sharon	Hybiscus syriacus
				<b>RUBBER TREE</b>	
X				Hardy Rubber Tree	Eucommia ulmoides
				<b>SERVICEBERRY</b>	
	X			Alleghany Serviceberry	Amelanchier laevis
	X			Apple Serviceberry	Amelanchier x grandiflora
	X			Autumn Brilliance Serviceberry	Amelanchier x grandiflora 'Autumn Brilliance'
	X			Cole's Select Serviceberry	Amelanchier x grandiflora 'Cole's Select'
	X			Forest Prince Serviceberry	Amelanchier x grandiflora 'Forest Prince'
	X			Princess Diana Serviceberry	Amelanchier x grandiflora 'Princess Diana'
			X	Regent Serviceberry	Amelanchier alnifolia 'Regent'
	X			Shadblow Serviceberry	Amelanchier canadensis
				<b>SIBERIAN CYPRESS</b>	
				Siberian Cypress	
			X		

Tree Type		Shrub Type		Common Name	Scientific Name
Shade	Ornamental	Evergreen	Deciduous		
	X			<b>SILVERBELL</b>	
				Carolina Silverbell	Halesia carolina
				<b>SMOKEBUSH</b>	Microbiota decussata
		X		Common Smokebush	Cotinus coggygria
				<b>SPIREA</b>	
		X	X	Alpine Spirea	Spiraea japonica 'Alpina'
		X	X	Anthony Waterer Spirea	Spiraea bumalda 'Anthony Waterer'
		X	X	Bridal Wreath Spirea	Spiraea vanhouttei
		X	X	Bumald Spirea*	Spiraea x bumalda
		X	X	Crispa Spirea	Spiraea x bumalda 'Crispa'
		X	X	Froebel Spirea	Spiraea bumalda 'Froebelii'
		X	X	Gold Flame Spirea	Spiraea bumalda 'Gold Flame'
		X	X	Gold Mound Spirea	Spiraea x japonica 'Gold Mound'
		X	X	Grefsheim Spirea	Spiraea x cinerea 'Grefsheim'
		X	X	Gumball Spirea	Spiraea x bumalda 'Gumball'
		X	X	Japanese Spirea*	Spiraea japonica
		X	X	Little Princess Spirea	Spiraea japonica 'Little Princess'
		X	X	Neon Flash Spirea	Spiraea japonica 'Neon Flash'
		X	X	Norman Spirea	Spiraea x bumalda 'Norman'
		X	X	Shibori Spirea	Spiraea japonica 'Shibori'
		X	X	Snowmound Spirea	Spiraea nipponica 'Snowmound'
				<b>SPRUCE</b>	
	X			Baker Blue Spruce	Picea pungens glauca 'Bakeri'
			X	Bird's Nest Spruce	Picea abies 'Nidiformis'
	X			Black Hills Spruce	Picea glauca 'Densata'
	X			Colorado Blue Spruce	Picea pungens 'Glauca'
	X			Colorado (Green) Spruce	Picea pungens

Tree Type	Shrub Type		Common Name	Scientific Name
	Shade	Ornamental		
	X		Columnar Blue Spruce	Picea pungens 'Seli Fastigiata'
	X		Dwarf Alberta Spruce	Picea glauca 'Conica'
	X		Dwarf Globe Blue Spruce	Picea pungens glauca 'Globosa'
	X		Dwarf Serbian Spruce	Picea omorika 'Nana'
	X		Elegans Dwarf Spruce	Picea abies 'Elegans'
	X		Fat Albert Blue Spruce	Picea pungens 'Fat Albert'
	X		Fat Albert Spruce	Picea pungens glauca 'Fat Albert'
	X		Foxtail Spruce	Picea pungens glauca 'Seli Foxtail'
	X		Globe Blue Spruce	Picea pungens 'Globosa'
	X		Hoops Blue Spruce	Picea pungens glauca 'Hoopsi'
	X		Jean's Dilly Dwarf Spruce	Picea glauca 'Jean's Dilly'
	X		Little Gem Spruce	Picea abies 'Little Gem'
	X		Mesa Verde Colorado Spruce	Picea pungens 'Mesa Verde'
	X		Montgomery Colorado Spruce	Picea pungens 'R.H. Montgomery'
	X		Montgomery Dwarf Blue Spruce	Picea pungens glauca 'R.H. Montgomery'
	X		Norway Spruce	Picea abies
	X		Pumila Dwarf Spruce/Pygmy Spruce	Picea abies 'Pumila'
	X		Rainbow's End Dwarf Spruce	Picea glauca 'Rainbow's End'
	X		Repens Dwarf Spruce	Picea abies 'Repens'
	X		Serbian Spruce	Picea omorika
	X		Spreading Norway Spruce	Picea abies 'Repens'
	X		Weeping Norway/White Spruce	Picea abies 'Pendula'
			<b>ST. JOHN SWORT</b>	
		X	Golden Sunburst St. Johnswort	Hypericum frondosum 'Sunburst'
		X	Kalm St. Johnswort	Hypericum kalmianum



Tree Type	Shrub Type		Common Name	Scientific Name
	Shade	Ornamental		
			<b>STEPHANANDRA</b>	
			Cutleaf of Stephanandra	Stephanandra incisa 'Crispa'
			Cutleaf Stephanandra	Stephanandra incisa 'Crispleaf'
			<b>SUMAC</b>	
			Gro-Low Sumac	Rhus aromatica 'Gro-Low'
			Smooth Sumac	Rhus glabra
			Staghorn Sumac	Rhus typhina
			Cutleaf Staghorn Sumac	Rhus typhina 'laciniata'
			<b>SUMMERSWEET</b>	
			Summersweet*	Clethra alnifolia
			<b>SWEETGUM</b>	
	X		Sweetgum	Liquidambar styraciflua
			<b>SWEETSHRUB</b>	
			Common Sweetshrub	Calycanthus floridus
			<b>SWEETSPIRE</b>	
			Henry's Garnet Sweetspire	Itea virginica 'Henry Garnet'
			<b>TALLHEDGE</b>	
			<b>TAMARIX</b>	
			Summer Glow Tamarix	Tamarix ramosissima 'Summer Glow'
			<b>TULIP TREE</b>	
			Tulip Tree	Liriodendron tulipifera
			<b>VARIEGATED CORALBERRY</b>	
			<b>VIBURNUM</b>	
			Allegany Leatherleaf Viburnum	Viburnum x rhytidophylloides 'Allegany'
			American Cranberry Viburnum	Viburnum trilobum
			Autumn Jazz Viburnum	Viburnum dentatum 'Ralph Senior'
			Blackhaw Viburnum	Viburnum prunifolium

Tree Type	Shrub Type		Common Name	Scientific Name
	Evergreen	Deciduous		
Shade			Bract Viburnum	Viburnum bracteatum
		X	Burkwood Viburnum	Viburnum x burkwoodii
		X	Cayuga Viburnum	Viburnum x Cayuga
		X	Chesapeake Viburnum	Viburnum x 'Chesapeake'
		X	Chicago Lustre Arrow Wood Viburnum	Viburnum dentatum 'Synnesvedt'
		X	Common Snowball Viburnum	Viburnum opulus 'roseum'
		X	Compact American Viburnum	Viburnum trilobum 'Compactum'
		X	Compact European Viburnum	Viburnum opulus 'Compactum'
		X	Doublefile Viburnum	Viburnum plicatum tomentosum
		X	Dwarf European Viburnum	Viburnum opulus 'Nanum'
		X	Emerald Triumph Viburnum	Viburnum x 'Emerald Triumph'
		X	European Cranberrybush Viburnum	Viburnum opulus
		X	Fragrant Viburnum	Viburnum x carlcephalum
		X	Judd Viburnum	Viburnum x judii
		X	Koreanspice Viburnum	Viburnum carlesii
		X	Mohawk Viburnum	Viburnum x burkwoodii 'Mohawk'
		X	Mohican Viburnum	Viburnum lantana
		X	Nannyberry Viburnum	Viburnum x rhytidophylloides
		X	Northern Burgandy Arrowwood Viburnum	Viburnum dentatum 'Morton'
		X	Onondaga Sargent Viburnum	Viburnum sargentii 'Onondaga'
		X	Summer Snowflake Doublefile Viburnum	Viburnum x plicatum tomentosum 'Summer Snowflake'
		X	Wentworth American Viburnum	Viburnum trilobum 'Wentworth'
			<b>WEIGELA</b>	
		X	Java Red Weigela	Weigela florida 'Red Java'
		X	Red Prince Weigela	Weigela florida 'Red Prince'
		X	Variegated Weigela	Weigela florida 'Variegata'
	X		<b>WHITE FRINGE TREE</b>	Chionanthus virginicus

Tree Type	Shrub Type		Common Name	Scientific Name
	Shade	Ornamental		
			<b>WICHHAZEL</b>	
			Arnold Promise Witchhazel	
		X	Common Witchhazel	
		X	Vernal Witchhazel	
			<b>WOADWAXEN</b>	
		X	Royal Gold Woadwaxen	
			<b>YELLOWHORN</b>	
	X		Yellowhorn	
			<b>YELLOWWOOD</b>	
X	X		American Yellowwood*	
			<b>YEW</b>	
	X		Browni Yew	X
	X		Dense Yew	X
			Everlow Yew	X
			Fairview Yew	X
			Greenwave Yew	X
			Hicks Yew	X
			Nigra Yew	X
			Sebian Yew	X
			Upright Yew	X
			<b>YUCCA</b>	
			Adam's Nettle Yucca	X
			Golden Sword Yucca	X
			<b>ZELKOVA</b>	
X			Japanese Zelkova	

APPENDIX D - PEORIA COUNTY STANDARDS FOR STORMWATER DESIGN ANALYSES

The following are the minimum standard, methods and procedures to be used to comply with the stormwater design requirements of Sections 3.12 ("General Erosion and Sediment Control Permits"), 3.13 ("Erosion, Sediment, and Stormwater Control Permits"), and 7.13 ("Erosion, Sediment, and Stormwater Control"). If an applicant determines that different methods are necessary based on site specific conditions, the applicant must request approval from the erosion control administrator to use other methods prior to submittal.

The design methods listed below are readily available in a number of computer programs, including the Soil Conservation Service's TR 20 (SCS) and HEC-1 (U.S. Army Corps of Engineers). Additionally, a simplified methodology which is based on the use of these methods is available in TR 55 (SCS, 1986). TR 55 can be applied using either manual computations or a computerized version.

*Rainfall depth and intensity data.* Use data for Peoria County (Illinois State Water Survey, BUL-70/89, 1989) as presented in attached Table I and graphically in Figure 1.

*Storm event rainfall runoff.* Use the SCS Runoff Curve Number Method to determine rainfall runoff depth. See Figure 2-1 and Tables 2-2a through 2-2c (attached) from TR 55. Soil type information is available from the SCS Peoria County Soil Survey, 1992.

*Storm distribution (cumulative rainfall versus time).* Use the SCS Type 11 storm distribution. See attached Table 3 and Figure 3.

*Runoff hydrograph.* Use the SCS dimensionless hydrograph. See SCS (1974) for information regarding this procedure. As a substitute for detailed hydrograph analysis, TR 55 (SCS, 1986) can be used, either manually or computer program.

*Storage routing (detention pond analysis).* Use the continuity equation, also known as the Modified-Pula and Storage indication methods. As a substitute for detailed storage routing of a hydrograph, TR 55 (SCS, 1986) can be used, either manually or computer program. If TR 55 is used and a detention basin with a two-stage outlet control structure including a rectangular weir and/or orifice outlet is included as a part of the control measures, use the attached detention basin outlet work sheet to determine and present the structure design information.

**TABLE 1**  
**RAINFALL DEPTH-DURATION-FREQUENCY DATA FOR PEORIA COUNTY**

Rainfall Depth (inches) for Given Frequency

Duration	2-yr	5-yr	10-yr	25-yr	50-yr	100-yr
5-min.	0.36	0.45	0.53	0.64	0.73	0.83
10-min.	0.66	0.83	0.98	1.17	1.34	1.52
15-min.	0.81	1.02	1.20	1.44	1.64	1.87
30-min.	1.12	1.39	1.64	1.97	2.25	2.56
1-hr.	1.42	1.77	2.09	2.50	2.86	3.25
2-hr.	1.78	2.22	2.62	3.14	3.59	4.08
3-hr.	1.93	2.41	2.85	3.41	3.89	4.43
6-hr.	2.26	2.82	3.33	3.99	4.56	5.19
12-hr.	2.62	3.27	3.87	4.63	5.29	6.02
18-hr.	2.75	3.46	4.09	4.90	5.59	6.37

24-hr.	3.02	3.76	4.45	4.32	6.08	6.92
48-hr.	3.38	4.19	4.86	5.78	6.62	7.51
72-hr.	3.70	4.55	5.26	6.15	7.25	8.16
5-day	4.17	5.11	5.84	6.96	7.98	9.21
10-day	5.12	6.27	7.10	8.19	9.10	10.18

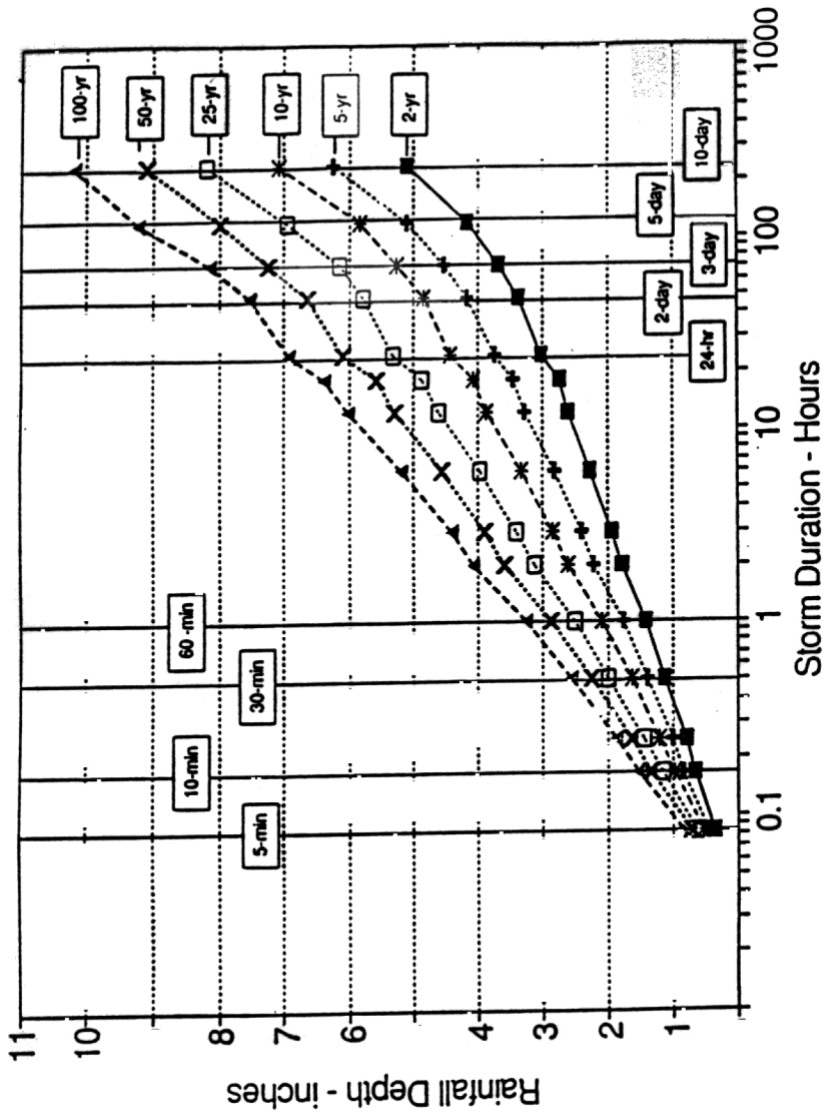


Figure 1. Rainfall Depth-Duration-Frequency Data for Peoria County

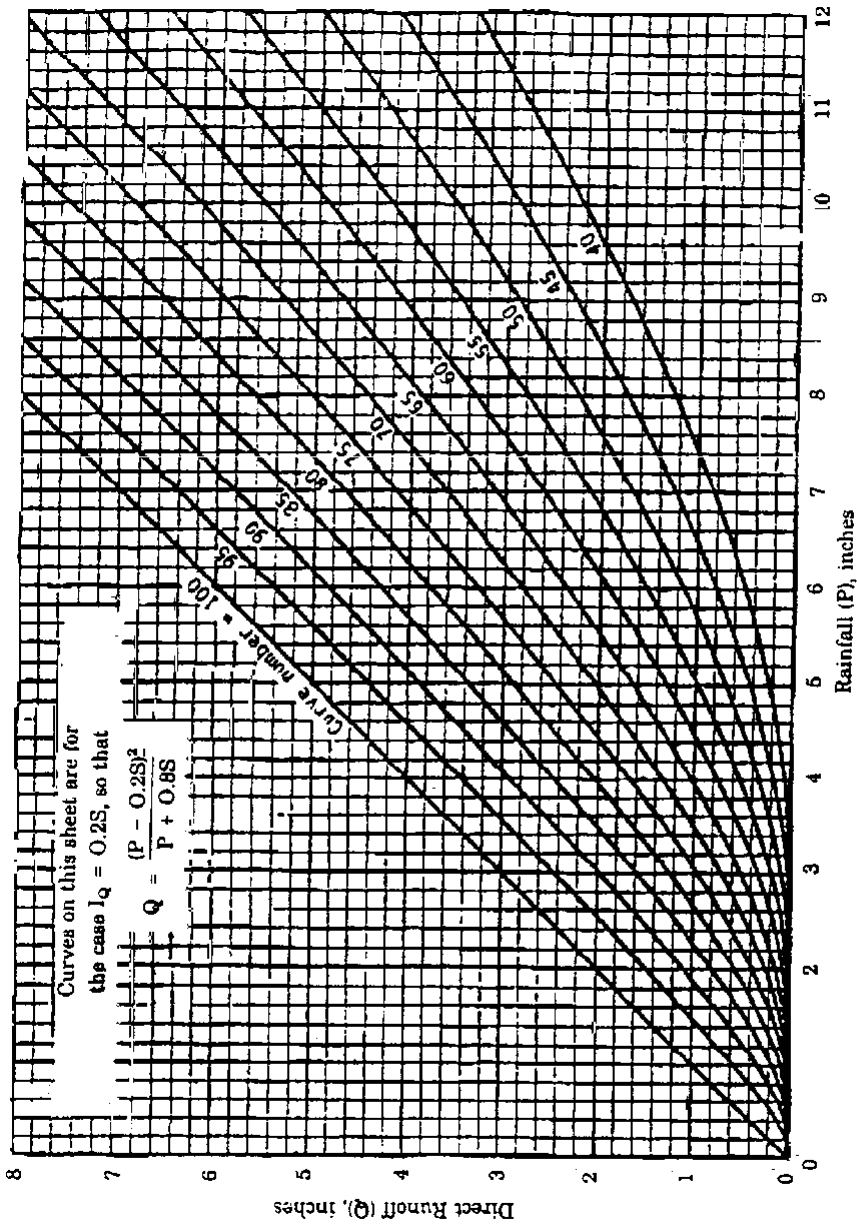


Figure 2-1. Solution of Runoff Equation

TABLE 2-2A  
RUNOFF CURVE NUMBERS FOR URBAN AREAS<sup>1</sup>

Cover Description		Curve Numbers for Hydrologic Soil Group			
Cover type and hydrologic condition	Average percent impervious area <sup>2</sup>	A	B	C	D

<i>Fully Developed Urban Area (vegetation established):</i>					
Open space (lawns, parks, golf courses, cemeteries, etc.):					
Poor condition (grass cover < 50%)		68	79	86	89
Fair condition (grass cover 50% to 75%)		49	69	79	84
Good condition (grass cover > 75%)		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)		98	98	98	98
Streets and roads: Paved; curbs and storm sewers (excluding right-of-way)		98	98	98	98
Paved; open ditches (including right-of-way)		83	89	92	93
Gravel (including right-of-way)		76	85	89	91
Dirt (including right-of-way)		72	82	87	89
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (townhouses)	65	77	85	90	92
¼ acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
½ acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82
<i>Developing Urban Areas:</i>					

Newly graded areas (pervious areas only, no vegetation)		77	86	91	94
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<sup>1</sup> Average runoff condition and  $1_a = 0.25$   
<sup>2</sup> The average percent impervious area shown was used to develop the composite CN's. Other assumptions are as follows: Impervious areas are directly connected to the drainage system, impervious areas have a CN of 98, and pervious areas are considered equivalent to open space in good hydrologic condition. CN's for other combinations of conditions may be computed using Figure 2-3 or 2-4 in TR 55.

Source: SCS TR 55, 1986

**TABLE 2-2B  
 RUNOFF CURVE NUMBERS FOR AGRICULTURAL LANDS<sup>1</sup>**

Cover Description			Curve Numbers for Hydrologic Soil Group			
Cover type	Treatment <sup>2</sup>	Hydrologic Condition <sup>3</sup>	A	B	C	D
Fallow	Bare Soil	—	77	86	91	94
	Crop residue cover (CR)	Poor	76	85	90	93
		Good	74	83	88	90
Row Crops	Straight row (SR)	Poor	72	81	88	91
		Good	67	78	85	89
	SR + CR	Poor	71	80	87	90
		Good	64	75	82	85
	Contoured (C)	Poor	70	79	84	88
		Good	65	75	82	86
	C + CR	Poor	69	78	83	87
		Good	64	74	81	85
	Contoured and terraced (C and T)	Poor	66	74	80	82
		Good	62	71	78	81



	C and T + CR	Poor	65	73	79	81	
		Good	61	70	77	80	
Small Grain	SR	Poor	65	76	84	88	
		Good	63	75	83	87	
	SR + CR	Poor	64	75	83	86	
		Good	60	72	80	84	
	C	Poor	63	74	82	85	
		Good	61	73	81	84	
	C + CR	Poor	62	73	81	84	
		Good	60	72	80	83	
	C and T	Poor	61	72	79	82	
		Good	59	70	78	81	
	C and T + CR	Poor	60	71	78	81	
		Good	58	69	77	80	
	Close-seeded or broadcast legumes or rotation meadow	SR	Poor	66	77	85	89
			Good	58	72	81	85
C		Poor	64	75	83	85	
		Good	55	69	78	83	
C and T		Poor	63	73	80	83	
		Good	51	67	76	80	

<sup>1</sup> Average runoff condition and  $1_a = 0.25$ .

<sup>2</sup> Crop residue cover applies only if residue is on at least 5% of the surface throughout the year.

<sup>3</sup> Hydrologic condition is based on combination of factors that affect infiltration and runoff, including (a) density and canopy of vegetative areas, (b) amount of year-round cover, (c) amount of grass or close-seeded legumes in rotations, (d) percent of residue cover on land surface (good  $\geq 20\%$ ), and (e) degree of surface roughness.

Poor: Factors impair infiltration and tend to increase runoff.

Good: Factors encourage average and better than average infiltration and tend to decrease runoff.

Source: SCS TR 55, 1986.

**TABLE 2-2C  
RUNOFF CURVE NUMBERS FOR AGRICULTURAL LANDS<sup>1</sup>**

Cover Description		Curve Numbers for Hydrologic Soil Group			
Cover type	Hydrologic Condition <sup>3</sup>	A	B	C	D
Pasture, grassland, or range— Continuous forage for grazing <sup>2</sup>	Poor	68	79	86	89
	Fair	49	69	79	84
	Good	39	61	74	80
Meadow—Continuous grass, protected from grazing and generally mowed for hay	Poor	30	58	71	78
Brush—Brush-weed-grass mixture with brush the major element <sup>3</sup>	Poor	48	67	77	83
	Fair	35	56	70	77
	Good	30 <sup>4</sup>	48	65	73
Woods—Grass combination (orchard or tree farm) <sup>5</sup>	Poor	57	73	82	86
	Fair	43	65	76	82
	Good	32	58	72	79
Woods <sup>6</sup>	Poor	45	66	77	83
	Fair	36	60	73	79
	Good	30 <sup>4</sup>	55	70	77
Farmsteads—Buildings, lanes, driveways, and surrounding lots	Poor	59	74	82	86

<sup>1</sup>Average runoff condition and  $1_a = 0.2S$ .

<sup>2</sup> Poor: <50% ground cover or heavily grazed with no mulch.  
 Fair: 50 to 75% ground cover and not heavily grazed.  
 Good: > 75% ground cover and lightly or only occasionally grazed.

<sup>3</sup> Poor: <50% ground cover.  
 Fair: 50 to 75% ground cover.  
 Good: > 75% ground cover.

<sup>4</sup> Actual curve number is less than 30; use CN = 30 for runoff computations.

<sup>5</sup> CN's shown were computed for areas with 50% woods and 50% grass (pasture) cover. Other combinations of conditions may be computed from the CN's for woods and pasture.

<sup>6</sup> Poor: Forest litter, small trees, and brush are destroyed by heavy grazing or regular burning  
 Fair: Woods are grazed but not burned, and some forest litter covers the soil  
 Good: Woods are protected from grazing, and litter and brush adequately cover the soil.

Source: SCS TR 55, 1986.

Computation sheet for 2-Stage Detention Basin Outlet Design  
 (to be used with TR 55 worksheet 6a or computer printout for storage routing)

Project Name: _____	Structure ID: _____	Date: _____
---------------------	---------------------	-------------

*Note: attach TR 55 worksheet 6a or computer printout with basin routing information*

**FIRST STAGE**

Maximum stage for two-year storm ( $E_{2\text{-yr}}$ ) = \_\_\_\_\_ ft

First stage control elevation ( $E_1$ ) = \_\_\_\_\_ ft

Head on first stage structure ( $H_{2\text{-yr}} = E_{2\text{-yr}} - E_1$ ) \_\_\_\_\_ ft

Allowable discharge for two-year storm ( $q_{2\text{-yr}}$ ) = \_\_\_\_\_ cfs

For rectangular weir outlet:

$$\text{Required weir length } L_1 = q_{2\text{-yr}} / (3.2 * H_{2\text{-yr}}^{1.5}) = \frac{\text{_____}}{(3.2 * \text{_____}^{1.5})} = \text{_____ ft}$$

For orifice outlet:

$$\text{Required orifice area } A_1 = q_{2\text{-yr}} / (4.98 * H_{2\text{-yr}}^{0.5}) = \frac{\text{_____}}{(4.98 * \text{_____}^{0.5})} = \text{_____ sq ft}$$

**SECOND STAGE**

Maximum stage for twenty-five-year storm ( $E_{25\text{-yr}}$ ) = \_\_\_\_\_ ft

Second stage control elevation ( $E_2$ ) = \_\_\_\_\_ ft

Head on second stage structure ( $H_{25\text{-yr}} = E_{25\text{-yr}} - E_2$ ) \_\_\_\_\_ ft

Allowable discharge for twenty-five-year storm ( $q_{25\text{-yr}}$ ) = \_\_\_\_\_ cfs

Twenty-five-year storm discharge through first stage:

$$\text{Weir: } q' = 3.2 * L_1 * (E_{25\text{-yr}} - E_1)^{1.5} = 3.2 * \text{_____} * (\text{_____} - \text{_____})^{1.5} = \text{_____} \text{ cfs}$$

$$\text{Orifice: } q' = 4.98 * A_1 * (E_{25\text{-yr}} - E_1)^{0.5} = 4.98 * \text{_____} * (\text{_____} - \text{_____})^{0.5} = \text{_____} \text{ cfs}$$

Allowable discharge through second stage ( $q''$ )  $q_{25\text{-yr}} - q' = \text{_____} \text{ cfs}$

For rectangular weir outlet:

$$\text{Required weir length } L_2 = q'' / (3.2 * H_{25\text{-yr}}^{1.5}) = \text{_____} / (3.2 * \text{_____}^{1.5}) = \text{_____} \text{ ft}$$

For orifice outlet:

$$\text{Required orifice area } A_2 = q'' / (4.98 * H_{25\text{-yr}}^{0.5}) = \text{_____} / (4.98 * \text{_____}^{0.5}) = \text{_____} \text{ sq ft}$$

**TABLE 3**  
**SCS TYPE II RAINFALL DISTRIBUTION**

Time Hour	Fraction of Total	Fraction of Total Rainfall
0.50	0.021	0.005
1.00	0.042	0.011
1.50	0.063	0.017
2.00	0.083	0.023
2.50	0.104	0.029
3.00	0.125	0.035
3.50	0.146	0.042
4.00	0.167	0.049
4.50	0.188	0.056
5.00	0.208	0.064
5.50	0.229	0.072

6.00	0.250	0.080
6.50	0.271	0.090
7.00	0.292	0.100
7.50	0.313	0.110
8.00	0.333	0.120
8.50	0.354	0.134
9.00	0.375	0.147
9.50	0.396	0.163
10.00	0.417	0.181
10.50	0.438	0.204
11.00	0.458	0.235
11.25	0.468	0.260
11.50	0.479	0.300
11.75	0.490	0.420
12.00	0.500	0.663
12.25	0.510	0.710
12.50	0.521	0.735
13.00	0.542	0.772
13.50	0.563	0.799
14.00	0.583	0.820
14.50	0.604	0.835
15.00	0.625	0.850

15.50	0.646	0.865
16.00	0.667	0.880
16.50	0.688	0.889
17.00	0.708	0.898
17.50	0.729	0.907
18.00	0.750	0.916
18.50	0.771	0.925
19.00	0.792	0.934
19.50	0.813	0.943
20.00	0.833	0.952
20.50	0.854	0.958
21.00	0.875	0.964
21.50	0.896	0.970
22.00	0.917	0.976
22.50	0.938	0.982
23.00	0.958	0.988
23.50	0.979	0.994
24.00	1.000	1.000

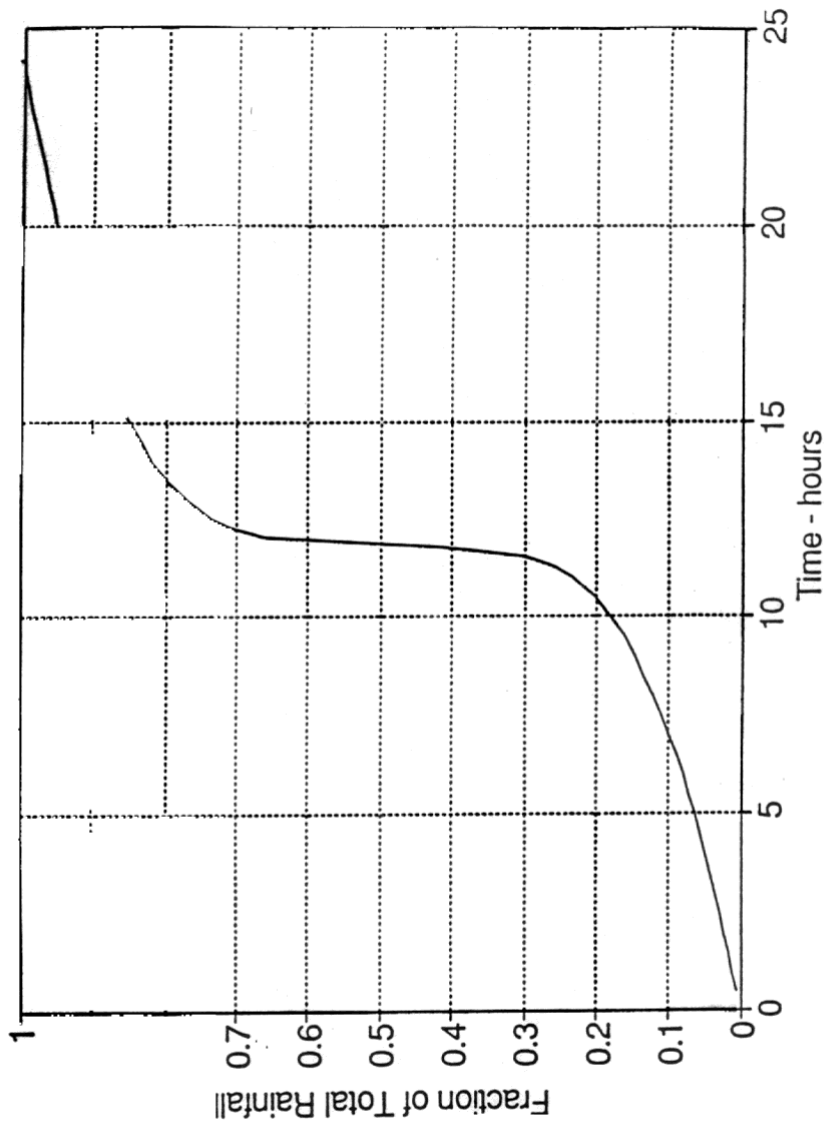


Figure 3. SCS Type II Storm Distribution

#### APPENDIX E - EROSION AND SEDIMENT CONTROL CRITERIA AND SPECIFICATIONS

There are three ways to accomplish urban soil erosion and sedimentation control:

- Allow erosion to take place and then control sediment before it leaves a site.
- Stop erosion in the watershed (project area), by soil stabilization or runoff control measures.
- A combination of the two. (most desirable)

The following is a list of common measures that can be used to control erosion and sediment. It is by no means an exhaustive list. Some standard drawings are included in this appendix, and are referenced with the Appendix page numbers. Additional drawings, standards and specifications can be found in the Illinois Urban Manual, IEPA and USDA, NRCS, 1995 and the Illinois Standards for Urban Soil Erosion and Sediment Control, The Urban Committee of the Association of Illinois Soil and Water Conservation Districts, Revised July 1988.

#### SEDIMENT CONTROL

A. PERIMETER SEDIMENT CONTROL MEASURES: To be installed between disturbed areas (including stockpiles) and property lines or drainageways in order to protect off-site areas. Control measures should be installed on the down-slope sides of the disturbed areas where runoff will leave the site.

Slope Range	Control Measure	Comments
Less than 2%	vegetative (grass) filter strips no minimum width requirement	
2% to <5%	vegetative (grass) filter strips 10' wide, minimum	size should be increased in proportion to the drainage area and slope
	filter fence	drainage area less than ½ ac per 100 ft.; see standard for spacing criteria
	straw bales	for use in small drainage areas; see standard for spacing criteria; maximum life is 3 months
	vegetative buffer area (other than grass), about 50' wide, minimum	minimizing disturbed areas is desirable; increase buffer size in proportion to drainage area and slope
	sediment basin	can handle sediment from a larger area
5% to <10%	vegetative (grass) filter strips 20' wide, minimum	size should be increased in proportion to the drainage area and slope
	filter fence	drainage area less than ½ ac per 100 ft.; see standard for spacing criteria
	straw bales	for use in small drainage areas; see standard for spacing criteria; maximum life is 3 months
	vegetative buffer area (other than grass), about 100' wide, minimum	minimizing disturbed areas is desirable; increase buffer size in proportion to drainage area and slope
	sediment basin	can handle sediment from a larger area
>10%	filter fence	drainage area less than ½ ac per 100 ft.; see standard for spacing criteria
	sediment basin	can handle sediment from a larger area

B. INLET SEDIMENT CONTROL: To be installed around storm sewer or other inlets to prevent sediment from entering the system. There are many different types depending on the type of inlet.

Common measures include:



Inlet Protection—Excavated Drain

Inlet Protection—Block and Gravel

Inlet Protection—Staked Straw Bales

- C. MUD AND DUST CONTROL: To prevent mud and dust from leaving the site.

Common measures include:

Stabilized Construction Entrance

Dust control, see the standards and specifications

## RUNOFF CONTROL

- A. CONCENTRATED FLOW AREAS: Temporary erosion control measures should be installed to protect drainageways such as road ditches and waterways until the area is permanently stabilized.

Common measures include:

Rock Checks for Waterways

Fabric Checks for Waterways

Erosion Blanket

- B. OUTLET PROTECTION: All outlets should be stabilized to prevent downstream areas from erosion.

Common measures include:

Pipe Outlet to Channel

Pipe Outlet to Flat Area

- C. DIVERSIONS: Surface runoff from adjacent areas should be diverted around disturbed areas to stable outlets to reduce erosion due to surface runoff.

## SOIL STABILIZATION

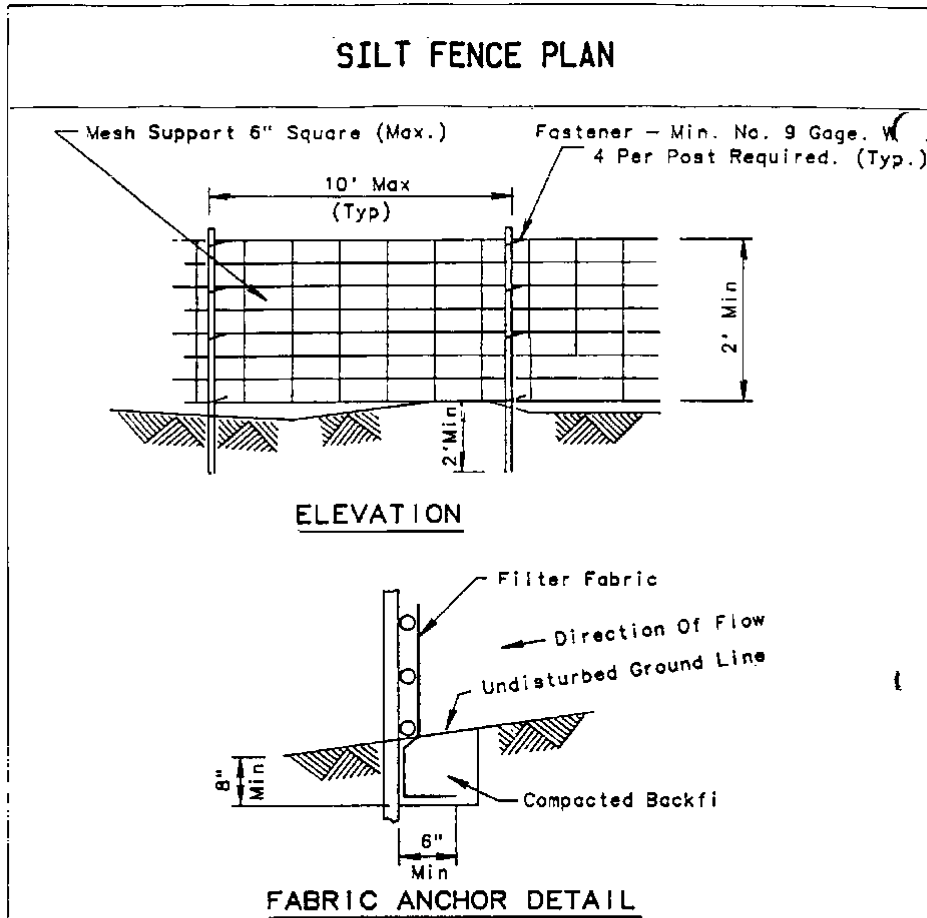
(Recommended seeding dates for Central Illinois are shown in bold.)

- A. VEGETATIVE SOIL COVER:

1. Temporary Seeding: Provides a temporary quick cover to control erosion when permanent seeding is not desired or the time of year is inappropriate. **[Early Spring - September 30]**
2. Permanent Seeding: Provides permanent vegetative cover to control erosion, filters sediment from water. May be part of final landscaping plan. **[Spring seeding: Early Spring - May 15], [Fall seeding: August 1 - September 10]**
3. Dormant seeding: Same as permanent seeding except seeding is done during dormant season. Higher rates of seed application are required. If no mulch is applied, then perimeter controls should be maintained until the vegetation is established. **[November 15 - March 1]**
4. Sodding: Quick, permanent cover to control erosion. Quick way to establish vegetative filter strip. Can be used on steep slopes or in drainage ways where seeding may be difficult. **[Anytime, except when the ground is frozen]**
5. Ground Cover: Provides ground cover, shrubs and trees in addition to permanent vegetation. May be used as part of a final landscape plan along with shrubs and trees.

- B. NON-VEGETATIVE SOIL COVER:

1. Mulching: Added insurance of a successful temporary or permanent seeding. Controls unwanted vegetation and preserves moisture. Provides cover where vegetation cannot be established.
2. Aggregate cover: Provides soil cover on roads and parking lots and areas where vegetation cannot be established. Prevents mud from being picked up and transported off site.
3. Paving: Provides permanent cover on parking lots, roads or other areas where vegetation cannot be established.



**NOTES:**

1. Top and bottom wires of mesh support shall be min. gage no.9.
2. Intermediate wires of mesh supports shall be min. gage no. 11.
3. Temporary sediment fence shall be installed prior to any grading work in the area to be protected. They shall be maintained throughout the construction period and removed in conjunction with the final grading.
4. Filter fabric shall meet the requirements of material specification 592 Geotextile Table 1 or 2, Class T with equivalent opening size of at least 30 for nonwoven and 50 for woven.
5. Fence post shall be either standard steel post or wood post with a minimum sectional area 3.0 sq.in.
6. The mesh support may be omitted if a maximum of 5' is used for post spacing.

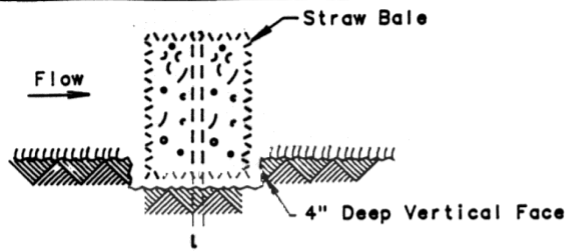
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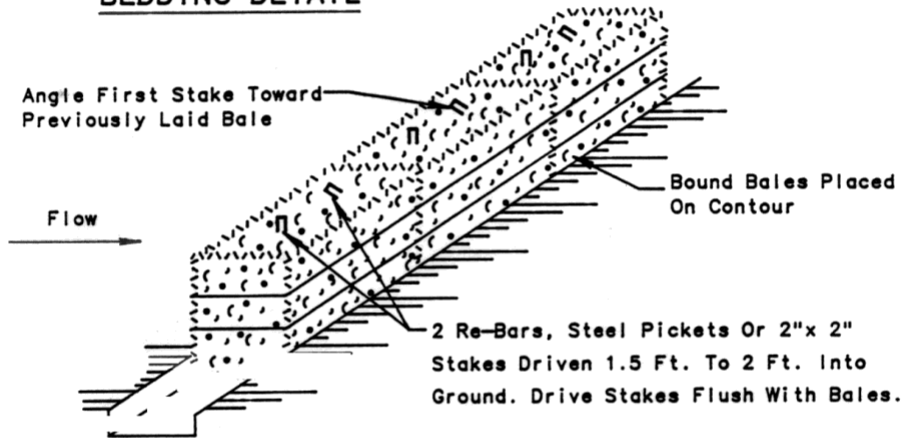
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DATE 3-3-95

## STRAW BALE BARRIER PLAN



### BEDDING DETAIL



### ANCHORING DETAIL

#### NOTES

1. Bales shall be placed at the top of slope or on the contour and in a row with ends tightly abutting the adjacent bales.
2. Each bale shall be embedded in the soil a minimum of 4", and placed so that bindings are horizontal.
3. Bales shall be securely anchored in place by either two stakes or re-bars driven through the bale. The first stake in each bale shall be driven toward the previously laid bale at an angle to force the bales together. Stakes shall be driven flush with the bale.
4. Inspection shall be frequent and repair replacement shall be made promptly as needed.
5. Bales shall be removed when they have served their usefulness so as not to block or impede storm flow or drainage.

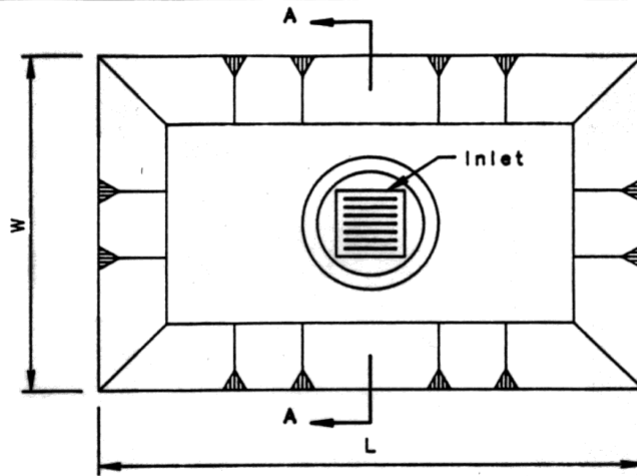
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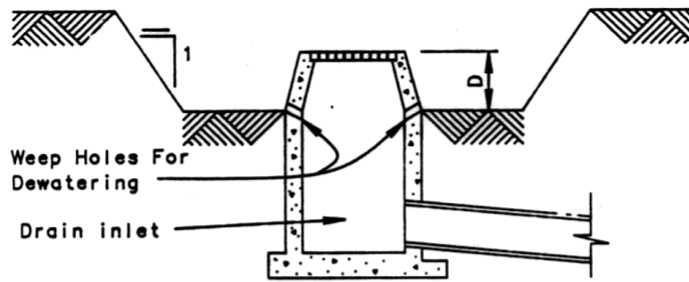
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IL-635
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DATE 8-18-64

# INLET PROTECTION - EXCAVATED DRAIN PLAN



PLAN VIEW



TYPICAL SECTION A-A

**NOTES:**

1. Sediment shall be removed and the trap restored to its original dimensions when the sediment has accumulated to 1/2 the design depth of the trap. Removed sediment shall be deposited in a suitable area and in such a manner that it will not erode.
2. The sediment trap shall be removed and the area stabilized when the constructed drainage area has been properly stabilized.
3. All cut slopes shall be 2:1 or flatter.

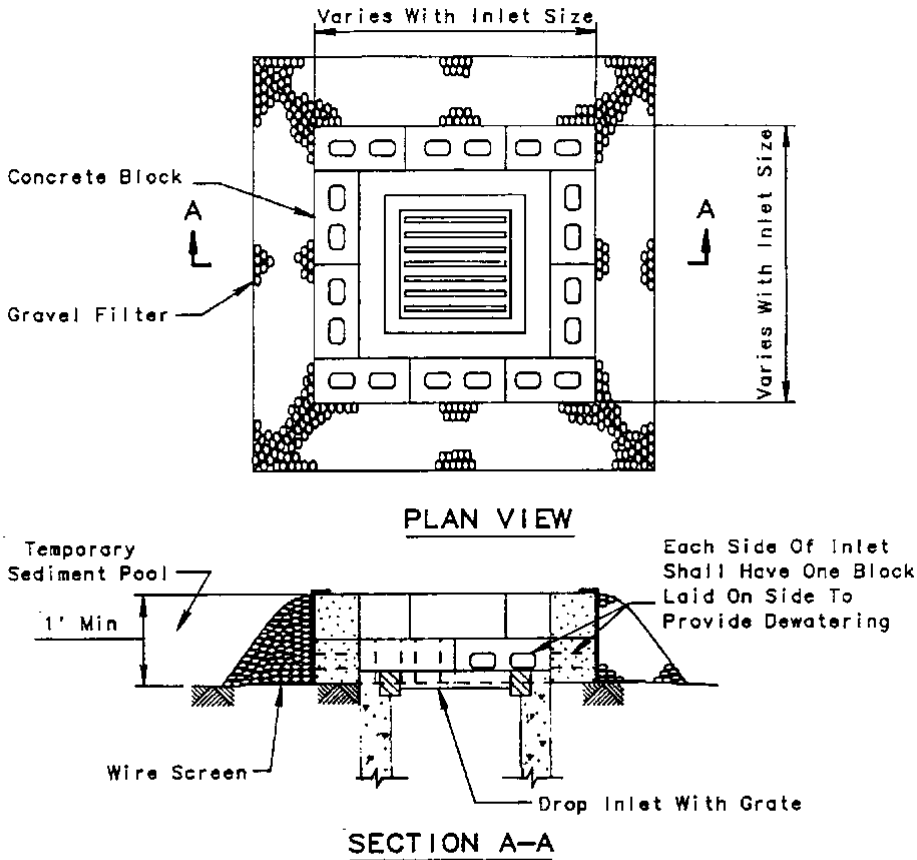
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Designed	_____ Date _____
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Approved	_____ Date _____



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**IL-555**  
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DATE 3-11-83

# INLET PROTECTION - BLOCK AND GRAVEL PLAN



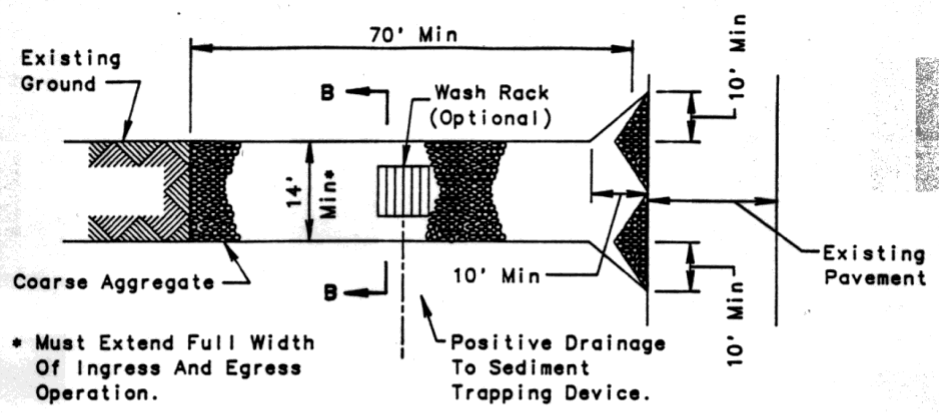
- NOTES:**
1. Sediment shall be removed and the trap restored to its original dimensions when the sediment has accumulated to 1/2 the design depth. Removed sediment shall be deposited in a suitable area and in such a manner that it will not erode.
  2. The sediment trap shall be removed and the area stabilized when the constructed drainage area has been properly stabilized.
  3. The wire screen shall be hardware cloth or comparable wire mesh with 1/2 inch openings.
  4. The gravel shall meet requirements for coarse aggregate with IDOT gradations of CA-1, CA-2 or CA-3.

REFERENCE	
Project	_____
Designed	_____ Date _____
Checked	_____ Date _____
Approved	_____ Date _____


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**ILLINOIS**

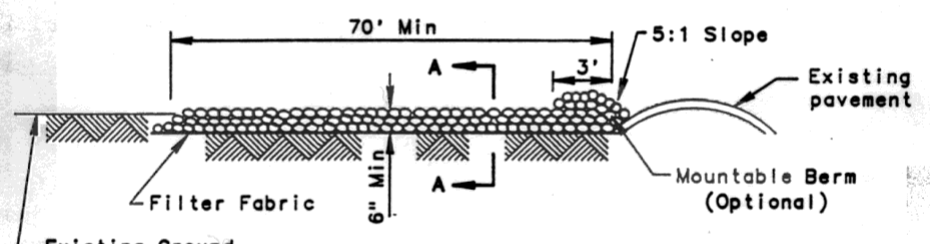
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**IL-550**  
 SHEET 1 OF 1  
 DATE 8-17-94

# STABILIZED CONSTRUCTION ENTRANCE PLAN



\* Must Extend Full Width Of Ingress And Egress Operation.

**PLAN VIEW**



**SIDE ELEVATION**

**NOTES:**

1. Filter fabric shall meet the requirements of material specification 592 GEOTEXTILE, Table 1 or 2, Class I, II or IV and shall be placed over the cleared area prior to the placing of rock.
2. Rock or reclaimed concrete shall meet one of the following IDOT coarse aggregate gradation, CA-1, CA-2, CA-3 or CA-4 and be placed according to construction specification 25 ROCKFILL using placement Method 1 and Class III compaction.
3. Any drainage facilities required because of washing shall be constructed according to manufacturers specifications.
4. If wash racks are used they shall be installed according to the manufactures specifications.

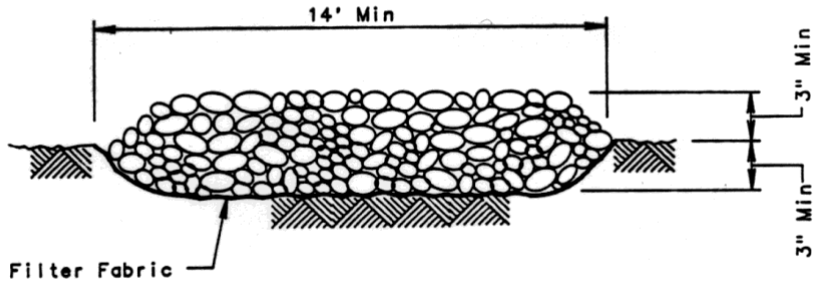
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Designed _____	Date _____
Checked _____	Date _____
Approved _____	Date _____



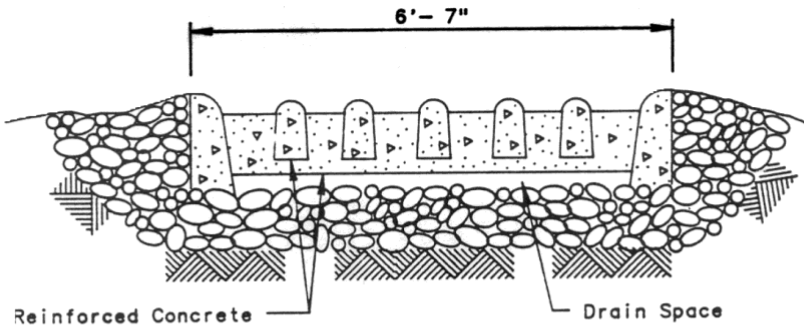
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**IL-630**  
SHEET 1 OF 2  
DATE 8-18-84

# STABILIZED CONSTRUCTION ENTRANCE PLAN



SECTION A-A



SECTION B-B

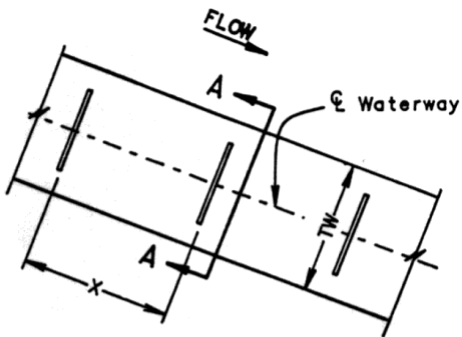
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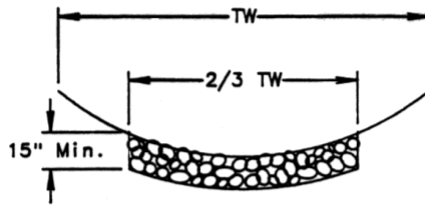
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STANDARD DWG. NO.  
 IL-630  
 SHEET 2 OF 2  
 DATE 8-18-94

# ROCK CHECKS FOR WATERWAYS



PLAN VIEW



SECTION A-A

WATERWAY NUMBER .....  
 FROM STATION .....  
 TO STATION .....  
 CHECK SPACING (X) ..  
 CHECK WIDTH (2/3 TW)

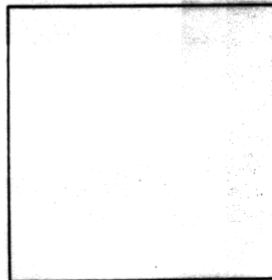
**BILL OF MATERIALS**

Rock - IDOT RR3, or equivalent -                      Tons

**NOTES:**

1. Excavate trench 12 inches wide or one backhoe bucket wide, whichever is greater.
2. Compact rock backfill by rolling with construction equipment.
3. Finished rock surface will be flush with the ground surface when completed.

**LOCATION PLAN**



County \_\_\_\_\_

Sec. \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_

<b>REFERENCE</b>	
Project _____	
Designed _____	Date _____
Checked _____	Date _____
Approved _____	Date _____



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 SOIL CONSERVATION SERVICE  
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STANDARD DWG. NO.  
**IL-541**  
 SHEET 1 OF 2  
 DATE 8-17-84



# ROCK CHECKS FOR WATERWAYS

## ROCK CHECK SPACING

WATERWAY GRADE %	MAXIMUM SPACING FT.
0 - 1.5	100
1.5 - 3.0	75
> 3.0	50

## ROCK QUANTITIES IN TONS - PER ROCK CHECK

DEPTH (In.)	ROCK CHECK WIDTH - 2/3 TW - IN FEET										
	10	12	14	16	18	20	22	24	26	28	30
15	1.5	1.8	2.1	2.4	2.7	3.0	3.3	3.6	3.9	4.1	4.4
18	1.8	2.1	2.5	2.8	3.2	3.6	3.9	4.3	4.6	5.0	5.3
24	2.4	2.8	3.3	3.8	4.3	4.7	5.2	5.7	6.2	6.6	7.1

Note: Quantities based on 2 foot wide trench and 1.6 Tons/Cu. Yd  
(Divide quantities by 2 for 12 inch trench widths.)

## ROCK GRADATION - IDOT RR3

Size	% Passing By Weight
50 Lb.	100
10 Lb.	30 - 70
1 Lb.	0 - 16

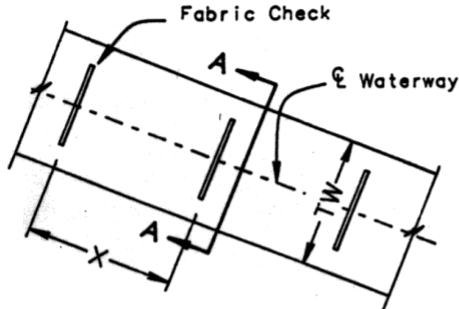
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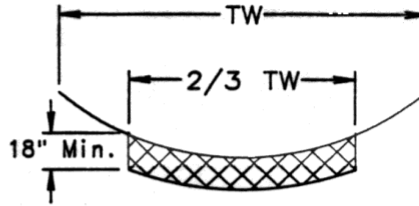
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**IL-541**  
 SHEET 2 OF 2  
 DATE 8-17-84

# FABRIC CHECKS FOR WATERWAYS



PLAN VIEW



SECTION A-A

WATERWAY NUMBER .....

FROM STATION .....

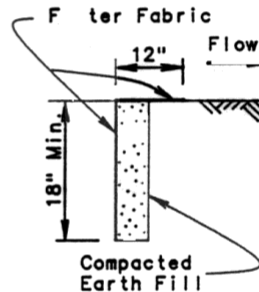
TO STATION .....

CHECK SPACING (X) ..

CHECK WIDTH (2/3 TW)

BILL OF MATERIALS

Filter Fabric \_\_\_\_\_ Sq. Yds.  
 (\_\_\_\_\_ Pieces, ● \_\_\_\_\_ In. x 30 In.)

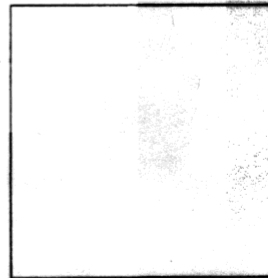


TYPICAL SECTION

NOTES:

1. Excavate a trench 18 inches deep, wide enough to allow hand compaction of backfill
2. Place the fabric against the upstream wall of the trench. Backfill the trench in hand compacted, 6 inch lifts. Lay 12 inch fabric flap downstream.

LOCATION PLAN



County \_\_\_\_\_

Sec. \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_

<b>REFERENCE</b>	
Project _____	
Designed _____	Date _____
Checked _____	Date _____
Approved _____	Date _____



U.S. DEPARTMENT OF AGRICULTURE  
 SOIL CONSERVATION SERVICE  
 ILLINOIS

STANDARD DWG. NO.  
**IL-542**  
 SHEET 1 OF 2  
 DATE 8-17-84

# FABRIC CHECKS FOR WATERWAYS

## FABRIC CHECK SPACING (FT.)

WATERWAY GRADE %	MAXIMUM SPACING FT.
0 - 1.5	100
1.5 - 3.0	75
> 3.0	50

## FABRIC QUANTITIES PER CHECK IN SQUARE YARDS

CHECK LENGTH (FT.)	15	18	21	24	27	30	33	36	39
FABRIC QUANTITY (SQ. YDS)	4.2	5.0	5.8	6.7	7.5	8.3	9.2	10.0	10.8

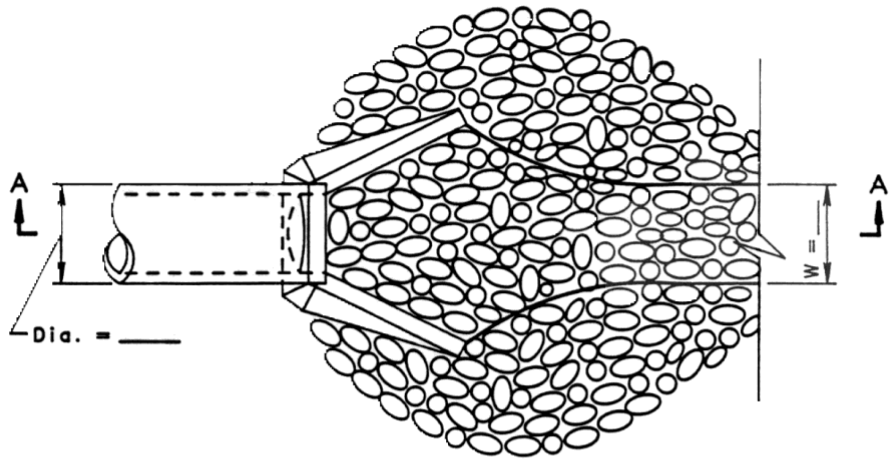
## FILTER FABRIC SPECIFICATION

1. Openings in filter fabric shall be equal to or smaller than the openings in a #40 sieve (0.42mm).
2. Filter fabric shall have a tear strength in excess of 50 pounds.

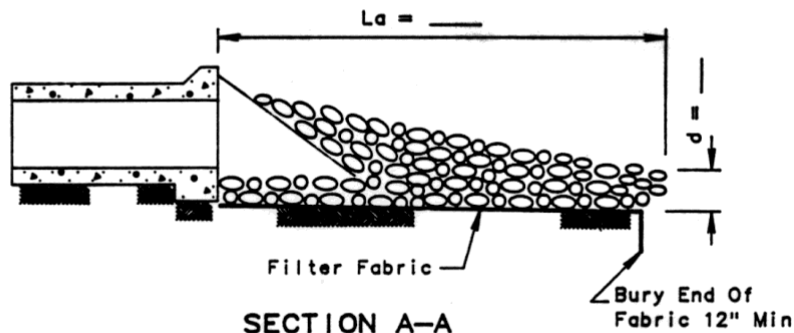
REFERENCE Project _____ Designed _____ Date _____ Checked _____ Date _____ Approved _____ Date _____	 U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE ILLINOIS	STANDARD DWG. NO. <b>IL-542</b> SHEET 2 OF 2 DATE 8-17-94
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# PIPE OUTLET TO CHANNEL

Pipe Outlet To Well-Defined Channe



PLAN



SECTION A-A

**NOTES:**

1. The filter fabric shall meet the requirements in material specification 592 GEOTEXTILE Table 1 or 2, Class I, II or III.
2. The rock riprap shall meet the IDOT requirements for the following gradation \_\_\_\_\_.
3. The riprap shall be placed according to construction specification 61 LOOSE ROCK RIPRAP. The rock may be equipment placed.

<b>REFERENCE</b>			U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE ILLINOIS	STANDARD DWG. NO. <b>IL-611</b> SHEET 1 OF 1 DATE 8-18-84
Project _____	_____			
Designed _____	Date _____			
Checked _____	Date _____			
Approved _____	Date _____			

(Ord. of 3-13-14)

Chapter 21 - RESERVED<sup>11</sup>

Footnotes:

--- (1) ---

**Editor's note**— Chapter 21, Swimming Pools, was deleted by an ordinance adopted Nov. 10, 2011. Former Ch. 21 was comprised of §§ 21-1—21-13, and derived from a resolution adopted Sept. 11, 1990; an ordinance adopted Dec. 11, 1990; an amendment adopted Aug. 11, 1992; an amendment adopted May 11, 1995; an ordinance adopted Dec. 14, 1999; an amendment adopted Nov. 8, 2001; and an ordinance adopted July 12, 2007. Similar provisions can be found in Ch. 20, Unified Development Ordinance, §§ 2.2, 3.11, 7.15, and 11.1.

## Chapter 22 - TAXATION<sup>[1]</sup>

Footnotes:

--- (1) ---

**Cross reference**— Alcoholic liquor, Ch. 3; business regulations, Ch. 6; bed and breakfast establishments, § 6-51 et seq.

### ARTICLE I. - REAL ESTATE AND BENEFICIAL INTEREST IN LAND TRUST TRANSFER TAX<sup>[2]</sup>

Footnotes:

--- (2) ---

**Editor's note**— An ordinance adopted Feb. 11, 1986, amended former Art. I, In General, § 22-1, derived from § VII of an ordinance adopted June 12, 1979, to read as set out in §§ 22-1—22-5.

**State Law reference**— Real Estate Transfer Tax Act, 35 ILCS 305/1 et seq.; county real estate transfer tax authorized, 55 ILCS 5/5-1031.

#### Sec. 22-1. - Definitions.

As used in this section:

- (1) *Beneficial interest* means any interest, regardless of how small or minimal such interest may be, in a land trust, held by a trustee for the benefit of beneficiaries of such land trust.
- (2) *Department* means the State of Illinois, Department of Revenue.
- (3) *Land trust* means any express agreement or arrangement whereby a use, confidence or trust is declared of any land, or of any charge upon land, for the use or benefit of any beneficiary, under which the legal title to real property is held by a trustee, which may be enforced by the beneficiaries who have the exclusive right to manage and control the real estate, to have the possession thereof, to receive the net proceeds from the rental, sale, hypothecation or other disposition thereof, and under which the interest of the beneficiary is personal property only.
- (4) *Person* means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.
- (5) *Recordation* includes the issuance of certificate of title by registrars of title under "an act concerning land titles," approved May 1, 1897, as amended, pursuant to the filing of deeds or trust documents for that purpose, as well as the recording of deeds or trust documents by recorders of deeds.
- (6) *Trust document* means a document or facsimile thereof required to be recorded under the Land Trust Recordation and Transfer Tax Act (765 ILCS 420/1 et seq.).

- (7) *Value* means the amount of the full actual consideration thereof, including the amount of any liens assumed by the buyer.

(Res. of 9-10-85)

Sec. 22-2. - Tax imposed.

- (a) A tax is imposed on the privilege of transferring title to real estate, as represented by the deed that is filed for recordation, and upon the privilege of transferring a beneficial interest in a land trust holding legal title to real estate located in the county as represented by the trust document that is filed for recordation, at the rate of twenty-five cents (\$0.25) for each five hundred dollars (\$500.00) of value or fraction thereof stated in the declaration provided for in this section. If, however, the real estate is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax.
- (b) Such tax shall be collected by the recorder of deeds or registrar of titles through the sale of revenue stamps whose design, denominations and form shall be prescribed by the department. The recorder of deeds or registrar of titles shall sell the revenue stamps at a rate of twenty-five cents (\$0.25) per five hundred dollars (\$500.00) of value or fraction thereof. Except as provided in section 22-3, no deed or trust document shall be accepted for recording by the recorder of deeds or registrar of titles unless county revenue stamps in the required amount have been purchased from the recorder of deeds or registrar of titles. Such revenue stamp shall be affixed to the deed or trust document by the recorder of deeds or the registrar of titles either before or after recording as requested by the grantee. A person using or affixing a revenue stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with his initials and the day, month and year when the affixing occurs. Such markings shall be made by writing or stamping in indelible ink or by perforating with a machine or punch. However, the revenue stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness.
- (c) At such time as a deed or trust document is presented for recordation, there shall be filed with the recorder of deeds or registrar of titles a fully executed and completed copy of the "real estate transfer declaration" required by provisions of 35 ILCS 305/3, as amended.

(Res. of 9-10-85)

Sec. 22-3. - Exemptions.

The following deeds or trust documents shall be exempt from the provisions of this article except as hereinafter provided:

- (a) Deeds representing real estate transfers made before June 12, 1979, but recorded after such date and trust documents executed prior to February 11, 1986, but recorded after that date.
- (b) Deeds or trust documents relating to property acquired by any governmental body or from any governmental body or deeds or trust documents relating to property between governmental bodies, or by or from any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or education purposes; except that such deeds or trust deeds, other than those in which the Administrators of Veterans' Affairs of the United States of America is the grantee pursuant to a foreclosure proceeding, shall not be exempt from filing the declaration.
- (c) Deeds or trust documents which secure debt or other obligation.
- (d) Deeds or trust documents, which, without additional consideration, confirm, correct, modify, or supplement a deed or trust document previously recorded.
- (e) Deeds or trust documents where the actual consideration is less than one hundred dollars (\$100.00).

- (f) Deeds or trust documents of release of property which is security for a debt or other obligation.
- (g) Tax deeds.
- (h) Deeds of partition.
- (i) Deeds or trust documents made pursuant to mergers, consolidations or transfers or sales of substantially all of the assets of corporations pursuant to plans of reorganization.
- (j) Deeds or trust documents made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock.
- (k) Deeds and trust documents wherein there is an actual exchange of beneficial interests, except that money difference or money's worth paid from one to the other shall not be exempt from the tax.
- (l) Deeds representing transfers subject to the imposition of a documentary stamp tax imposed by the government of the United States, except that such deeds shall not be exempt from filing the declaration.

(Res. of 9-10-85)