

ZONING ORDINANCE  
Pike County - Illinois

Office of the  
Zoning Administrator  
Pike County Government Building  
121 East Washington Street  
Pittsfield IL 62363-1411

217-285-4013

Ordinance Approved and Adopted by  
Pike County Board  
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ARTICLE I  
INTRODUCTION

Section 1.1 Intent

These regulations are intended to protect existing property against adverse adjacent uses and to be a foundation for the process of improving the physical environment, promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the County, lessening or avoiding congestion on public highways, roads, and streets, and lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters, in accordance with 55 ILCS 5/5-12001 et seq.

The regulations establish zoning districts and divide the entire county, except for locally zoned incorporated cities, villages, and towns, into districts of such number, shape, and area, and of such different classes according to the uses best suited to carry out the purposes of this ordinance. Authorized uses within each zoning district are intended to encourage the development of the district's optimum potential, with minimum restraint on individual freedom of action.

Section 1.2 Interpretation

In their interpretation and application, the provisions of this zoning ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, and general welfare. The Zoning Administrator shall make such determinations, interpretations and orders as are necessary there for, in order that said Administrator may, in his or her discretion, unless otherwise directed by the County Board, judge compliance with this ordinance.

Section 1.3 Title

This ordinance shall be known, cited, and referred to as the "Pike County Zoning Ordinance." This ordinance supersedes the ordinance entitled "The Building Permit Ordinance of Pike County" as passed by the County Board March 15, 1974. Notwithstanding Resolutions I and II passed March 15, 1974 remain effective with regard to all areas in Flood Plain District.

The "Building Official" as provided in the Building Permit Ordinance has been deemed as one and the same as "Zoning Administrator" in the Pike County Zoning Ordinance.

Section 1.4 Permits

No permanent building or structure shall hereafter be erected, reconstructed, structurally altered, or relocated, nor shall any work be started upon the same until a building permit has been issued by the Zoning Administrator; nor shall any significant change in the use of land or buildings be made until approved and permit issued by the Zoning Administrator.

General Classifications of Permits:

- (a) - Permitted use as provided for each zoning district, including accessory use.
- (b) - Conditional use when approved as provided for each Zoning district.

ARTICLE II  
GENERAL PROVISIONS

Section 2.1 Jurisdiction

The jurisdiction of this zoning ordinance shall include all lands and waters within Pike County, except locally zoned incorporated cities, villages, and towns. All buildings or structures erected hereafter; all uses of land, buildings or structures established hereafter; all structural alterations or relocation of existing

buildings occurring hereafter; and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, structures, uses, or land shall be located. The ordinance shall not impose regulations with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land except that such buildings or structures for agricultural purposes shall be required to conform to building or setback lines.

## Section 2.2 Use Restrictions

1. Principal Uses - Only those permitted uses specified for a zoning district and their essential services shall be permitted in that district.
2. [BLANK]
3. Conditional uses and their accessory uses are permitted in zoning districts as specified, but only according to the conditional-use procedure in Article IV. Also, any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate, and controlled access traffic way, and within fifteen hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the Planning Commission and Zoning Board of Appeals as provided in Article VII.
4. Every structure hereafter erected or structurally altered shall be located on a lot of record or on a lot as herein defined and in no case shall there be more than one (1) main structure on a lot, except as provided in Article V, Section 5.1 (5).
5. Cooperatives, condominiums, and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.

## Section 2.3 Site Restrictions

The following site restrictions shall apply:

1. Soil Conditions: No land shall be used or structure erected where the land is held unsuitable for such use or structure by the County Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or other feature likely to be harmful to the health, safety, prosperity, aesthetic, and general welfare of Pike County.

The County Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability, if the applicant so desires. Thereafter the County Board may affirm, modify, or withdraw its determination of unsuitability.

2. Dimensions of Building Sites:
  - (a) Lots Not Served by Public Sewer: In all districts, lot sizes shall be based on soil capabilities. The county Board shall request an opinion of the County Director of Environmental Health before making judgment on required lot sizes. In no case shall the lot size be less than those specified as minimum requirements in Section 5.3 of this ordinance. However, the County Board may require lots larger than said minimums. All developments not served by public sewers shall also conform to Section 2.3 (1) of this ordinance.
  - (b) Lots served by public sewer shall be as specified in Section 5.3 of this ordinance.

## Section 2.4 Adult-Use Cannabis

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the unincorporated territory of the County of Pike. Such facilities shall comply with 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, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.
2. Conditional Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with Section 4.1 (Conditional Uses) of the Pike County Zoning Ordinance and Section 3 (Adult-Use Cannabis Facility Components) as provided below.
3. Adult-Use Cannabis Facility Components: In determining compliance with Section 4.1 (Conditional Uses) of the Pike County Zoning Ordinance, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:
  - 3.1 Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
  - 3.2 Proposed structure in which the facility will be located, including co-tenancy (if in a multitenant building), total square footage, security installations/security plan and building code compliance.
  - 3.3 Hours of operation and anticipated number of customers/employees.
  - 3.4 Anticipated parking and loading demand based on Article VI (Off-Street Parking and Loading Regulations) of the Pike County Zoning Ordinance, and available private parking supply.
  - 3.5 Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
  - 3.6 Site design, including access points and internal site circulation.
  - 3.7 Proposed signage plan.
  - 3.8 Compliance with all requirements provided in Section 4 (Adult-Use Cannabis Craft Grower); Section 5 (Adult-Use Cannabis Cultivation Center); Section 6 (Adult-Use Cannabis Dispensing Organization); Section 7 (Adult-Use Cannabis Infuser Organization); Section 8 (Adult-Use Cannabis Processing Organization); or Section 9 (Adult-Use Cannabis Transporting Organization), as applicable.
  - 3.9 Other criteria determined to be necessary to assess compliance with Section 4.1 (Conditional Uses) of the Pike County Zoning Ordinance.
4. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:
  - 4.1 Facility may not be located within 300 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home, church, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
  - 4.2 [BLANK].
  - 4.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
  - 4.4 For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be required to comply with all provisions of Article VI (Off-Street Parking and Loading Regulations) of the Pike County Zoning Ordinance, provided, however, that the County may require that additional parking be provided as a result of any additional analysis of parking needs.
  - 4.5 Petitioner shall file an affidavit with the County affirming compliance with all requirements of the Act.
5. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:
  - 5.1 Facility may not be located within 300 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home, church, or residential care home. Learning centers and vocational/trade centers shall

not be classified as a public or private school for purposes of this Section.

5.2 [BLANK].

5.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

5.4 For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be required to comply with all provisions of Article VI (Off-Street Parking and Loading Regulations) of the Pike County Zoning Ordinance, provided, however, that the County may require that additional parking be provided as a result of any additional analysis of parking needs.

5.5 Petitioner shall file an affidavit with the County affirming compliance with all requirements of the Act.

6. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

6.1 Facility may not be located within 300 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home, church, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

6.2 Facility may not be located in a dwelling unit.

6.3 At least 50 percent of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Section 6.5 below in the same tenant space.

6.4 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

6.5 Facility may be issued a permit to host on-site consumption of cannabis (select conditions) if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by Section 10 (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked on the Zoning Administrator's recommendation, following notice and hearing using the same procedure for Appeals as is outlined in Section 7.4 (Appeals – How Taken) of the Pike County Zoning Ordinance, but the suspension or revocation shall not take effect until the Zoning Board issues its decision in writing after the hearing.

6.6 For purposes of determining required parking, said facilities shall be required to comply with all provisions of Article VI (Off-Street Parking and Loading Regulations) of the Pike County Zoning Ordinance, provided, however, that the County may require that additional parking be provided as a result of any additional analysis of parking needs.

6.7 Petitioner shall file an affidavit with the County affirming compliance with all requirements of the Act.

7. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

7.1 Facility may not be located within 300 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home, church, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

7.2 Facility may not be located in a dwelling unit.

7.3 At least 10 percent of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

7.4 For purposes of determining required parking, said facilities shall be required to comply with all provisions of Article VI (Off-Street Parking and Loading Regulations) of the Pike County Zoning Ordinance, provided, however, that the County may require that additional

parking be provided as a result of any additional analysis of parking needs.

7.5 Petitioner shall file an affidavit with the County affirming compliance with all requirements of the Act.

8. Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

8.1 Facility may not be located within 300 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home, church, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

8.2 Facility may not be located in a dwelling unit.

8.3 At least 10 percent of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

8.4 For purposes of determining required parking, said facilities shall be required to comply with all provisions of Article VI (Off-Street Parking and Loading Regulations) of the Pike County Zoning Ordinance, provided, however, that the County may require that additional parking be provided as a result of any additional analysis of parking needs.

8.5 Petitioner shall file an affidavit with the County affirming compliance with all requirements of the Act.

9. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

9.1 Facility may not be located within 300 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home, church, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

9.2 Facility may not be located in a dwelling unit.

9.3 The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

9.4 For purposes of determining required parking, said facilities shall be required to comply with all provisions of Article VI (Off-Street Parking and Loading Regulations) of the Pike County Zoning Ordinance, provided, however, that the County may require that additional parking be provided as a result of any additional analysis of parking needs.

9.5 Petitioner shall file an affidavit with the County affirming compliance with all requirements of the Act.

10. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

11. Co-Location of Cannabis Business Establishments. The County may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria within Section 4.1 (Conditional Uses) of the Pike County Zoning Ordinance. In a co-location, the floor space requirements of Section 6.3 and 7.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.



ARTICLE III  
ZONING DISTRICTS

Section 3.1 Establishment

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

- A Agricultural District
- R-1 Single Family Residential District
- R-2 Two Family and Multiple Family Residential District
- B-1 General Business District
- B-2 Highway Business District
- I-1 Industrial District
- F-1 Flood Plain District
- RD-1 Rural Development District

Section 3.2 District Boundaries

The boundaries of the district created are as shown on the map entitled "Zoning Map, County of Pike, Illinois," which is a part of this ordinance. Such boundaries shall be construed to follow: corporate limits, county limits, public highways, streets, alleys, easements, property lines, railroad rights-of-way, or such lines extended; soil mapping unit lines, or as other-wise noted in the Zoning Map.

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

Section 3.3 Zoning Map and Zoning Ordinance

The certified copy of the Pike County Zoning Ordinance Map and Pike County Zoning Ordinance shall bear on its face the attestation of the Chairman of the County Board and the County Clerk. It shall be on file and may be viewed in the office of the County Clerk. The Zoning Administrator shall keep on file an up-to-date version of this Zoning Ordinance and the Zoning Ordinance Map, including all amendments thereto. The County Clerk shall ensure that the up-to-date Zoning Ordinance and Zoning Ordinance Map shall be available on the County's website.

Section 3.4 Agricultural District (A)

Agricultural zoning is intended to protect prime agricultural soil and valid agricultural enterprises. It is intended to prevent or minimize conflicts between agricultural and non-agricultural land uses. Its effect is to restrict and control the infiltration of urban development and other large non-agricultural developments, into areas generally devoted to agriculture so that the continuance of this activity may be assured for the foreseeable future. It is essential that scattered, indiscriminate urban development within areas best suited for agriculture be precluded and that orderly urban development be facilitated. For these reasons, the following regulations shall apply:

1. Permitted Uses: No building, structure or land shall hereafter be used and no building or structure shall hereafter be erected, structurally altered, or enlarged except for the following uses:
  - (a) Agricultural activity, including field crops, livestock, horticulture, nurseries, greenhouses, orchards, general farming, dairy operations, ponds or lakes, and other farm related activities. All buildings and structures housing poultry or livestock shall conform to Illinois Environmental Protection Agency Regulations.
  - (b) Churches and other places of worship, cemeteries, rectories, convents and retreat centers.
  - (c) Schools: public, parochial, trade and junior colleges
  - (d) Rural non-farm residences established after the effective date of this ordinance must

meet all area regulations as shown in Articles V and VI.

- (e) Hunting clubs or Hunting Lodges
- (f) Bed and Breakfast Establishments or Boarding Houses
- (g) Wind Energy System Facility (WESF) which meet the following requirements:

A. SITING APPROVAL APPLICATION

1. To comply with application procedures required by the Pike County Zoning Ordinance.
2. To submit a site plan for the installation of WESFs showing the planned location of each WESF Tower, guy lines and anchor bases (if any), primary structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, substation(s), electrical cabling from the WESF Tower to the substation(s), ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setbacks. Such site plan shall include a legal description and plat of the WESF to be prepared by a licensed surveyor. The plat of survey to be furnished shall be a certified copy in recordable form.
3. To submit all required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
4. Wind energy systems shall comply with applicable Federal Aviation Administration (FAA) and Federal Communication Commission (FCC) regulations, including any necessary approvals for installations near airports.

B. STANDARDS

1. Construction Standards: WESF shall be constructed in compliance with Good Utility Practice for WESF. A professional engineer shall certify, as part of the building permit application that the foundation and tower design of the WES are within acceptable professional standards. In the event after inspection by a professional engineer in Good Utility Practice, the County concludes that any of the WESF were not constructed in compliance with Good Utility Practice or constitutes a danger to persons or property, then upon notice being provided, Permittee shall have 90 days to bring the non-compliant WESF(s) into compliance with such standards or if 90 days is insufficient time to cure the non-compliance, Permittee shall present a plan to the County describing the reason for the delay and the time frame for the cure to be put in place. Failure to bring such non-compliant WESF(s) into compliance or failure to provide a plan for compliance within 90 days shall constitute grounds for the County to request removal of said WESF(s) at Permittee's expense. The following minimum safety standards shall apply to the construction of the WESF:
  - a. All wiring between the Wind Turbines shall be underground.
  - b. The outside of the WESF shall not be climbable.
  - c. All access doors to the Turbines and electrical equipment shall be locked.
2. Performance Standards: Any Wind Energy System or Wind Energy System Facility shall be operated and maintained consistent with Good Utility Practice for comparable facilities.
3. State and Federal Standards: Construction of WESF(s) shall meet or exceed current standards and regulations, if any, of any other agency of the state or federal government with the authority to regulate wind powered generators. If such standards and regulations are changed and retroactive application is required for the change, then Permittee shall bring the WESF(s) into compliance with such applicable revised standards and regulations within 6 months of the effective date of such

standards and regulations, unless a different compliance schedule is permitted by the controlling state or federal agency or approved by the County. A determination of No Hazard for each Wind Turbine must be obtained from the FAA as a condition precedent for the installation of each turbine.

#### C. TECHNICAL REQUIREMENTS

1. Height: No wind energy system shall exceed 700 feet in total height above grade (all references to height are measured at the highest point of the blade tip).
2. Setback
  - a. Wind Turbine Towers shall be setback a distance of 1.1 times their height from the nearest property line and/or public right of way, unless appropriate waivers or easements are secured from adjacent property owners, or other acceptable mitigation is approved by the County Board.
  - b. Wind Turbine Towers shall be setback a distance of no less than three times their total height from the nearest residence, school, hospital, or church unless waived in writing by the affected property owner or owners. In no event shall the setback be less than 1.1 times the total height of the wind energy system.
  - c. Wind Turbine Towers shall be setback a distance of no less than their total height from the nearest above-ground public electric power line or telephone line, unless waived in writing by the affected property owner and utility company.
3. Noise: The noise design limit for each wind energy system shall not exceed 50 dBA as measured as the average dBA at the location of the nearest non-participating residence from the relevant wind energy system. The dBA level, however, may be exceeded during short-term events such as utility outages and or severe wind storms.
4. Color: Except as may be required by the FAA, the coloration of the exterior components and each wind turbine tower shall be off white, light gray or other neutral color, including the blades. The finish shall be flat or matte. Permittee throughout the Term of this Permit shall maintain the required coloration and finish.
5. Signage: Permittee shall provide reasonable signage at the WESF, identifying the premises as being part of the WESF and providing appropriate safety notices and warnings against trespassing. The no trespassing signs shall be posted around the entire premises at an appropriate distance for posting but no less than 2 conspicuous places for every 40 acres within the Facility. No advertising material or signage other than warning, equipment information, or indicia of ownership shall be allowed on the Wind Turbines. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waiving, fluttering or revolving devices, but not including weather devices.
6. Public Roads Permittee shall, prior to the initiation of construction and use of haul roads, consult with the County Engineer, the Township Road Commissioner, the Illinois State Police, and the Pike County Sheriffs' Office for load paths and restrictions on their respective roads or bridges. At Permittee's expense, Permittee shall provide the County Engineer with a videotape documenting the condition of all haul roads in the County prior to beginning and after completing construction of the WESF. At Permittee's expense, the Permittee shall contract with qualified contractors to repair any damage to the haul roads due to transportation of equipment and WESF components.

In the event a hazardous road condition exists that is not promptly corrected by Permittee, the County Engineer, or Township Road Commissioner may order emergency road repairs be performed by qualified contractors, and Permittee shall promptly reimburse the County for reasonable emergency road repair costs. Permittee shall assure funding of the Road Repair Obligations by a letter of credit or guaranty from a contractor of Applicant. Weather permitting, the final Road Repair Obligations shall be completed to the reasonable satisfaction of the County Engineer and Township Road Commissioner within six (6) months after completion of construction of the WESF, or as soon thereafter as weather conditions permit.

7. Reporting and Complaint Resolution Permittee shall report to the County as follows:

- a. Extraordinary Events. Within 24 hours of any extraordinary event, Permittee shall notify the County (Pike County Sheriff's Office (217) 285-4471. "Extraordinary events" shall include tower collapse, catastrophic turbine failure, unauthorized entry to the tower base, thrown blade or hub, any injury to a facility worker or other person that requires emergency medical treatment, or other event that in Permittee's opinion reasonably impacts the public health and safety of the County.
- b. Complaints. The Permittee of the Wind Energy System Facility shall, at the Permittee's expense and in coordination with the County develop a system for logging and investigating all complaints related to the operational standards set forth in this Ordinance. If the County determines that it is reasonably necessary, it may undertake an investigation of the alleged operational violation by a qualified individual mutually acceptable to the County and the owner of the Wind Energy System Facility. The reasonable cost and fees incurred by the County in retaining said qualified individual shall be reimbursed by the owner of the Wind Energy System Facility. After the investigation, if the County Board reasonably concludes that operational violations are shown to be caused by the Wind Energy System Facility, the Permittee shall use reasonable efforts to mitigate such problems on a case by case basis.

#### D. OPERATION

1. Electromagnetic Interference: Permittee shall not operate the Facility so as to cause microwave, television, radio, or navigation interference contrary to Federal Communications Commission regulations or other law.
2. Modification: Any physical modification that meets requirements found under Article VIII, Section 8.3(Permit Regulations of the Zoning Ordinance) must be re-permitted. Any modification that alters the mechanical load, mechanical load path, or major electrical components shall require it to be re-permitted under the terms and conditions of this Ordinance. Like-kind replacements shall not require re-permitting. Prior to making any physical modification (other than like-kind replacement), the owner or operator shall confer with the Zoning Administrator to determine whether the physical modification requires re-permitted.

#### E. INSURANCE AND INDEMNIFICATION

All Permittees shall maintain the following insurance coverages commencing upon construction of the facility:

1. Permittee shall, at its expense, maintain a broad form comprehensive coverage policy of public liability insurance insuring Applicant and Participating Landowners against loss or liability caused by Applicant's occupation and use of

the Property under the Lease, in an amount not less than Five Million Dollars (\$5,000,000) of combined single limit liability coverage per occurrence, accident or incident, which has a commercially reasonable deductible. The County shall be named as an additional insured on the policy.

2. Worker's compensation coverage in an amount required by Illinois law. Applicant shall require subcontractors and others not protected under its insurance to obtain and maintain worker's compensation and employers' liability insurance.
3. Certificates of insurance evidencing compliance with these requirements shall be provided prior to commencing construction. The insurer will provide notice to the County in the event there is a lapse in coverage exceeding thirty (30) days. All policies other than worker's compensation shall be written on an occurrence and not on a claim made basis.
4. Permittee shall comply with Section 10.4 of Article X of the Pike County Zoning Ordinance as to Indemnification.

#### F. WIND TURBINE GENERATOR REMOVAL

1. Cessation of Operation: Should removal of all or part of the WESF otherwise be required under this Ordinance, Permittee shall effectuate the removal of the whole or part of the WESF affected. Further, if Permittee ceases commercial operation of the Facility for a continuous period of one year, Permittee shall take all measures necessary to accomplish such removal. Unless otherwise agreed to with landowners in recordable form, said removal shall be to a depth of 48 inches beneath the soil surface and Permittee shall restore the Premises to substantially the same physical condition, which existed immediately before the construction of the Facility. Any agreement for removal of a foundation to a lesser depth or for no removal of the foundation shall be recorded with the Pike County Clerk and shall show the locations of such foundations. The locations of such foundations shall be clearly identified on the site plan and plat of survey required by Section (g) (A) (2) of this ordinance.

2. Financial Assurance: Permittee shall assure funding of the removal by a letter of credit, cash, or equivalent held in trust in favor of the County, in a form to be approved by the State's Attorney and to be determined by the County Board using the following procedure.

Permittee shall submit an estimate of the removal obligations by a professional engineer, approval of which shall not be unreasonably withheld. This sum may be adjusted by the County Board on an annual basis in accord with the Consumer Price Index as published by the United States Department of Labor of Bureau of Labor Statistics, in which circumstances Licensee shall be required to submit new surety in the adjusted amount. Further, in the event that Permittee has failed, refused or neglected to comply with the removal requirements herein within twelve (12) months of the County's written notice, the County or its agents shall be licensed to enter onto the premises for purposes of razing or removing the subject structures. A claim shall be made against the letter of credit, cash or equivalent held in trust for all costs associated with the County's efforts in this regard. In the event that such letter of credit, cash or equivalent held in trust are insufficient to pay such costs, the remaining balance of such costs shall be placed upon the real estate tax bill of the site as special charge. The removal obligations shall be completed within twelve (12) months after decommissioning of the Facility; cessation of the commercial operation regarding the Facility, or the expiration of this permit, whichever first occurs. The County shall have access to the site, pursuant to reasonable notice, to effect or complete removal.

All provisions of this Ordinance shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs.

#### G. REMEDIES

1. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this Ordinance.
2. Prior to the implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
3. If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern.

#### H. PROCEDURE

1. Pursuant to 55 ILCS 5/5-12020, there shall be at least one public hearing not more than 30 days prior to a siting decision by the county board. Notice of the hearing shall be published in a newspaper of general circulation in the county. A commercial wind energy facility owner, as defined in the Wind Energy Facilities Agricultural Impact Mitigation Act, must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to the date of the required public hearing.
2. After the public hearing, the County Board may choose to approve a proposed WESF contingent upon completion of all requirements, which shall be listed in the written contingent approval. Before issuing an approval, the County Board may choose to hire an independent engineering firm to conduct a review of the WESF application to determine if the application meets all requirements, and the Applicant shall bear the cost of this review. The County Board may also choose to issue an approval with no contingencies if all requirements have been met. In any event, the written approval shall state the date on which the approval expires.
3. Before beginning construction of a WESF, the Applicant shall submit proof that it has met all contingencies in the contingent approval, and construction may not begin until the Zoning Administrator issues a certificate of compliance. The County may elect to hire an independent engineering firm to conduct a review of the WESF's proof to determine whether the Applicant has in fact met all contingencies, and the Applicant shall bear the cost of this additional review.

(h) Solar Farms (SF or SFs) which meet the following requirements:

A. Solar farms, also known as solar power plants and solar energy generation facilities, shall be permitted in the A district as a Permitted Use, in accordance with the following minimal regulations and design standards. *The County has the right to enter the premises of a Solar Farm at any time to inspect and ensure continued compliance with all requirements of this Ordinance. Furthermore, in the discretion of the Zoning Administrator or the County, the County may hire a private engineering firm to give an opinion about whether an applicant has met all requirements under this ordinance, and all applicable laws and regulations, prior to issuing a building permit. The applicant shall bear the costs of this private engineering review, if the County requires it.*

1. Design standards. The design standards and bulk regulations listed in the A - Agriculture district for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all SFs and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.

a. Foundations - The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

b. Other Standards and Codes- All SFs shall be in compliance with any applicable local, state and federal regulatory standards, and the National Electric Code as amended.

c. Power and Communication Lines – Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground as follows: a minimum of five (5) feet of top cover where they cross Cropland; a minimum of five (5) feet of top cover where they cross pastureland or other non-Cropland classified as Prime Farmland under the Illinois Department of Agriculture's Standard Agricultural Impact Mitigation Agreement Pertaining to the Construction of a Commercial Solar Energy Facility (hereinafter the "Standard AIMA"); a minimum of three (3) feet of top cover where they cross pastureland and other agricultural land not classified as Prime Farmland; a minimum of three (3) feet of top cover where they cross wooded/brushy land. Provided that the facility owner removes the cables during deconstruction, underground electric cables may be installed to a minimum depth of 18 inches within the fenced perimeter of the Facility; or when buried under an access road associated with the Facility provided that the location and depth of cabling is clearly marked at the surface. If underground cables within the fenced perimeter of the Facility are installed to a minimum depth of five (5) feet, they may remain in place after deconstruction. Exemptions or variances may be granted in instances where shallow bedrock, water courses, or other elements of natural landscape interfere with the ability to bury lines.

d. Height – Systems, equipment and structures shall not exceed twenty (20) feet in height when ground mounted and oriented at maximum tilt. Excluded from this height requirement, however, are electric transmission lines and utility poles.

e. Setbacks – Ground mounted solar energy structures as part of an SF shall have a setback for all equipment excluding fences a minimum of 100 feet on the front and 50 feet from all other property lines, with the exception of residential zoned property lines, in which case the solar energy system shall be setback 100 feet. In non-residential zoned areas, a SF structure shall be 100 feet from any existing residence or church, measured from the principal building in that non-residential area. The zoning administrator, or his or her designee, may grant a variance to such setback requirements if the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way, and if the owners of the adjoining properties agree to waive these setback requirements.

f. Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate, and controlled access traffic way, and within fifteen hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way shall require a Conditional Use Permit in addition to the requirement set forth in the Solar Facility Ordinance.

g. Screening and Fencing – All systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of seven (7) feet. The fence shall be maintained to prevent growth of woody vegetation within and along the fence. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. A SF located adjacent to a residential area shall have a minimum landscape buffer of thirty (30) feet. The buffer shall contain evergreen trees or bushes planted no more than eight (8) feet apart and at least four (4) feet tall at time of planting. The buffer shall obtain a height of ten (10) feet within three (3) growing seasons. The trees or bushes may be trimmed but no lower than a height of ten (10) feet. A buffer area will not be required between a SF and an industrial, agricultural, or business use. A planted buffer will not be required if an opaque fence is installed. An opaque fence shall be defined as a continuous opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than eight (8) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength which will hide the SF. Earth berms, other topographical features, and existing wooded areas may be accepted in lieu of or in combination with the above requirements, if they conceal the use from public view and are maintained.

h. Lighting and Electrical Emissions – If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel. In no case shall the SF produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or air traffic control operations. Furthermore, an SF shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment. For SFs located within five hundred (500) feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

i. Noise - When an SF is located adjacent to an existing residence or residential district, noise levels measured at the property line shall not exceed fifty (50) decibels or the standard established by the Illinois Pollution Control Board, whichever is more restrictive.

j. Installation and Design - Individual arrays/solar panels shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.

k. Signage – An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the SF project. The sign at the entrance to the



facility shall include the facility's 911 address and a 24 hour emergency contact number.

l. Outdoor storage - Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the SF shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein. The Zoning Administrator or his or her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas shall be paved with a bituminous surface or gravel to support traffic in all weather conditions, and either fenced or screened to prevent viewing from adjoining properties and uses. If the SF consists of batteries or storage of batteries, adequate design must be provided to ensure that all local, state and federal requirements regulating outdoor battery storage have been met.

m. Materials Handling, Storage and Disposal – All solid wastes related to the construction, operation and maintenance of the Solar Farm shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws. All hazardous materials related to the construction, operation and maintenance of the Solar Farm shall be handled, stored, transported and disposed of in accordance with all applicable federal, state and local laws.

n. Coordination with Local Fire Protection District(s) – The Applicant, Owner or Operator shall submit to the local fire protection district(s) a copy of the site plan and all Materials, Safety, Data Sheets (MSDS) or other substantially similar documents. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire protection district's emergency response plan. The Solar Farm Owner/Operator shall cooperate with any and all local rescue authorities to provide training (at Owner's and/or Operator's expense) to personnel who can assist with a rescue at a Solar Farm. Nothing in this section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.

o. Stormwater Management – Where applicable, an IEPA Soil Disturbance Permit is required.

2. Application Requirements (zoning). Due to the unique nature and special requirements of SFs and their potential impacts to adjoining properties and government services, SFs applicants shall be required to submit to and obtain approval from the Pike County Zoning Administrator the following items:

a. A site plan with existing conditions showing the following:

- i. Existing property lines and property lines extending one hundred feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
- ii. Existing public and private roads, showing widths of the roads and any associated easements.
- iii. Location and size of any abandoned wells or sewage treatments systems.

- iv. Existing buildings and any impervious surfaces.
- v. A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
- vi. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas, etc.).
- vii. Waterways, watercourses, lakes and public water wetlands.
- viii. Any delineated wetland boundaries.
- ix. A copy of the current FEMA FIRM map that shows the subject property. The map should also show the one hundred year flood elevation and any regulated flood protection elevation, if available.
- x. Floodway, flood fringe and/or general flood plain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.
- xi. Surface water drainage patterns.
- xii. The location of any subsurface drainage tiles.

b. Site Plan of Proposed Conditions:

- i. Location and spacing of solar panels.
- ii. Location of access roads and access points.
- iii. Planned location of underground or overhead electric lines connecting the SF to a building, substation or other electric load.
- iv. New electrical equipment other than at the existing building or substation that is to be the connection point for the SF.
- v. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
- vi. Weed/Grass control- Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The Operating Company during the operation of the SF must maintain the fence and adhere to the weed/grass control plan. If the Operating Company does not do so, then the Zoning Administrator may impose a fine of \$500 per week if the fence is not secure or the weed/grass control plan is not followed. At a minimum, dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve (12) inches in height. All noxious weeds shall be eliminated.

c. All SF applications shall be accompanied by a preliminary map and plan showing the roads and rights-of-ways that will be utilized for both the

construction and operation of the SF. All access roads and storage areas shall be established on a thirty (30) foot wide minimum easement to a public road. Prior to the issuance of a building permit, the applicant shall submit to the Zoning Administrator an executed agreement between the SF owner/operator and all road district authorities with infrastructure affected by the SF. This agreement shall include at a minimum:

- i. A final map identifying the routes that will be used.
  - ii. A plan for maintaining and/or repairing the affected roads.
  - iii. Other inclusions as specified by the Pike County Zoning Administrator, the Pike County Zoning Board of Appeals, the Pike County Board, the Pike County Highway Department, or the affected road authority.
- d. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
- e. The number of panels to be installed.
- f. A description of the method of connecting the array to a building or substation.
- g. At the time of submitting a Permitted Use application, a written statement shall be provided that the applicant is in the queue to acquire an interconnect agreement, or has already entered into an interconnect agreement, and if available a copy of the application to the utility company or the interconnect agreement itself will be provided at the time of submitting the Permitted Use application. In any event, before operation of the project, applicant shall provide the Zoning Administrator with a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary.
- h. An affidavit or evidence of an agreement between the lot owner and the SF owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permit for construction and operation of the SF.
- i. A decommission plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The Operating Company has six months to complete all work required under the decommission plan or the County will take the necessary decommission steps. The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations to a depth of at least five (5) feet below grade, cabling to be removed as per part A.1.c of this section, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Decommissioning security financing shall be required by the County in order to assure the proper decommissioning of the site. This security financing

should be in a form required by the County, which may include an irrevocable letter of credit, posting of a bond, or cash placed in a County escrow account. In the event the State of Illinois enacts a law with regard to the decommissioning of solar farms, the strictest requirements shall prevail. The County may, at its option, require additional financial assurance, beyond that required in the Standard AIMA. Further, the County may require review of the Applicant's estimate of decommissioning costs. Said review will be conducted by a qualified engineer, and the cost of said review will be borne by the Applicant. In no case will decommissioning costs include salvage value of any SF equipment or components.

An update to this decommissioning plan should be submitted to the County every three years. In addition, any decommissioning plans signed by the party responsible for decommissioning and the landowner (if different) shall be submitted with the application.

j. An executed Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture, a blank copy of which is attached to this Ordinance Amendment as Exhibit 1.

### 3. General

a. No construction is to begin prior to the requirements of this Ordinance, and any State or Federal requirements being met, and a Pike County Zoning Permit being issued. The Pike County Zoning Permit shall state that the County has the right to enter the premises of a Solar Farm at any time to inspect and ensure continued compliance with all requirements of this Ordinance.

b. In no event may the Applicant begin to operate a Solar Farm until the County issues a Certificate of Completion, certifying that the Solar Farm as constructed is in compliance with all applicable laws, regulations, and this Ordinance. The Certificate of Completion will be issued by the Pike County Zoning Administrator who may, in his/her discretion, require a review by a qualified engineer prior to issuing the Certificate of Completion, and the cost of said review will be borne by the Applicant.

c. Any development within a floodplain shall meet all federal, state and County requirements and comply with all applicable laws, regulations and ordinances.

(i) On-site energy production which does not meet the definition of a Wind Energy System Facility or a Solar Farm.

(j) Camps or Campgrounds.

(k) Kennels.

2. Permitted Accessory Uses: Uses customarily incident to any of the listed permitted uses may be continued, specifically the following:

(a) Residence of the owner(s) or lessee(s) or lessor(s), or their agricultural employees of the land upon which the use is conducted.

(b) Any building or structure customarily incidental to any of the aforesaid permitted uses.

(c) Temporary produce stands on any premises used for agricultural purposes.

(d) Parking facilities, garages, car ports, or other parking spaces for the exclusive use of the

residents on the premises, and their guests.

- (e) Swimming pools exclusively for the use of the residents and guests.
- (f) Professional office or studio in the residence of an architect, artist, dentist, engineer, lawyer, planner, physician, scientist, teacher, or other member of a recognized profession, including beauty parlors, barbershops, and pre-school nurseries; provided that not more than one-half of the floor area of one floor of the dwelling is devoted to such accessory use; that not more than one person not a resident of the premise is employed; that no such use shall require structural alterations or involve construction features not customarily in dwellings. An unlighted name plate not more than one (1) square foot in area, attached flat against the building, shall be permitted.
- (g) Customary home occupations including handicrafts, dressmaking, millinery, preserving, and home cooking provided that such occupation shall be conducted exclusively by resident occupants.
- (h) Summer houses and living quarters used by persons employed on the premises, without kitchen facilities and not rented or otherwise used as a separate dwelling.

3. Conditional Uses: The following conditional uses may be established in an Agricultural District, subject to the securing of a Conditional Use Permit as provided in Article VIII of this ordinance:

- (a) Extraction of coal, oil, gas, sand, gravel, and limestone in accordance with the provisions of a reclamation plan approved by the County Board.
- (b) Hospital, nursing home, sanitarium, and other health institution.
- (c) Automobile service stations, auto repair garage, farm implement sales and service, food store, and other retail stores and services that are necessary to the everyday function of agricultural activity.
- (d) Fertilizer, chemical, liquid petroleum products, and bottled gas storage operations.
- (e) Mobile home park in accordance with the provisions of Appendix A.
- (f) Wildlife areas, open space, country clubs, regional or county recreation areas, and other such pastoral uses.
- (g) Commercial Feed lots.
- (h) Airports and related facilities.
- (i) Essential service structures, including, but not limited to any new rights-of-way across farmland; telephone exchange or repeater buildings and towers; electrical power generating plants, structures, towers, substations, and buildings; gas regulator stations and buildings; as well as other structures and buildings related to essential or public services excepting Wind Energy Systems and Wind Energy System Facilities and Solar Farms.

4. Area Regulations: In district A, all regulations concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking ; and off-street loading permitted on any lot shall be as shown in Article V and VI unless otherwise stated more restrictively in other articles of this ordinance.

#### Section 3.5 Single-Family Residential District (R-1)

The R-1 District is intended and designed to provide for low-density residential areas now developed with single-family detached dwellings and adjoining vacant areas likely to be developed for such purposes. The regulations are designed to stabilize such areas and to promote a suitable environment for family life. For these reasons, the following regulations shall apply:

- 1. Permitted Uses: No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered or enlarged except for the following uses:
  - (a) Single-family detached dwellings.
  - (b) Public elementary schools and nursery schools.
  - (c) Public secondary schools.
  - (d) Private, parochial, and trade schools, and colleges on property which abuts on major thoroughfares.

- (e) Public parks, playgrounds, swimming pools, community centers, athletic fields, and recreation buildings therein.
- (f) Churches and other places of worship, including religious education centers, rectories, convents, buildings and other associated structures.
- (g) Cemetery.
- (h) Fire Stations only on major thoroughfares.
- (i) Funeral homes.

2. Permitted Accessory Uses: Uses customarily incident to any of the listed permitted uses may be continued, specifically the following:

- (a) Private garage or car port.
- (b) Temporary buildings for use during the construction of a specific permitted use which upon completion or abandonment of the construction work shall be removed.
- (c) One (1) sign not exceeding thirty-six (36) square feet in area, referring to the construction, cease, or sale of a building, premise, or subdivision lot. The sign shall refer to property on which the sign is located and shall be removed as soon as the premises are sold or leased or construction is completed.
- (d) The professional office or studio in the residence of an architect, artist, dentist, engineer, lawyer, planner, physician, scientist, teacher, or other member of a recognized profession, including beauty parlors, barbershops, and pre-school nurseries provided that not more than one-half (1/2) of the floor area of the one (1) floor of the dwelling is devoted to such accessory use; that not more than (1) person not a resident of the premise is employed; that no such use shall require structural alteration or involve construction not customarily in dwellings. An unlighted name-plate not more than one (1) square foot in area, attached flat against the building, is permitted.
- (e) Customary home occupations including handicraft, dressmaking, millinery, laundry, preserving, and home cooking, providing that such occupations shall be conducted exclusively by the resident occupant; that no more than one-fourth (1/4) of the area of one (1) floor of said residence shall be used for such purposes; that no structural alterations or constructions involving features not customarily found in dwellings are required. An unlighted sign not more than one (1) square foot in area, attached flat against the building, is permitted.
- (f) Agricultural uses, not prohibited by local ordinances, including nurseries, gardening, and green houses, but not including commercial feed lots, commercial truck gardening, animal sale and shipping facilities, animal fish and poultry slaughtering and dressing.

3. Conditional Uses: The following conditional uses may be established in an R-1 Single Family Residential District, subject to the securing of a Use Permit as provided in Article VIII of this ordinance:

- (a) Private recreation facility.
- (b) Private clubs, fraternities, or sororities.
- (c) Hospitals or nursing homes, provided that the site shall be not less than five (5) acres; That not more than fifty (50) percent of the site area may be occupied by buildings, and the building shall be set back from all required yard lines and additional foot for each foot of building height (see Section 5.3).
- (d) Clinics.
- (e) Mobile home parks in accordance with the provisions of Appendix A.
- (f) Artificial lake of one or more acres, provided all applicable regulations of the County Soil and Water Conservation District, the U.S. Army Corps of Engineers, and other federal and state agency regulations are satisfied.
- (g) Camps or Campgrounds.
- (h) Kennels.

4. Area Regulations: In District R-1, all regulations, concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Articles V and VI unless otherwise stated more

restrictively in other articles of this ordinance.

### Section 3.6 Two-Family and Multiple-Family Residential District (R-2)

The R-2 Two-Family and Multiple-Family Residential district is designed to allow a high-density residential development designed specifically for duplexes or single-family dwellings in clusters or groups, commonly referred to as "row houses" or "townhouses". For these reasons, the following regulations shall apply:

1. Permitted Uses: No building, structure or land shall hereafter be used and no building or structure shall hereafter be erected, structurally altered, or enlarged except for the following uses:
  - (a) All uses in the R-1 Single-Family Residential District
  - (b) Duplex dwelling units.
  - (c) Single-family dwelling groups or clusters that do not collectively exceed the total area regulations of the zoning district.
  - (d) Multiple-family dwelling for any number of families or housekeeping units, including row house, provided that the minimum width of each individual dwelling unit in any row house, measured from interior wall to interior wall along the exterior front wall, shall not be less than eighteen (18) feet.
  - (e) Professional offices and offices of financial, insurance, real estate, civic, educational, religious, and philanthropic organization, for single or multiple occupancy, but excluding any display of merchandise or retail activity.
  - (f) All Buildings shall be bona fide home office buildings with the exception that any person may maintain an office or carry on a customary home occupation in the dwelling used by him as his private residence provided such does not provide an extension or modification of said dwelling which will alter its outward appearance as a dwelling and provided such use does not involve any outward evidence of such other than an unlighted sign not over one (1) square foot in area attached flat against the building.
  - (g) Churches and other places of worship, including religious education centers, rectories, convents, buildings and other associated structures.
2. Permitted Accessory Uses: Uses customarily incident to any of the listed permitted uses may be continued; specifically the following:
  - (a) Any accessory use or structure permitted and as regulated in the R-1 District and any accessory use or structure customarily incident or accessory to a principal or conditional use in the R-2 District.
  - (b) Roomers not to exceed four (4) roomers or boarders by resident family.
3. Conditional Uses: The following conditional uses may be established in an R-2 Two-Family and Multiple-Family Residential District subject to the securing of a Use Permit as provided in Article VIII of this ordinance:
  - (a) Any conditional use or structure permitted and as regulated in the R-1 District.
4. Area Regulations: In District R-2 all regulations concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Articles V and VI unless otherwise stated more restrictively in other articles of this ordinance.

### Section 3.7 General Business District (B-1)

The B-1 business District is designed primarily to accommodate those business and retail centers which are not designed according to an overall plan or are not under a single entity. the B-1 District should provide for a variety of retail activities and could act as a banking and financial center, as an entertainment and hotel center, or as a center for professional and business offices. For these reasons, the following regulations shall apply:

1. Permitted Uses: No buildings, structures or land shall hereafter be used and no building or structure shall be hereafter erected, structurally altered or enlarged except for the following uses:

- (a) Grocery stores, supermarkets, and drug stores.
  - (b) Clothing or wearing apparel shops.
  - (c) Barber shops and beauty parlors.
  - (d) Restaurants
  - (e) Shoe repair shops.
  - (f) Public and private parking lots.
  - (g) Offices for public or private use.
  - (h) Banks and savings and loan companies.
  - (i) Laundries, dry cleaning establishments and self-service laundries.
  - (j) Gasoline service stations and repair and service shops for motor vehicles.
  - (k) Any other retail uses.
  - (l) Hotels
  - (m) Theaters
  - (n) Bowling alleys.
  - (o) Bus terminal facilities.
  - (p) Post offices and government buildings.
  - (q) Wholesale and warehousing establishments.
  - (r) Residential uses in upper floors of multi-story buildings.
  - (s) Single-family dwellings.
  - (t) Churches and other places of worship, including religious education centers, rectories, convents, buildings and other associated structures.
2. Permitted Accessory Uses: Uses customarily incident to any of the listed permitted uses may be continued, specifically the following:
- (a) Accessory uses in structures customarily accessory to the incidental to any of the foregoing permitted B-1 District uses.
  - (b) Outdoor advertising for service stations or parking lots and other predominantly open commercial land uses to the extent that one free-standing identification sign not to exceed twenty (20) feet in height may be included. Such sign shall set back not less than twelve (12) feet from any right-of-way line and shall not project over any such right-of-way.
3. Conditional Uses: The following conditional uses may be established in a B-1 Business District, subject to the securing of a Use Permit as provided in Article VIII of this ordinance:
- (a) Building repair and maintenance services.
  - (b) Construction companies and yards.
  - (c) Trade or business schools provided that the machinery used for instruction is not objectionable due to smoke, noise, fumes, odor, or vibration.
  - (d) Commercial art studios, animal hospitals and veterinary clinics.
  - (e) Camps or Campgrounds.
  - (f) Kennels.
4. Area Regulations: In the B-1 District, all regulations concerning the height of buildings; lot area; lot width; front yard, side yard, and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Articles V and VI unless otherwise stated more restrictively in other articles of this ordinance.

### Section 3.8 Highway Business District (B-2)

The B-2 Highway Business District is designed to encourage the functional grouping of those commercial enterprises catering primarily to either "local" or "through" highway travelers and to prevent, therein, location of other uses incompatible with these. For these reasons, the following regulations shall apply:

1. Permitted Uses: No buildings, structure or land shall hereafter be used and no building or structure shall hereafter be erected, structurally altered, or enlarged except for the following uses:
- (a) Any permitted use in the B-1 Businesses District.



- (b) Motels, motor-hotels, and other establishments offering commercial lodging.
  - (c) Restaurants and drive-in eating and drinking establishments.
  - (d) Automobile sales and service.
  - (e) Stadiums, arenas, dance halls, skating rinks, and other places of assembly.
  - (f) Farm implements and agricultural sales and service establishments including feed, fertilizer, seeds, and petroleum products.
  - (g) Churches and other places of worship, including religious education centers, rectories, convents, buildings and other associated structures.
2. Permitted Accessory Uses: Uses customarily incident to any of the listed permitted uses may be continued; specifically the following:
- (a) Any accessory use or structure customarily incident and accessory to any of the foregoing permitted B-2 District uses.
3. Conditional Uses: The following conditional uses may be established in a B-2 Highway Business District, subject to the securing of a Use Permit as provided in Article VIII of this ordinance:
- (a) Outdoor amusement and recreational enterprises, including but not limited to drive-in theaters, fairgrounds, and auto tracks.
  - (b) contractor's yards and related builders supply establishments.
  - (c) Truck terminals and bus stations.
  - (d) Junk yards and salvage yards. Any junk yard or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.
  - (e) Camps or Campgrounds.
  - (f) Kennels.
  - (g) The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 2.4 (Adult-Use Cannabis) and Section 4.1 (Conditional Uses) of the Pike County Zoning Ordinance, as appropriate:
    - A. Adult-Use Cannabis Dispensing Organization
    - B. Adult-Use Cannabis Infuser Organization
    - C. Adult-Use Cannabis Processing Organization
    - D. Adult-Use Cannabis Transporting Organization
4. Area Regulations: In District B-2, all regulations concerning the height of buildings; lot area; lot width; front yard, side yard, and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Articles V and VI unless otherwise stated more restrictively in other articles of this ordinance.

### Section 3.9 Industrial District (I-1)

The I-1 Industrial District is established to provide areas for manufacturing, light industrial, and related commercial operations: Such uses may have some adverse effects on surrounding properties and are not compatible with residential, institutional and retail uses. Heavy truck traffic, loading and unloading operations are expected to be part of this district. For these reasons, the following regulations shall apply:

1. Permitted Uses: No building, structures, or land shall be used and no building or structure shall hereafter be erected, structurally altered or enlarged except for the following uses:
- (a) Structures and facilities for assembly, baking, blending, bottling, canning, compounding, crafting, distillation, enameling, finishing, manufacturing, parking, printing, processing, refining, and storage of material and products.
  - (b) Blacksmith shops, welding shops, and machine shops.
  - (c) Lumber yards
  - (d) Public utility buildings and major structures, including radio and television broadcasting stations.

- (e) Industrial research laboratories.
  - (f) Automobile and truck service stations.
  - (g) Sanitary landfills and rendering plants.
  - (h) Junk yards and salvage yards.
  - (i) Stockyards.
  - (j) Railroad yards, truck terminals, river port facilities and other facilities needed for the normal operations of the industrial plants.
  - (k) Retail commercial establishments which are a necessary convenience to the industries and their employees.
  - (l) Living quarters for bona fide caretakers and/or watchmen and their families. All other dwellings or living quarters are expressly prohibited.
  - (m) Churches and other places of worship, including religious education centers, rectories, convents, buildings and other associated structures.
2. Permitted Accessory Uses: Uses customarily incident to any of the listed permitted uses may be continued; specifically the following:
- (a) Accessory uses clearly incident to a permitted use and which would not create a nuisance or hazard.
3. Conditional Uses: The following conditional uses may be established in an I-1 Industrial District subject to the securing of a Use permit as provided in Article VIII of this ordinance:
- (a) Structure and facilities for this manufacture of acid, asbestos, brick, pottery, tile, Terra-cotta, candles, starch, glucose, disinfectant, insecticide, poison, sandpaper, jet engines, lime or lime products, paper and pulp, and excelsior, wood fiber and sawdust products.
  - (b) Motor vehicle assembly.
  - (c) Forge or foundry works.
  - (d) Incinerators
  - (e) Steam power plant, except where accessory to a permitted principal use.
  - (f) Slag piles.
  - (g) Any other use which is determined by the Planning Commission to be of the same general character, with respect to the emission of dangerous and offensive elements, and the uses listed above.
  - (h) Camps or Campgrounds.
  - (i) Kennels.
  - (j) The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 2.4 (Adult-Use Cannabis) and Section 4.1 (Conditional Uses) of the Pike County Zoning Ordinance, as appropriate:
    - A. Adult-Use Cannabis Craft Grower Organization
    - B. Adult-Use Cannabis Cultivation Organization
    - C. Adult-Use Cannabis Dispensing Organization
    - D. Adult-Use Cannabis Infuser Organization
    - E. Adult-Use Cannabis Processing Organization
    - F. Adult-Use Cannabis Transporting Organization
4. Special Regulations:
- (a) All processing and storage shall take place within completely enclosed building, except as in 4(b),
  - (b) Storage, auxiliary to the principal use, is permitted in the open if such storage activities occupy no more than twenty (20) percent of the gross lot area.
  - (c) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of six (6) feet in height.
5. Area Regulations: In District I-1, all regulations concerning the height of buildings; lot areas; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Articles V and VI unless otherwise stated more

restrictively in other articles of this ordinance.

### Section 3.10 Flood Plain District (F-1)

This F-1 Flood Plain District is designed to restrict or prohibit uses that are dangerous to health, safety, or property in times of flood or that cause excessive increase in flood heights or velocities. Uses that are vulnerable to floods, including public facilities which serve such use, shall be protected against flood damage at the time of initial construction. The district is designed to protect individuals from buying lands which are unsuited for intended purposes because of flood hazards. For these reasons, the following regulations shall apply:

1. Permitted Uses: Only uses having a low flood damage potential and do not obstruct flood flows shall be permitted within the F-1 District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, dumping of materials or waste or storage materials or equipment. But no use shall adversely affect the capacity of the channels of flood ways of any tributary to the main stream, drainage ditch, or any other drainage facility or system. The following uses may be maintained:
  - (a) Agricultural uses including general farming, pasturage, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
  - (b) Non-structural industrial commercial uses including loading areas, parking areas, and airport landing strips.
2. Conditional Uses: The following conditional uses which involve structures (temporary or permanent), fill, or storage of materials or equipment may be established in an F-1 F10-Flood Plain District subject to the securing of a Use Permit as provided in Article VIII of this ordinance:
  - (a) Uses or structures accessory to open space or conditional uses.
  - (b) Circuses, carnivals and similar transient amusement enterprises.
  - (c) Drive-in theaters, new and used car lots, road side stands, and signs.
  - (d) Extraction of sand, gravel and other materials.
  - (e) Marinas, docks, piers, wharves, and boat rentals.
  - (f) Streets, bridges, railroads, utility transmission lines, and pipelines.
  - (g) Storage yards for equipment, machinery, and materials.
  - (h) Kennels and stables.
  - (i) Private and public recreation uses including golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks wildlife, and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding areas.
  - (j) Camps or Campgrounds.
3. Area Regulations: Standards for Permitted and Conditional Uses:
  - (a) Hereafter all changes in land use and buildings erected must conform to the standards as set forth in the Federal Flood Insurance Regulations. Resolutions I and II as approved by the Pike County Board, March 15, 1974 specifically apply to the Flood Plain District.
  - (b) Any future development in a flood plain district must meet all requirements of the Flood Damage Prevention Ordinance, appendix C to this zoning ordinance.

### Section 3.11 Rural Development District (RD-1)

The RD-1 District is intended to accommodate in a logical manner roadside development trends. Many types of uses find it desirable to locate along a major highway in the rural areas. If the carrying capacity of the highways and the open character of the countryside are preserved through lot size requirements, this is not an undesirable trend. Therefore, it is the intent of this ordinance to allow various uses along designated highways provided they locate on lots having at least a 250 foot frontage and that the access of driveways are controlled.

1. Permitted uses: No building, structure or land shall be used and no building or structure shall

hereafter be erected, structurally altered or enlarged except for the following uses:

- (a) Agricultural activity, including field crops, livestock, horticulture, nurseries, greenhouse, orchards, general farming, dairy operations, and other farm-related activities. All building and structures housing poultry or livestock shall conform to Illinois Environmental Protection Agency Regulations.
- (b) Single-family detached dwellings.
- (c) Churches and other places of worship, cemeteries, rectories, convents and retreat centers.
- (d) Schools: public, parochial, trade and junior colleges.
- (e) Any permitted use or structure in the B-2 Business District.

2. Permitted Accessory Uses: Uses customarily incident to any of the listed permitted uses or structures may be continued, specifically the following:

- (a) Any permitted accessory use in the Agricultural District.
- (b) Any accessory use or structure customarily incident and accessory to any of the foregoing permitted RD-1 rural Development District uses.

3. Conditional Uses: The following conditional uses may be established in a RD-1 Rural Development District, subject to the securing of a Use Permit as provided in Article VIII of this ordinance:

- (a) Any conditional use or structure in the Agricultural District.
- (b) Any conditional use or structure in the B-1 General Business District.
- (c) Any conditional use or structure in the B-2 Highway Business District.
- (d) Artificial lake of one or more acres provided all applicable regulations of the County Soil and Water Conservation district, the U.S. Army Corps of Engineers, and other federal and state agency regulations are satisfied.

4. Area Regulations: In District RD-1, all regulations concerning the height of buildings; lot area; lot width; front yard, side yard and rear yard dimensions; off-street parking; and off-street loading permitted on any lot shall be as shown in Articles V and VI unless otherwise stated more restrictively in other articles of this ordinance.

#### ARTICLE IV GENERAL REGULATIONS

##### Section 4.1 Conditional Uses

1. Conditional Uses: Conditional uses, as defined in Article XI, are those which cannot be adequately controlled by simple regulation or through rigid dimensional and use standards.

2. Conditional Use Procedure: In applying for a conditional use, the applicant shall follow all procedures set forth on use permit (Article VIII). The Zoning Administrator shall refer the application to the Planning Commission. The Planning Commission shall, after review of the application, make a recommendation to the Board of Zoning Appeals, along with a statement of conditions. The Board of Zoning Appeals, after holding a public hearing in accordance with state statutes, shall make a recommendation independent of that submitted by the Planning Commission within thirty (30) days of the concluded public hearing forwarding such recommendations directly to the County Board. The County Board may approve, modify, or disapprove the application. In the case of approval or approval with modification, the County Board shall issue written authorization to the Zoning Administrator to issue a zoning permit in full conformance with Article VIII. This authorization shall remain on permanent file with the application. The County Board may attach special conditions and safeguards as are deemed necessary to protect the neighborhood, including, but not limited to, the following:

- (a) Requirement of front, side, or rear yards, greater than the minimum required by this ordinance.
- (b) Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices, as specified by the Board of Appeals.

- (c) Modification of the exterior features or appearance of a structure.
  - (d) Limitation of size, number of occupants, method or time of operation, or extent of facilities.
  - (e) Regulation of number, design, and location requirement of off-street parking or other applicable codes or regulations.
  - (f) The County Board may establish a schedule of reasonable fees to be charged for conditional permits.
3. The Conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is to be located, except as such regulations may be modified by another provision of this ordinance or by the County Board.
- (a) Conditional Uses in All Districts. The following are designated as conditional uses which may be approved in all zoning districts: Public utility and service uses including electric substations, gas regulator stations, telephone transmission structures; radio, TV, and microwave relay towers; water reservoirs; pumping stations, sanitary landfills, and government buildings.
  - (b) Conditional Uses in Specified Districts - Other conditional uses may be approved in only those zoning districts where they are designated as conditional uses under the zoning district regulations.
  - (c) Standards for Decisions and Recommendations of the Board of Appeals and Planning Commission: No conditional use permit shall be recommended by the Board of Appeals or the Planning Commission unless there is a concurring vote of a majority of all members that:
    - (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
    - (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish property values within the neighborhood.
    - (3) The establishment of the conditional use will not impede the moral and orderly development and improvement of the surrounding property for permitted uses in the district.
    - (4) Adequate utilities, access roads, drainage, or necessary facilities have been or will be provided.
    - (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

#### Section 4.2 Non-Conforming Structures or Uses

##### 1. Non-Conforming Structures:

- (a) A non-conforming structure lawfully existing upon the effective date of this ordinance may be maintained.
- (b) No structure that has been damaged by any cause whatsoever to the extent of seventy-five (75) percent or more of the fair market value of the structure immediately prior to damage as determined by the most recent Supervisor of Assessments Property Record Card, shall be restored except in conformity with the regulations of this ordinance, and all rights as a non-conforming use are terminated. If a structure is damaged by less than seventy-five (75) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or construction be substantially completed within twelve (12) months of the date of the damage.
- (c) A structure non-conforming as to use, height, yard, or lot-area requirements shall not be added to or enlarged in any manner unless such structure including such addition or enlargement is made to conform to the use height, yard, and lot-area requirements of the district in which it is located, except such construction is allowed on the conforming yards or sides. Notwithstanding the requirements of this paragraph, a variance may be applied for under Sect. 7.5 of this ordinance.
- (d) No non-conforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to

all requirements of the district in which it is located.

- (e) No structure used in whole or in part for a non-conforming use which remains idle or unused for a continuous period of three (3) years, whether or not equipment or fixtures are removed, may again be used except in conformity with the regulations of the district in which it is located.

2. Non-Conforming Uses:

- (a) A non-conforming use lawfully existing upon the effective date of this ordinance may be continued.
- (b) A non-conforming use may be changed only to a use of the same or more restricted classification.
- (c) A non-conforming use in a structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a use of more restricted classification.
- (d) A non-conforming use on a part of a parcel of land shall not be extended into any other portion of such parcel of land.
- (e) No land used in whole or in part for a non-conforming use which remains idle or unused for a continuous period of three (3) years may again be used except in conformity with the regulations of the district in which it is located.

Section 4.3 Signs, Billboards, and Fences

- 1. Signs marking the entrance of residential subdivisions shall be permitted so long as such signs do not violate federal, state, or municipal regulations.
- 2. Billboards and neon signs are not permitted in residential areas.
- 3. Unlighted signs no larger than one (1) square foot shall be allowed in residential areas to advertise home-occupation business. The signs must set flat on the structure in which the business is located.
- 4. All signs and billboards shall meet all federal, state, and municipal regulations.
- 5. No fence, wall, or hedge more than two (2) feet high and more than thirty (30) percent solid may be located within thirty (30) feet of an intersection.

Section 4.4 Soil and Water Conservation District Recommendations:

- 1. Any person who petitions any municipality or county agency in the district for variation, amendment, or other relief from that municipality's or County Zoning Ordinance or who proposes to subdivide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than 30 days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate County Agency or Municipality for further action.

Section 4.5 Residential Planned Unit Developments (PUD)

- 1. PUD's may be permitted as conditional uses in all residential and agricultural zoning districts. PUD's are intended to provide for innovative large-scale residential developments. A PUD must contain a minimum of ten (10) contiguous acres under one ownership or control. Plans for the proposed development shall show the location, size and proposed uses of all structures and land included in the area involved. Individual drainage and planting plans shall be provided for the entire development. The plan may provide for a combination of single and multi-family developments as well as closely related commercial uses, provided the plans indicate:
  - (a) That the overall density shown on the PUD plan for residential and associated commercial uses shall not exceed an average density of 11 persons per acre. In computing population density, a factor of 3.0 persons shall be used per one-family dwelling, 2.5 persons per garden-type apartment unit or townhouse and 1.5 persons per high rise apartment unit.
  - (b) That paved streets and sidewalks adequate to serve the needs of the area will be provided.
  - (c) That adequate access to public streets and proper internal circulation will be provided.
  - (d) That adequate sewer and water facilities will be provided.
  - (e) That the development will constitute a reasonable extension of the nearby living area and

- will be compatible with surrounding land uses.
- (f) That adequate safeguards be taken to insure that the parks and other open spaces shown on the plan are permanently reserved as parks and open spaces.
  - (g) That surface water structures are sufficient in size to prevent excess water from creating water problems on surrounding properties.

## ARTICLE V YARD AND DENSITY REGULATIONS

### Section 5.1 Minimum Requirements

1. Where an official line has been established for the future widening or opening of a highway, road, alley, or other public way upon which a lot abuts, then the depth of a front, side, or rear yard shall be measured from such official line to the nearest line of the structure.
2. Whenever a lot abuts on an alley, one-half (1/2) of the alley width may be considered as a portion of the required yard.
3. A two (2) family dwelling or a multiple-family dwelling shall be considered as one (1) building occupying one (1) lot.
4. On lots fronting on two (2) non-intersecting streets, a front yard must be provided on both streets.
5. There may be two (2) or more town houses, hotel, motel, or institutional buildings on a lot, provided that:
  - (a) The required yards are maintained around the group of buildings.
  - (b) Buildings that are parallel or that are within forty-five (45) degrees of being parallel are separated by a horizontal distance that is at least equal to the height of the highest building.
6. The minimum depth of side yards for schools, churches, community buildings, and other public and semi-public uses in a Residential District shall be twenty-five (25) feet. Where a side yard of a public or semi-public building is adjacent to or located in a General Business, Highway Business, or Industrial District, the depth of the side yard shall conform to the use regulations of the district in which the building is located.
7. Required front yards shall be devoted entirely to landscape area except for the necessary paving of driveways and sidewalks to reach parking or loading areas in the side or rear yards.

### Section 5.2 Modifications and Exceptions:

1. Height: The district height limitations stipulated elsewhere in this ordinance may be exceeded, but such modifications shall be in accord with the following:
  - (a) Architectural projections including spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this ordinance.
  - (b) Special structures including elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, water towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this ordinance.
  - (c) Public or semi-public facilities including schools, churches, hospitals, monuments, sanitariums, libraries and government offices and stations may be erected to a height of sixty (60) feet, provided all required yards are increased no less than one (1) foot for each foot the structure exceeds the district's maximum height requirements.
2. Yards: The yard requirements stipulates elsewhere in this ordinance may be modified as follows:
  - (a) Uncovered stairs, landings, and fire escapes may project into any yard, but not to exceed six (6) feet, and not closer than four (4) feet to any lot line.
  - (b) Architectural projections including chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed two (2) feet.
  - (c) Residential fences are permitted on the property lines in residential districts, but shall not be closer than two (2) feet to any public right-of-way.

- (d) Security fences are permitted on the property lines in all districts, but shall be of an open type similar to woven wire or wrought iron fencing.
- (e) Accessory uses and detached accessory structures are permitted in the rear and side yards only; they shall not be closer than ten (10) feet to the principal structure; shall not occupy more than thirty (30) percent of the rear and side yard areas; and shall not be closer than five (5) feet to any lot line.
- (f) Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.
- (g) Filling-station pumps and pump islands may be located in required yards provided they are not less than fifteen (15) feet from all lot lines.
- (h) Any accessory structure closer than ten (10) feet to a main structure shall be considered as part of the main structure and shall be provided with the side and rear yards required for the main structure.
- (i) Where a garage is entered from an alley, it must be located ten (10) feet from the alley line.

Section 5.3 Schedule of Zoning District Height, Lot Size, and Yard Regulation

District	Maximum Structure Height	Minimum Lot Area Sq.Ft. (a)	Min. Lot Width	Min. Front Yard	Min. Side Yard	Min. Rear Yard
A	N/A	87,120	30'	30'	20' (e)	30'(e)
RD-1 (b)	60'	87,120	250'	50' (c)	20' (e)	50' (e)
R-1	35'	9,600	80'	30' (d)	10' (e)	30' (e)
R-2	40'	one fam. 6,000 multi-fam. 8,000	60' 75'	35' (d)	10' (e)	45' (e)
B-1	60'	None	None	None	None	None
B-2	40'	None	None	30'	None	None (e)
I-1	50'	None	None	50'	5'	50'
F-1	N/A	87,120	30'	30'	20' (e)	30' (e)

- (a) If not served by public sewer, must at least conform to the specifications provided on this table and the County Board may require larger lots if such increases are warranted because of soil capabilities, as provided for in Section 2.3 of this ordinance.
- (b) Highway access (includes entrance and exit) shall not be permitted in less than 500 ft. intervals
- (c) May be used for parking development.
- (d) May be less than the minimum, but no closer than building nearest right of way.
- (e) Notwithstanding the requirements of this section, if two private land owners, owning adjacent properties, agree to allow construction closer to property lines than otherwise allowed by this ordinance they may do so if they execute a permission form available in the office of the Pike County Zoning Administrator, and file said form of record with the Pike County Clerk.

Exceptions to Lot Area and Width Requirements

1. Where a lot of record at the time of the effective date of this ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not



- own any other parcel adjacent thereto, said lot may nevertheless be used for a single-family dwelling or for any non-dwelling use permitted in the district in which it is located.
2. Existing buildings that are in violation of lot-area requirements may be remodeled or repaired.
  3. All lot area and width requirements are to be enforced in such a way as to preserve the character of the surrounding district.

## ARTICLE VI OFF-STREET PARKING AND LOADING REGULATIONS

### Section 6.1 Parking and Loading

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

### Section 6.2 Additional Regulations - Parking

1. Except as otherwise indicated, required accessory off-street parking facilities provided for uses listed hereinafter shall be solely for the parking of passenger vehicles of patrons, occupants (or their guests), or employees of such uses.
2. Collective Provision. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to.
3. Size of each parking space shall not be less than two hundred (200) square feet exclusive of the space required for ingress and egress.
4. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
5. Design and Maintenance:
  - (a) Surfacing and Bumper Guards. All open off-street parking areas except parking spaces

accessory to a single-family dwelling shall be improved with an asphaltic concrete surface, concrete, or comparable all-weather dustless material, and shall have appropriate bumper guards where needed.

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

6. Mixed Uses. When two (2) or more uses are located on the same lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Board of Zoning Appeals.

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

Section 6.3 Additional Requirements - Off-Street Loading

1. Location - All required loading berths shall be located on the same lot as the use served. No loading berth for vehicles of over two (2) ton capacity shall be closer than fifty (50) feet to any property in a Residential District unless completely enclosed by a building wall, or uniformly painted solid fence or wall, or any combination thereof, not less than six (6) feet in height.

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

3. Surfacing. All open off-street loading berths shall be improved with a compacted macadam base, not less than (2) inches of asphaltic concrete or some comparable all weather materials.

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

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

Section 6.4 Schedule of Off-Street Parking and Loading Requirements

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

District	Off-Street Parking Spaces	Off-Street Loading Spaces
A	N/A	N/A
R-1	Parking to be provided	N/A
R-2	1 ½ per dwelling	N/A
B-1	1 per 400 sq. ft. of floor space	1 per each 10,000 sq. ft. of floor space
B-2	1 per 400 sq. ft. of floor space or 1 per each 10,000 sq. ft. of floor space	
I-1	1 per 1,200 sq. ft. of floor space.	1 per each 10,000 sq. ft. of floor space
F-1	N/A	N/A

ARTICLE VII  
BOARD OF APPEALS, ADMINISTRATION, AND ENFORCEMENT

Section 7.1 Board of Appeals - Creation and Membership

A Pike County Board of Zoning Appeals, hereinafter referred to by the term "Zoning Board," is hereby authorized to be established. Such Zoning Board shall consist of five (5) members appointed by the Chairman and confirmed by the members of the Pike County Board. The five (5) members of the first

Zoning Board appointed shall serve terms of one (1), two (2), three (3), four (4), and five (5) years respectively. Thereafter, as terms expire, each appointment shall be for five (5) years. Vacancies shall be filled by the Chairman of the County Board for the unexpired terms, only, subject to confirmation by the County Board. In addition, as long as the population of the county remains less than 1,000,000 the County Board may provide for the appointment of an additional two (2) members to serve for a term of five (5) years. At the end of the term of the two (2) additional members, the County Board may provide for the appointment of successors or may allow the Zoning Board to revert to a membership of five (5). The County Board, for cause, after a public hearing upon giving ten (10) days notice thereof. At the time of appointment to the Zoning Board, not more than one (1) of the members shall be resident within the limits of any one (1) township, the Chairman of the County Board shall name one (1) of the members of the Zoning Board as Chairman upon his appointment and, in case of vacancy, shall name the Chairman.

#### Section 7.2 Meetings

1. Regular meetings of the Zoning Board shall be held at such time and place within the County as the Zoning Board may determine. Special meetings may be held at the call of the Chairman, or as determined by the Zoning Board. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses. All meetings of the Zoning Board shall be open to the public.
2. The Zoning Board shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Every rule and regulation, every amendment or appeal thereof, and every order, requirement, decision, or determination of the Zoning Board shall immediately be filed in the office of the Board and shall be a public record.
3. Four (4) members of the Zoning Board shall constitute a quorum, and the concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator in any matter upon which it is required to pass under this ordinance or to effect any variation or modification in such ordinance to the County Board. In the performance of its duties, the Zoning Board may incur such expenditures as shall be authorized by the County Board. The Zoning Board shall adopt its own rules of procedure not in conflict with the statute or this ordinance.

#### Section 7.3 Jurisdiction

1. The Board of Zoning Appeals shall hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator. It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
2. The Zoning Board may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Zoning board may decide to be fitting and proper in the premises and, to that end, the Zoning Board shall also have all the powers of the officer from whom the appeal is taken.
3. When a property owner shows that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon his practical difficulties or particular hardship, then the Zoning Board may in the following instances only make such variations of the strict application of the terms of this ordinance, as are in harmony with its general purpose and intent when the Zoning Board is satisfied, under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant but is necessary to alleviate some demonstrable hardship so great as to warrant a variation (see Section 7.5, Standards for Variation).
4. To permit the reconstruction of a non-conforming building which has been destroyed or damaged to an extent of seventy-five (75) percent or more of its value, by fire, an act of God, or the public enemy, where the Zoning Board shall find some compelling public necessity requiring continuance of the non-conforming use, but in no case shall such a permit be issued if its primary function is for financial gain.
5. The Zoning Board can permit the remodeling or expansion of a non-conforming use where the Board finds public necessity and convenience in the continuance of expansion of the non-conforming use, provided that such remodeling or expansion does not materially affect the other uses in the neighborhood.

6. Nothing herein shall be construed to give or grant to the Zoning Board the power or authority to alter or change the Zoning Ordinance, such power and authority being reserved to the County Board.

7. The Zoning Board may impose such conditions and restrictions upon the use of the premises benefitted by a variance, as it may deem necessary.

8. The results and findings of the Zoning Board on all matters shall be reported in writing to the County Board and/or its designated committee.

#### Section 7.4 Appeals - How Taken

1. Any person aggrieved or any officer, department, board, or bureau of the County may appeal to the Zoning Board to review any order, requirement, decision, or determination made by the Zoning Administrator.

2. Such appeal shall be made within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator and the Zoning Board. The Zoning Administrator shall forthwith transmit to the Zoning Board all papers constituting the record upon which the action appealed from was taken, and a public hearing shall be scheduled, by the Zoning Board.

3. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board, after notice of appeal has been filed with him, that by reason of facts stated in the permit, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board, or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

4. The Zoning Board shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person, by agent, or by attorney.

#### Section 7.5 Standards For Variation

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

2. A variation shall be permitted only if the evidence, in the judgment of the Zoning Board, sustains each of the following:

- (a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district,
- (b) That the plight of the owner was not created by the owner and is due to unique circumstances., and
- (c) That the variation, if granted, will not alter the essential character of the locality.

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

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

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

#### Section 7.6 Notice of Hearing

No variation of the terms of this ordinance shall be granted by the Zoning Board unless an application for a permit has been made to the Zoning Administrator and a duly advertised public hearing has been held by the Zoning Board, as prescribed by statute. The notice of hearing shall contain the address or location of the property and contain a brief description of the nature of the appeal for which the variation or other ruling by the Zoning Board is sought. Notice shall be given by certified mail at least fifteen (15) days prior to the hearing to all property owners within two hundred (200) feet in areas zoned residential; and one (1) mile in areas zoned agricultural. These distances shall be from the area to be changed except where the said distance extends into another district; then that standard will apply. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

#### Section 7.7 Appeals to Court

All final administrative decisions of the Zoning Board rendered under the terms of this ordinance shall be subject to judicial review pursuant to provisions of the 735 ILCS 5/3-101 et al.

#### Section 7.8 Enforcement

1. This ordinance shall be administered and enforced by the County Zoning Administrator appointed by the County Board and serving at the pleasure of the County Board who is hereby designated and herein referred to as the Zoning Administrator.
2. Proper authorities of the County or any person affected may institute any appropriate action or proceedings against a violator, as provided by statute.

### ARTICLE VIII PERMITS

#### Section 8.1 Permitted building or use applications

Applications for a building permit, change of use permit, or zoning compliance certificate shall be made to the Zoning Administrator, and approved by the Zoning Administrator, on forms supplied by the Administrator; before erection, structural alteration, enlargement, relocation, or any significant change of use of land or structures is commenced. For buildings and structures for agricultural use no charge shall be made, but for buildings to be used as residences a fee shall be charged in accordance with the regular fee schedule.

#### Section 8.2 Requirement and Issuance of a Zoning Compliance/Use Certificate

1. Requirement of Zoning Compliance/use Certificate: It shall be unlawful to use or occupy or permit the use of any land or structure or part thereof hereafter created, constructed, erected, changed, moved, or enlarged in its use or structure until a Zoning Compliance/Use Certificate shall have been issued by the Zoning Administrator stating that the proposed use of land and structure conforms to the regulations and standards of the Pike County Zoning Ordinance.
2. Issuance of Zoning/use Certificate
  - (a) When all work as described on the Building Permit Application is complete, the applicant shall notify the Zoning Administrator in writing, by telephone, or in person. After inspection of the premise(s) to ascertain that all work described on the Building permit Application has

- been conducted in compliance with the regulations and standards of the Pike County Zoning Ordinance, the Zoning Administrator shall issue the Zoning Compliance/Use Certificate.
- (b) The Zoning Administrator shall issue the original copy of the Zoning Compliance/Use Certificate to the applicant and shall retain a duplicate copy for Zoning records.
  - (c) Failure to comply with this provision shall subject the violator to the penalties set forth in Article X, Section 10.3 of the Pike County Zoning Ordinance.

#### Section 8.3 Conditional Use Permit Application

1. Applications for a Conditional Use Permit shall be made in triplicate to the Zoning Administrator on forms furnished by the Administrator before construction, alteration re-location, or any significant change in usage of land or structures is commenced, and shall include the following, where applicable:
  - (a) Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
  - (b) Description of the subject site by lot, block, and recorded subdivision; address of the subject site; type of structure, and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - (c) Plat of survey prepared by a competent and qualified individual, when deemed necessary by the Zoning Administrator, showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed structures; existing and proposed streets, and other public ways, and easements, off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed front, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site.
  - (d) Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be approved by an engineer who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county, and state Board of Health restrictions.
  - (e) Proposed water supply plan, if an adequate municipal water service is not available. This plan shall be approved by an engineer who shall certify in writing that an adequate and safe supply of water will be provided.
  - (f) Concrete, stone, wood, masonry, or other fences in a required front yard of any Residential, Business or Industrial District shall require permits.

#### Section 8.4 Permit Regulations

1. Each use permit issued for a main building shall also cover any accessory structures or buildings constructed at the same time on the same premises, and such permit for which it is issued is valid until completion of construction or occupancy.
2. Any work or change in use authorized by a use permit but not substantially started within 180 days shall require a new use permit. A use permit shall be revoked by the Zoning Administrator when he shall find from personal inspection or from competent evidence that the rules or regulations under which it has been issued are being violated.
3. All applications and a copy of all building or use permits issued shall be systematically filed and kept by the Zoning Administrator in his office for ready reference.
4. No use permit shall be required for:
  - (a) Routine maintenance or repair of buildings, structures, or equipment including re-roofing a building.
  - (b) Alterations of existing buildings having a replacement value of \$700.00 or less.
  - (c) Construction of a service connection to a municipally owned and operated utility.
5. A notice of permit issued shall be posted on the property in a location where it can be seen by the public. The Zoning Administrator may also require that a certified copy of the approved plans be kept on the premises at all times from the commencement of the work to the completion thereof. The contractor shall be held in violation of this ordinance if the work is commenced before the use permit is posted.

## ARTICLE IX

### AMENDMENTS

#### Section 9.1 Power to Amend

The County Board may from time to time amend, supplement, or change by ordinance the boundaries of districts, or regulations herein established, but any amendment shall be in accordance with 55 ILCS 5/5-12014. Specifically, no amendment shall be made without a hearing before the Zoning Board of Appeals. A text amendment requires only a hearing before the Zoning Board of Appeals prior to being considered by the County Board. A map amendment requires investigation by the Planning Commission and a hearing before the Zoning Board of Appeals prior to being considered by the County Board.

#### Section 9.2 Petitions

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

#### Section 9.3 Procedures

Upon any application for a proposed map amendment being properly filed with the Zoning Administrator in the County Zoning Administration Office, said officer shall immediately cause a copy of same to be forwarded to members of the County Planning Commission, hereafter referred to as the Planning Commission, and the members of the Zoning Board. The Planning Commission shall make such investigation as provided by their rules of procedure. The Planning Commission shall consider such proposed amendments at the next regularly scheduled monthly meeting. If fourteen (14) days have not elapsed since the above said mailing of such proposed amendment, the Planning Commission may defer action on it until the next regular monthly meeting. In determining the fourteen (14) day period, the day the letter is mailed shall be excluded and the day of the meeting shall be included. The recommendation and report stating reasons for the decision of the Planning Commission, shall be forwarded to the Chairman of the Zoning Board and to the Chairman of the County Board without delay, report explaining their decision, whether or not a member of the Planning Commission appears at the public hearing. The Zoning Board shall forward their report and decision, setting forth the reasons there for, to the Chairman of the County Board.

The Zoning Board shall cause notice of a public hearing to be duly published, as prescribed by statute, not more than thirty (30) or less than fifteen (15) days before the hearing. A hearing shall be held in each township directly affected, except that in the case of general amendments to the text of the County Zoning Ordinance the hearing shall be held in the County Courthouse only. The published notice of a hearing affecting a particular township or townships shall be published in a newspaper qualified to accept legal notices, in general circulation in the area affected. In addition, where a proposed amendment affects a particular area of the county, notice shall be mailed to all municipalities within one and one-half (1 ½) miles thereof and all adjacent property owners shall be considered adjacent although they are separated by a road or street or alley, or if a corner of their land touches, or if their property is next to a tract of land a portion of which is to be re-zoned. If property is held by a life tenant with contingent remainders or rights in reversion, in trust, or by more than one (1) person, it shall be sufficient notice if notice is sent to the person receiving the tax bills as shown by the records in the County Treasurer's office. No proposed amendment shall be defeated because of improperly mailed notices, if the Zoning Board is satisfied that the applicant has made a diligent effort to the list all property owners in his application for the zoning change. Within a reasonable time after the hearing, the Zoning Board shall make a report to the County Board.

The procedures in this Section 9.3 shall also apply to proposed text amendments, except that no

Planning Commission inquiry is required for a proposed text amendment.

#### Section 9.4 Passage of Amendment

1. Text amendments may be passed at a county board meeting by a simple majority of the elected county board members, unless written protests against the proposed text amendment are signed by 5% of the land owners of the county, in which case such amendment shall not be passed except by the favorable vote of  $\frac{3}{4}$  of all the members of the county board.
2. Map amendments may be passed at a county board meeting by a simple majority of the elected county board members, except that in case of written protest against any proposed map amendment that is either: (A) signed by the owner or owners of at least 20% of the land to be rezoned, or (B) signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least 20% of the perimeter of the land to be rezoned, or in cases where the land affected lies within 1  $\frac{1}{2}$  miles of the limits of a zoned municipality, or in the case of a proposed text amendment to the Zoning Ordinance, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the county clerk, such amendment shall not be passed except by the favorable vote of  $\frac{3}{4}$  of all the members of the county board. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. Notwithstanding any other provision of this Section, if a map amendment is proposed solely to correct an error made by the county as a result of a comprehensive rezoning by the county, the map amendments may be passed at a county board meeting by a simple majority of the elected board.  
Any notice required by this Section need not include a metes and bounds legal description, provided that the notice includes: (i) the common street address or addresses and (ii) the property index number ("PIN") or numbers of all the parcels of real property contained in the area for which the variation is requested.
3. If a township located within a county with a population of less than 600,000 has a plan commission and the plan commission objects to a text amendment or a map amendment affecting an unincorporated area of the township, then the township board of trustees may submit its written objections to the county board within 30 days after the hearing before the Zoning Board of Appeals, in which case the county board may not adopt the text amendment or the map amendment affecting an unincorporated area of the township except by the favorable vote of at least  $\frac{3}{4}$  of all the members of the county board.



ARTICLE X  
FEES, VIOLATIONS, PENALTIES

Section 10.1 Fees

Fees pertaining to petitions for zoning amendments, use permits, variations, and appeals to the Board of Zoning Appeals shall be established by action of the County Board from time to time. Such fees shall be paid to the County Treasurer, who shall give a receipt there for and account for same at regular intervals to the County Board.

Section 10.2 Violations

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this ordinance. In case of any violation, the County Board, County Zoning Administrator, the County Planning Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings, to enjoin a violation of this ordinance.

Section 10.3 Penalties

Any person, firm or corporation failing to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) or more than two hundred dollars (\$200.00) for each offense. Each day that a violation exists or continues shall constitute a separate offense.

Section 10.4 Indemnification

Permittee shall defend, indemnify and hold harmless the County and its officials, employees and agents from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees (such liabilities together known as "liability") arising out of Permittee's selection, construction, operation and removal of the Wind Turbines and affiliated equipment including, without limitation, liability for property or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law

ARTICLE XI  
RULES AND DEFINITIONS

Section 11.1 Rules

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

## Section 11.2 Definitions

Accessory Structure or Use. A subordinate use or building or a portion of a main building, the use of which is incidental to that of the dominant use of the main building or land. An accessory use is one which is incidental to the main use of the premises. A mobile home should not be considered permissible as an accessory building.

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

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

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

Adult-Use Cannabis 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 licensed cannabis business establishments 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 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.

Agricultural Activity. Includes general farming and animal husbandry, pasturage, outdoor plant nurseries, horticulture, viticulture, truck farming, and wild crop harvesting but not including commercial seed, fertilizer, grain mills, food processing, or canning operations which require retailer occupations or other state license.

Agriculture. Land, or land building and structures, the principal use of which is growing farm or truck garden crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, or animal and poultry husbandry, and uses customarily incidental to agricultural activities, not including but not limited to farm dwellings for tenants and full-time hired farm workers and dwellings or lodging rooms for seasonal workers.

Alley. A public or private way not more than thirty (30) feet wide providing secondary access to abutting property.

Automobile Service Station. A premise used for the sale at retail or motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles, or for installing or repairing parts and accessories, but not to include body shops and major engine rebuilding.

Basement. A story the floor line of which is below grade at any entrance or exit and the ceiling of which is not more than five (5) feet above grade at any such entrance or exit.

County Board. The County Board of Pike County.

Bed and Breakfast Establishment. A building containing five or fewer guest rooms with breakfast included in lodging costs. All such establishments have an owner or resident manager either on premises or on adjacent premises.

Boarding House. A building (other than a motel, apartment hotel, or hotel) wherein, for compensation and by pre-arrangement for a definite period, meals and/or lodging are provided.

Building. Any structure having a roof supported by columns or walls, for the shelter or enclosure of persons, animals, equipment, machinery, or materials (see also "structure").

Building Height. The vertical distance from the average contact ground level to the highest point of the building.

Building Line. The line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

Buildable Width. The width of the lot remaining to be built upon after the side yard is provided.

Camp Trailer. A vehicle, other than a motor vehicle, designed or intended for use for recreational and camping purposes, which has no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which has been or reasonably may be equipped with wheels or other devices for moving it from place to place by motor power.

Camps or Campgrounds. Tracts of land of design or character suitable for and used for seasonable, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary, or movable nature such as a cabin, hunting shelter, or tent.

Cellar. A structure having more than one-half of its height below the grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

Clinic. An establishment wherein patients are admitted for examination and treatment by a physician or a dentist or by a group of physicians and/or dentists practicing together professionally.

Club. Structures and facilities owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

Commercial Feed Lot. Premises devoted to the feeding of livestock, where the operation is not a part of agricultural activity.

Commission. The Planning Commission of Pike County.

Conditional Use. A use of such variable nature as to make control by rigid regulation impractical. After due consideration in each case, by the County Board, upon receiving a report and recommendation of the Planning Commission and Zoning Board of Appeals relative to the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, approval of conditional use may or may not be granted by the County Board.

Court. An open space more than one-half (1/2) surrounded by buildings.

District. A section or sections of the County of Pike for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Driveway. A private entrance from a public highway, road, street, or other public way to a lot. The driveway must be a minimum of 18 feet wide to allow for safe egress and ingress of vehicles.

Dwelling. Any building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) person or more but not including a tent, cabin, camper trailer, hotel, or motel.

Dwelling, Single-Family. A building designed to be occupied by one (1) family.

Dwelling, Two (2) Family. A building designed to be occupied by two (2) families.

Dwelling, Multiple. A building designed to be occupied by three (3) families or more.

Dwelling Unit. One (1) room or more occupied or intended to be occupied as separate living quarters by one (1) family as defined herein.

Family. One (1) person or a group of persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.

Farm. An area which is used for the growing of the usual farm products, such as vegetable, fruit, trees, and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further, that farming does not include the feeding of collected garbage or offal to swine or other animals.

Fence. A continuous barrier from the surface of the ground to a uniform height; constructed of wood, stone, steel, or other metal, or any substance of similar nature and strength.

Floor Area. The square-feet total of the floor space within the outside walls of a building, excluding porches, garages, and basements and cellars used for storage and incidental purposes. However, if the cellar, basement, or garage is used for residential, business, or commercial purpose, it is counted as floor, and the floor area is computed in determining off-street parking.

Front. All property on one (1) side of a highway, road, street, alley, or other public way.

Frontage. All property on one (1) side of a highway, road, street, alley, or other public way.

Garage, Private. A detached accessory structure or portion of a main building, housing the vehicles of the occupants of the premises.

Garage, Public. A structure or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, and/or parking of motor vehicles. The term "repairing" does not include dismantling of junked vehicles.

Garage, Storage. Any premises used for storing motor vehicles.

Good Utility Practice. The practices, methods and acts with respect to the safe operation of the WESF engaged in or approved by a significant portion of the electric utility industry and, in particular, those portions of the industry with experience in the construction, operation and maintenance of wind turbines during the relevant time period; or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods or acts generally accepted in the region.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of a structure.

Home Occupation. An activity carried on in a residential premises in connection with which there is no more than one (1) person other than the immediate family residing on the premises is employed and there is only one sign or name plate, not more than one (1) square foot in area. No display that indicates from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling shall be permitted.

Hotel. A building in which lodging is provided to the public for compensation, and which is open to transient guests in contradistinction to a boarding, lodging, or rooming house as herein defined.

House Trailer. See "Mobile Home."

Institution. A premises occupied by a non-profit corporation for public use.

Junk Yard. An open area with or without accessory buildings where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes an automobile wrecking yard, but does not include such activities conducted entirely within enclosed buildings, nor does it include an establishment located in an Industrial District engaged only in the processing of scrap iron or other metals to be sold specifically for the manufacture of steel or metal alloys.

Kenel. An establishment where small animals are boarded for compensation or where dogs are bred or raised on a commercial scale.

Landscaped Area. An area that is permanently devoted to shrubbery, grass, and other plants.

Loading Space. A space within the main structure, or on the same lot, for the standing, loading, or unloading of vehicles, having a minimum area of five hundred forty (540) square feet, a minimum width of twelve (12) feet, a minimum depth of thirty-five (35) feet, and a vertical clearance of at least fourteen and one-half (14 ½) feet.

Lodging House. See "Boarding House."

Lodging Room. A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

Lot. A parcel of land occupied or intended for occupancy by a use permitted by this ordinance, including one (1) main structure together with its accessory structures and open spaces and parking spaces required by this ordinance.

Lot, Corner. A lot abutting upon two (2) or more highways, roads, streets, alleys, or other public ways, at their intersection.

Lot Double Frontage. A lot having a frontage on two (2) nonintersecting highways, roads, streets, alleys, or other public ways, distinguished from a corner lot.

Lot, Interior. A lot other than a corner lot.

Lot of Record. A lot, the plat or deed of which has been recorded prior to the adoption of this ordinance.

Lot Depth. The mean horizontal distance between the front and rear lines.

Lot Width. The width of a lot at the front yard line.

Lot, Zoning. A parcel of land recorded as a lot, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory uses meeting all the requirements set forth in this ordinance.

Map Amendment. An amendment to the map of this zoning ordinance, which affects an individual parcel or parcels of land.

Mobile Home. A single-family dwelling unit that has the following characteristics:

1. Designed for long-term occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
2. Designed to be transported after fabrication on its own wheels, flat bed, other trailers or detachable wheels.
3. Arrives at site where it is to be occupied as a dwelling unit complete with major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

Mobile Home Park. A lot, parcel, or tract of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, including any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park.

Motel. Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building, with garage or parking area located on the lot, and designed, used, or intended wholly or in part for accommodation of automobile transients.

Motel Court. See "Motel."

Motor Lodge. See "Motel."

Non-Conforming Structure. A structure which lawfully occupies a tract of land at the time of adoption of this ordinance, and which does not conform with the regulations of the district in which it is located, or a structure for any other reason that begins to not conform to the area it is located.

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

Non-Participating Residence. All residences, which are not subject to an agreement, authorization, or lease with the Wind Energy System Facility developer.

Nursing Home. A home for the aged or infirm in which three (3) persons or more not of the immediate family are received, kept, and provided with food, shelter, and care, for compensation.

Open Area. That part of a lot on which there is no structure on agricultural activity.

Parking Space. An area, enclosed or unenclosed, sufficient in size to store one (1) vehicle (not less than nine (9) feet wide and twenty (20) feet long), permitting ingress and egress of a vehicle without the necessity of moving any other, and connected by a driveway with a highway, road, street, alley, or other public way.

Permitted Use. A use which may be lawfully established in a particular district provided it conforms with all requirements and regulations of such district.

Premises. A tract of land together with all structures thereon.

Rooming House. See "Boarding House."

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

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

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

Sign. An identification, description, illustration, or device which is directly or indirectly affixed to or painted on a structure or land and which calls attention to a product, place, activity, person, institution, or business.

1. Advertising Devices. Banners affixed to poles, wires, or ropes; streamers; wind-operated items; flashing lights; and other similar items.
2. Ground Sign. Any sign supported by at least two (2) uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a structure.
3. Marquee Sign. Any sign affixed to a marquee over the entrance to a building and supported from the building.
4. Post Sign. Any sign supported by a single stationary post or pole.
5. Roof Sign. Any sign erected, constructed, maintained, or painted on the roof of a structure.

Text Amendment. An amendment to the text of this zoning ordinance, which affects the whole county.

Wall Sign. Any sign or poster painted or affixed to the front, side, or rear wall of a structure.

Sign Area. The total area used for the identification, description and illustration, including background structures decorations and additions which are integral parts of the sign. The sign support is not included in determining the area of a sign. A double-faced sign has twice the total area of a single-faced sign.

Solar Farm. A solar panel or array composed of multiple solar panels on ground-mounted rack or poles which are one of the primary use(s) for the parcel of land on which it is located, or any solar energy system that has a primary purpose for wholesale or retail sales of generated electricity. The term Solar Farm includes any associated cabling, devices, equipment, and structures located on site that are associated with the operation of a solar farm. The use of solar collectors for residential or business consumption that occurs on site is not considered a Solar Farm.

Special Use. Same as "Conditional Use."

Street. A public way which affords the principal access to abutting property. The term street shall include avenue, drive, circle, court, road, parkway, boulevard, highway, traffic way, thoroughfare, or any other similar term.

Street Center-line. A dividing line between a lot and a contiguous street.

Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

Street Line. A dividing line between a lot and a contiguous street.

Structural Alteration. Any change, except those required by law or ordinance, in the supporting members of a structure, such as bearing walls, columns, beams, and girders.

Thoroughfare. A street with a high degree of continuity which serves as an intrastate, an intra county, or interstate highway, or as an arterial traffic-way between the various areas of the county. It affords a primary means of access to abutting properties except from thoroughfares classified as freeways or other limited access routes not containing frontage roads.

Town House. A building comprised of single-family dwelling units erected in a row as a single building on adjoining lots, each separated from the adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line, and having a yard space on the front, rear, and both sides.

Tourist Park. See "Mobile Home Park."

Trailer. See "Camper Trailer."

Trailer Park. See "Mobile Home Park."

Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, electric power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulations stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Variation. A relaxation of the terms of the zoning ordinance where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variation is authorized only for height, area, and size of structures or size of yards and open spaces; establishment of expansion of a use otherwise prohibited shall not be allowed by variation, be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Wind Energy System (WES). Equipment that converts and then stores or transfers energy from the wind into usable forms of energy.

Wind Energy System Facility (WESF). All land and equipment used by the wind energy system and its support facilities including the wind turbine, tower, access roads, control facilities, maintenance facilities, and all power collection and transmission systems.

Wind Turbine. A mechanical device, which captures kinetic energy of the wind and converts it into electricity. The primary components of a wind turbine are the blade assembly, electrical generator, and tower.

Yard. An open space on a lot, other than a court.

Yard, Front. The area across the width of a lot, extending from the front line of the main structure to the front line of the lot.

Yard, Rear. The area across the width of a lot, extending from the rear line of the main structure to the rear line of the lot.

Yard, Side. The area between a side line of the main structure and the adjacent side line of the lot, extending from the front line of the lot to the rear line of the lot.

Yard Depth. The shortest horizontal distance from a lot line to the adjacent front, rear, or side line of the main structure.

Yard Width. The shortest horizontal distance between the opposite side lines of the lot.

Zoning Administrator. The individual appointed by the County Board to administer and enforce the provisions of the Zoning Ordinance and make such determinations, interpretations, and orders, to the best of his or her discretion, as are necessary there for, and require such plats, plans, and other descriptive material in connection with applications for permits as are necessary in order that he or she may judge compliance with this ordinance.

## ARTICLE XII

### VALIDITY

#### Section 12.1 Severability

If any article, section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. All other resolutions and parts of resolutions in conflict with the provisions of this ordinance are hereby repealed.

## ARTICLE XIII

### EFFECTIVE DATE

#### Section 13.1 When Effective

These amendments to the County Zoning Ordinance shall immediately take effect upon passage as provided by law.

## APPENDIX A

### MOBILE HOME PARK REGULATIONS

A conditional use provision defining and regulating mobile home parks: establishing minimum standards governing the construction of mobile home parks; establishing minimum standards governing the provided utilities and facilities and other physical things and conditions of making mobile home parks safe, sanitary, and fit for human habitation fixing the responsibilities and duties of owners and operators of mobile home parks.

#### Section 1 - Minimum Regulations

Each park to be constructed under the provisions of this ordinance shall adhere to the minimum regulations as are required by the Illinois State Department of Health regulating Mobile Home Park Sanitation. The Department of Health regulations establish health, sanitation, and safety standards for all parks in Illinois.

#### Section 2 - Application for Permit

In order to obtain a conditional use permit to construct a new mobile home park or an addition to an existing mobile home park, the applicant shall file with the Zoning Administrator a written application setting forth.

- 1) The full name and address of the applicant or applicants.
- 2) Location and legal description of the tract of land, certified on a plat of a survey by an approved Registered Land Surveyor drawn to a scale of 1"=100', or larger.
- 3) The proposed and existing facilities in the park for water supply, for sewage, garbage and waste disposal, for fire protection, and for a sanitary community building which will include a description of toilets, urinals, sinks, wash basins, slop sinks, showers, drains, and laundry facilities, the proposed alterations therein, and the maintenance thereof.
- 4) The proposed method of lighting the structures and land upon which the park is to be located.
- 5) The plans of the park drawn to scale of 1"= 50' or larger containing, among other things, the following:
  - a) The date on which such plat plans were prepared.
  - b) An arrow indicating north direction.
  - c) All mobile home sites shall be properly numbered on the plot plans.
  - d) Complete information regarding storm sewers.
  - e) Storm water runoff shall be shown on a separate plat.
  - f) Grades of driveways and all ditches shall be shown on a separate plat.
- 6) No person, firm, or corporation shall construct a mobile home park without first obtaining a permit to do so. Each certificate and permit to construct, and each certificate or permit to make alterations therein shall be prominently displayed in the office of the mobile home park for which the same was issued.

#### Section 3 - Application Review

- 1) Upon receipt of an application for a zoning permit to construct a park, the Zoning Administrator shall, if the park is or the proposed park will in conformity with the ordinance issue a permit to construct. If the application for a permit to construct is declined, the Zoning Administrator shall give the reasons there for in writing to the applicant; and if the objections can be corrected, the applicant may amend his application and re-submit it for approval.
- 2) No person, firm or corporation shall provide or install a mobile home park until the plans thereof have been submitted to and approved by the State Department of Health.
- 3) No change in any sanitary facilities, methods of water supply, sewer, drainage, and garbage or waste disposal, and no change in the plat plan shall be made without first making a written application to the Zoning Administrator and receiving a permit there from.



- 4) Such a permit does not relieve the applicant from securing any other permit or certificate or from complying with any other ordinances of a municipality.

#### Section 4 - License Fee

- 1) In addition to the application fee provided for herein, the licensee shall pay to the Zoning Administrator on April 1st of each year an annual license fee which shall be \$5.00 (five dollars) for each mobile home space in the park.
- 2) Each license fee shall be paid to the Zoning Administrator by a separate certified check or United States money order in the amount of the license fee only, and any license fee or any part thereof once paid to and accepted by the Zoning Administrator shall not be refunded if the license is not granted. The Zoning Administrator shall deposit all funds received under this ordinance with the County Clerk.

#### Section 5- License Revocation

Any license granted hereunder shall be subject to revocation by the Zoning Administrator. However, the Zoning Administrator shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with this ordinance. Said notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition specified in such notice within reasonable time. If the licensee fails to comply with the terms and conditions of said notice within a reasonable time, the Zoning Administrator may revoke or suspend such license.

#### Section 6 - License Transfer

License issued hereunder apply only to the premises described in the application and in the license issued thereon and only one location shall be so described in each license. A license which has been issued to a person, firm, or corporation may not be transferred to any other person, firm or corporation without written consent of the Zoning Administrator. However, the Zoning Administrator may not withhold such consent where the provisions of this ordinance have been met.

#### Section 7 - Environmental, Open Space and Access Requirements

- 1) Every park to be constructed under the provisions of this ordinance shall provide for the following, in the manner specified:
  - a) No park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well drained and shall be located in areas free from ponds, swamps, and similar places in which mosquitoes may breed. No waste water from mobile homes shall be deposited on the surface of the ground, except state-approved systems may be used.
  - b) All land proposed for mobile home parks shall be adequately protected against flooding.
  - c) The tract of land involved shall be an area of not less than one (1) acre.
  - d) Exposed ground surfaces in all parts of every park shall be paved or covered with stone screenings or other solid material, or protected with a grass or sod growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- 2) All parks shall be maintained free of nuisances such as excessive heat, glare, vibration smoke, toxic matter, radiation, and fire or explosive hazards.
- 3) Swimming pools shall be screened, fenced, or secured when not in active use to prevent injury. Fencing or other artificial enclosures shall completely enclose the pool area. Swimming pools shall be constructed and maintained in accordance with the requirements of the State Department of Public Health.
- 4) Require mobile home density and separations between mobile homes:
  - a) The minimum lot area per mobile home unit site within the mobile home park shall be not less than four thousand (4,000) square feet.
  - b) The minimum lot width per mobile home unit site within the mobile home park shall be thirty (30) feet. Each lot shall be clearly defined by a permanent marker in the ground.

- c) The minimum distance between neighboring mobile homes shall not be less than twenty (20) feet.
- 5) Required setbacks, buffer strips, and screening in mobile home parks:
  - a) All mobile homes shall be located as follows from any park boundary line abutting upon a public street or highway:
    - b) One hundred (100) feet setback on federal highways.
    - c) Fifty (50) feet setback on state highways.
    - d) Thirty-five (35) feet setback on all county, township, or municipal roads, or streets.
    - e) All mobile home sites shall provide a front yard of not less than fifteen (15) feet measured from the edge of the pavement.
- 6) Park Street System:
  - a) All parks shall provide safe, continuous and convenient vehicular access from abutting public streets or roads to each mobile home space. For purposes of this code, all streets shall hereinafter be referred to as "Park Street System" and shall be maintained by the owner/owners, or dedicated to the County.
  - b) The primary entrance road connecting the Park Street System with a public entrance road connecting the Park Street System with a public street or road shall have a minimum road pavement width of thirty-six (36) feet where guest parking is permitted at both sides, or a minimum road pavement width of thirty (30) feet where parking is limited to one (1) side.
  - c) In addition to the required primary entrance road, all parks containing twenty-five (25) acres in total area and/or providing for the accommodation of two hundred (200) or more mobile homes, shall have at least one (1) secondary entrance road connecting the park street system with a public street or road. Such secondary road or roads shall have a minimum pavement width of twenty-five (25) feet. Where primary and secondary entrance roads connect to the same public street or road, there shall be minimum separation of one hundred fifty (150) feet between such access points. Where this is not feasible or possible, clearly marked one-way entrance and exit lanes with at least a fifteen (15) foot wide median strip are acceptable provided the pavement width of each one way road is at least twenty-five feet.
  - d) The minimum road width of interior one-way streets with parking permitted on one (1) side shall be at least twenty-one (21) feet. The minimum road width of two-way streets with parking permitted on one (1) side shall be thirty (30) feet. The minimum width of two-way streets without parking permitted shall be twenty (20) feet. Dead-end streets shall be limited in length to five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred twenty (120) feet.
  - e) All streets shall be improved with asphaltic concrete surface, concrete or some comparable all-weather dustless material.
- 7) Required Off-Street Parking
 

Off street parking shall be provided in all parks for use of park occupants and guests. Such areas shall be furnished at the rate of at least one (1) off-street parking space for each mobile home park lot and one (1) additional space for each four (4) such lots to accommodate guests. A minimum of one (1) hard surfaced, off-street parking space for each mobile home shall be provided on each mobile home site.
- 8) Existing Mobile Home Parks
  - i) Any mobile home park which existed upon the effective date of the ordinance shall be regarded as a nonconforming use and may be continued, except that any change in layout, expansion, or extension shall be subject to all provisions of these mobile home park ordinances and the Illinois Department of Health.

#### Section 8 – Utilities

- 1) Each mobile home lot shall be equipped with at least one electrical outlet.
- 2) Each park shall have a water supply system capable of providing a sufficient supply of potable water under adequate pressure to all mobile homes, service buildings, fire hydrants, drinking fountains, and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with the state standard of Illinois Department of Health and/or standards currently enforced by local

departments.

- 3) All sewage and other water-carried waste shall be disposed of into a common sewage system. All provided sewage systems shall be constructed in conformity with all laws of the State of Illinois, regulation of any department, division or board of the State of Illinois, and any other ordinance of the local governing body relative thereto. Each trailer or mobile home site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of said mobile home park to provide an approved type of water and odor-tight connection from the mobile home water drainage to the sewer connection and it shall be the duty of said owner or operator to make such connection and keep all occupied mobile homes connected to said sewer while located in a mobile home park. Sewer connections on unoccupied mobile home sites shall be so closed that they will not emit odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a mobile home.
- 4) A sufficient number of adequate fly-proof and water-tight containers shall be supplied for the storage of garbage.
  - a) Garbage containers shall be emptied at least once a week and shall not be filled to overflowing, or allowed to become foul smelling, or a breeding place for flies.
  - b) Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the Zoning Administrator.
  - c) Adequate insect and rodent control measures shall be employed. All buildings shall be fly and rodent-proof and rodent harborages shall not be permitted to exist in the park.

#### Section 9 - Alteration, Anchorage, and Occupancy

- 1) All building, plumbing, heating, air-conditioning, and electrical alterations or repairs in mobile home parks and individual mobile homes therein shall be made in accordance with applicable local regulations.
- 2) No permanent additions shall be built onto or become a part of any mobile home until first securing a zoning permit and building permit, and unless they are in accordance with requirements established by the Zoning Administrator.
- 3) Each mobile home site shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of eight by ten (8 x 10) feet and a minimum thickness of four (4) inches.
- 4) All mobile homes shall be anchored in an approved manner at each corner of the structure to gain maximum protection against high-velocity winds. In addition, all mobile home units shall be installed with approved skirting.
- 5) Small storage structures are permissible within ten (10) feet of mobile homes provided they are:
  - a) Not larger than eight by ten (8 x 10) feet in floor area and not more than six (6) feet in height.
  - b) Constructed entirely of fireproof materials such as sheet metal.
  - c) Capable of being completely and easily disassembled and are readily portable.
  - d) Used only for storage purposes.
  - e) Not attached to a mobile home and not used as an auxiliary room, or otherwise used for dwelling or living purposes.
  - f) So constructed and maintained that a rat harorage is not created.
- 6) Small storage cupboards, if neatly and substantially constructed, shall also be considered permissible within ten (10) feet of mobile homes, even when constructed of non-fireproof materials, provided they are:
  - a) Serviced without walking into the structure.
  - b) Equipped with shelves so arranged as to prevent a person stepping or walking into the structure.
  - c) Do not create a rat harorage.
  - d) Placed no closer than fifty (50) feet from any street.
- 7) Occupancy of the mobile home shall be limited to the design capacity of the mobile home. This is established by the number of sleeping spaces provided in the mobile home.
- 8) No mobile home shall remain in a mobile home park for a period exceeding fifteen (15) days without connection to the permanent sanitary sewer system of the park. Provision shall be made for temporary sanitary disposal until permanent connection is made.
- 9) Emergency or temporary stopping or parking of a mobile home shall be permitted on any street, alley or highway for not longer than eight (8) hours, subject to any other prohibitions, regulation, or limitations

imposed by the traffic and parking regulations or ordinances for such street, alley or highway.

#### Section 10 - Regulation Application

Nothing in this regulation shall be construed to include the state parks of Illinois and the term "Mobile Home Park" shall not be construed to include building, tents, or other structures maintained by any individual or company on their own premises and used exclusively to house their own farm labor; or any military establishment of the United States or of this state wherein a mobile home (s) may be located or harbored; or any park on state or county fair grounds for a period during, immediately prior to, and immediately subsequent to the holding of the fair, not to exceed a total of two (2) weeks in all; or the area or premises on any farm upon which are harbored mobile homes occupied by persons employed on such farm for not more than ninety (90) days in any calendar year in the production, harvesting or processing of agricultural products produced on such farm.

#### Section 11 - Violations

Whoever violates any provision of this ordinance shall be fined not more than \$200.00 or imprisoned for a period not to exceed six (6) months or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

#### Section 12 - Annual Inspection

The Zoning Administrator shall enforce the provisions of this ordinance and the Zoning Administrator shall inspect, at least once each year each mobile home park and all the accommodations and facilities therein. The Zoning Administrator is hereby granted the power and authority to enter upon the premises of such mobile home parks at any time for the purposes herein set forth.

#### Section 13 - Appeals

Any person refused a license or a permit to construct or alter a mobile home park, or whose license is suspended or revoked shall have the right to a hearing before the Zoning Board of Appeals which shall have full power to conduct each hearing, issue subpoenas, administer oaths and affirmations, and all other powers necessary to such hearing.

- 1) All hearings before the Zoning Board of Appeals shall be open to the public.
- 2) The Zoning Board of Appeals shall keep minutes of the proceedings showing its determination and shall also keep records of its other official actions.
- 3) No hearing shall be held before the Zoning Board of Appeals until notice of the time and place of the hearing have been published in a newspaper of general circulation in the county at least fifteen (15) days prior to the hearing date, said notice to contain the particular location of the mobile home park and a brief statement as to the reason the hearing is being held.

APPENDIX B  
RESOLUTION 1

WHEREAS, The County of Pike had adopted and is enforcing the Building Permit Ordinance and

WHEREAS, Article II, Section A (4) of the Building Permit and Flood Plain Regulation Ordinance as adopted by the County of Pike prohibits any person, firm, or corporation from erecting, constructing, enlarging, altering, improving, or moving any building or structure whose value exceeds \$700.00 upon completion without first obtaining a separate building permit for each building or structure from the building Official, and

WHEREAS, The Building Official must examine all plans and specifications for the proposed construction when application is made to him for a building permit for construction in the "Flood Hazard Area", and

NOW, THEREFORE, BE IT RESOLVED by the County Board of the County of Pike as follows:

1. That the Building Official for the County of Pike when reviewing applications for building permits in Flood hazard areas, including the plans and specification for the proposed construction, will review all building permit applications to determine if the proposed construction is consistent with the need to minimize flood damage.
2. That the Building Official shall review all building permit applications to determine if the site of the proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards.
3. That the Building Official in reviewing all applications for construction in flood hazard locations within the County of Pike shall require that any such proposed construction must:
  - (a) Be designed and anchored to prevent the flotation, collapse, or lateral movement of the structure or portions of the structure due to flooding.
  - (b) Use construction materials and utility equipment that are resistant to flood damage.
  - (c) Use construction methods and practices that will minimize flood damage.
  - (d) Provide adequate drainage in order to reduce exposure to flood hazards.
  - (e) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water system.

Passed: March 15, 1974

Approved: March 15, 1974

/s/ Glenn Secrest  
Chairman County Board

APPENDIX B  
RESOLUTION 2

WHEREAS, certain areas of the County of Pike are subject to periodic flooding from the Mississippi and Illinois Rivers and tributary system, causing serious damages to residential properties within these areas, and

WHEREAS, relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968 as amended; and

WHEREAS, it is the intent of this Board to comply with land use and management criteria regulations as required in said act; and

WHEREAS, it is also the intent of this Board to recognize and duly evaluate flood hazards in all official actions relating to land in the flood plain having special flood hazards; and

WHEREAS, The Code Citation (s) of the State of Illinois enabling legislation and of the resulting county ordinance that authorizes this County to adopt rules and regulations for building, construction, alteration, and maintenance are Illinois Revised Statutes, Chapter 34, Section 422.

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby assures the Federal Insurance Administration that it takes the following legislative action:

Appoints the Office of the Building Official with the responsibility, authority, and means to:

Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites.

Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain.

Maintain for public inspection and furnishing upon request, with respect to each area having special flood hazards, information on elevations (in relation to mean sea level) of the lowest floors of all new or substantially improved structures; and

Cooperate with the Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain areas, and cooperate with neighboring communities with respect to management of adjoining flood plain in order to prevent aggravation of existing hazards.

Submit on the anniversary date of the community's initial eligibility, an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain management measures.

Take such other official action as may be reasonably necessary to carry out the objectives of the program.

BE IT FURTHER RESOLVED that this Board hereby appoints the Office of Building Official with the overall responsibility, authority, and means to implement all commitments made herein.

Passed: March 15, 1974

Approved: March 15, 1974

/s/ Glenn Secrest  
Chairman of County Board

APPENDIX C

**FLOOD DAMAGE PREVENTION ORDINANCE**

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ORDINANCE # \_\_\_\_\_

## AN ORDINANCE REGULATING DEVELOPMENT IN FLOODPLAIN AREAS

Be it ordained by the County Board of Pike County, Illinois as follows:

### Section 1. Purpose.

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

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

### Section 2. Definitions.

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

**Base Flood-** The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.

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

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

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

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

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

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

- A. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- B. substantial improvement of an existing building;



- C. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
- D. installation of utilities, construction of roads, bridges, culverts or similar projects;
- E. construction or erection of levees, dams walls or fences;
- F. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- G. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

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

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

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

**FEMA**- Federal Emergency Management Agency

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

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

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

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

**Floodplain and Special Flood Hazard Area (SFHA)** - These two terms are synonymous. Those lands within the jurisdiction of the County that is subject to inundation by the base flood. The floodplains of the County are generally identified on the countywide Flood Insurance Rate Map of Pike County prepared by the Federal Emergency Management Agency and dated June 2, 2011. Floodplain also includes those areas of known flooding as identified by the community.

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

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

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

**Floodway**- That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Bay Creek, Bay Creek Diversion Ditch, Hadley-McCraney Diversion Ditch, Hardy Creek, Illinois River, Kiser Creek Diversion Ditch, McCraney Diversion Ditch, Mississippi River, Six

Mile Creek Diversion Ditch, and Spring Creek shall be as delineated on the countywide Flood Insurance Rate Map of Pike County prepared by FEMA and dated June 2, 2011. The floodways for each of the remaining floodplains of the Pike County shall be according to the best data available from the Federal, State, or other sources.

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

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

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

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

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

**Lowest Floor**- the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this ordinance.

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

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

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

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

**NFIP**- National Flood Insurance Program.

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

- A. built on a single chassis;
- B. four hundred (400) square feet or less in size;

- C. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

**SFHA-** See definition of floodplain.

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

**Structure (see "Building")**

**Substantial Damage-** Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a 10-year period equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).

**Substantial Improvement-** Any reconstruction, rehabilitation, addition or improvement of a structure taking place during a 10-year period in which the cumulative percentage of improvements:

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

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

- A. The term does not include:
  - B. 1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
  - C. any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

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

### **Section 3. Base Flood Elevation.**

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

- A. The base flood elevation for the floodplains of Bay Creek, Bay Creek Diversion Ditch, Hadley-McCraney Diversion Ditch, Hardy Creek, Illinois River, Kiser Creek Diversion Ditch, McCraney Diversion Ditch, Mississippi River, Six Mile Creek Diversion, Spring Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Pike County prepared by the Federal Emergency Management Agency and (\*insert date of Flood Insurance Study).
- B. The base flood elevation for each floodplain delineated as an "AH Zone" or AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of Pike County.
- C. The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Pike County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

**Section 4. Duties of the Pike County Zoning Administrator**

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

- A. Process development permits in accordance with Section 5;
- B. ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- C. ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- D. assure that all subdivisions and annexations meet the requirements of Section 8;
- E. ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;
- F. if a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;
- G. inspect all development projects and take any and all penalty actions outlined in Section 13 as a necessary to ensure compliance with this ordinance;
- H. assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I. notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- K. cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- L. maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- M. perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and

- N. maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

**Section 5. Development Permit.**

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

- A. The application for development permit shall be accompanied by:
  - 1. drawings of the site, drawn to scale showing property line dimensions;
  - 2. existing grade elevations and all changes in grade resulting from excavation or filling;
  - 3. the location and dimensions of all buildings and additions to buildings;
  - 4. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance, and
  - 5. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- B. Upon receipt of an application for a development permit, the Pike County Zoning Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey elevation to be below the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

The Pike County 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 identification.

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

**Section 6. Preventing Increased Flood Heights and Resulting Damages.**

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

- A. Except as provided in Section 6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement\*:
  - 1. Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:

2. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3:
  3. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;
  4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
  5. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6:
  6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
  7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
  8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:
  9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
  10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
  11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:
  12. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:
  13. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.
- B. Other development activities not listed in 6(A) may be permitted only if:
1. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
  2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

**Section 7. Protecting Buildings.**

- A. In addition to the state permit and damage prevention requirements of Section 6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
  2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively during a 10-year period. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during a 10-year period. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.
  4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
  5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
  6. Repetitive loss to an existing building as defined in Section 2.
- B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
1. The building may be constructed on permanent land fill in accordance with the following:
    - a) The lowest floor (including basement) shall be at or above the flood protection elevation.
    - b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
    - c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
    - d) The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
    - e) shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
  2. The building may be elevated on solid walls in accordance with the following:
    - a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
    - b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
    - c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and
    - d) the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
      - (i) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.

- (ii) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
  - (iii) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
  - (iv) in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
- a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.
  - c) The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
  - d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
  - e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
  - f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
  - g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

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

- 4. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
  - 5. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
  - 6. Flood proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
  - 7. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.
- C. Manufactured homes or travel trailers to be permanently installed on site shall be:
- 1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and



2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.
- D. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:
1. The vehicle must be either self-propelled or towable by a light duty truck.
  2. The hitch must remain on the vehicle at all times.
  3. The vehicle must not be attached to external structures such as decks and porches
  4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
  5. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
  6. The vehicle's wheels must remain on axles and inflated.
  7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
  8. Propane tanks as well as electrical and sewage connections must be quick-disconnect.
  9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
  10. must either:
    - (a) entirely be supported by jacks, or
    - (b) have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.
- E. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:
1. The garage or shed must be non-habitable.
  2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
  3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
  4. The garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot.
  5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
  6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
  7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.

8. The garage or shed must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy six (576) square feet (24'x24').
9. The structure shall be anchored to resist floatation and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

**Section 8. Subdivision Requirements**

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

- A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:
  1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
  2. the boundary of the floodway when applicable, and
  3. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

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

**Section 9. Public Health and Other Standards**

- A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this ordinance the following standards apply:
  1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.
  2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
  3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
  4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
  5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including

basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

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

**Section 10. Carrying Capacity and Notification.**

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, Pike County shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

**Section 11. Variances.**

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

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
  - 1. The development activity cannot be located outside the floodplain.
  - 2. An exceptional hardship would result if the variance were not granted.
  - 3. The relief requested is the minimum necessary.
  - 4. There will be no additional threat to public health, safety or creation of a nuisance.
  - 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
  - 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
  - 7. all other state and federal permits have been obtained.
- B. The Pike County Zoning Administrator shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:
  - 1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
  - 2. increase the risk to life and property, and
  - 3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

C. Historic Structures

Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this ordinance subject to the conditions that:

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

#### D. Agriculture

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

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

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.
2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM)
3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 7 of this ordinance.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 7 of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 7 of this ordinance.
5. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 7(B) this ordinance.
6. The agricultural structures must comply with the floodplain management floodway provisions of Section 6 of this ordinance. No variances may be issued for agricultural structures within any designated floodway.
7. Wet-flood proofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

#### **Section 12. Disclaimer of Liability.**

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or

damage. This ordinance does not create liability on the part of the Pike County or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

**Section 13. Penalty.**

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

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

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

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

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

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

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

**Section 14. Abrogation and Greater Restrictions.**

This ordinance repeals and replaces other ordinances adopted by the Pike County Board to fulfill the requirements of the National Flood Insurance Program including: September 28, 1993. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Section 15. Severability.**

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any

portion of this ordinance shall not affect the validity of the remainder.

**Section 16. Effective Date.**

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

Pages 1 to 70 as presented —

Passed : 9-27-21

Approved : 9-27-21

By: Jim Sheppard  
Jim Sheppard,  
Pike County Board Chairman

Attest: Natalie Roseberry  
Natalie Roseberry,  
Pike County Clerk