

**ARTICLE I**

**PURPOSE, TITLE, AND DEFINITIONS**

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE COUNTY OF STARK, THE UNINCORPORATED COMMUNITIES; THE CITIES OF TOULON AND WYOMING, AND THE VILLAGES OF BRADFORD AND LAFAYETTE, STATE OF ILLINOIS, AND providing for the administration, enforcement, and amendment thereof, in accordance with provisions of Chapter 34, Section 311-3161, Ill. Rev. Stats., 1986, and for the repeal of all ordinances in conflict herewith.

Section 10. **PURPOSE**

For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the county and lessening or avoiding congestion in the public streets and highways and lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters, and pursuant to “An Act in Relation to County Zoning” passed by the General Assembly of the State of Illinois and approved June 28, 1935, and as amended, IT IS HEREBY ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STARK, ILLINOIS:

Section 11. **SHORT TITLE**

This ordinance shall be known and may be cited and referred to as the “Zoning Ordinance of Stark County”.

Section 12. **DEFINITIONS**

For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

- 12.01 All words used in the present tense include the future tense. All words in the singular include plural and all words in the plural include the singular. The word “shall” is mandatory and not directory. The word “used” shall be deemed to include “designed, intended, or arranged to be used”.
- 12.02 Accessory Use or Building: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- 12.03 Agricultural Uses: Bona fide agricultural uses shall mean the growing of crops in the open and raising and feeding of stock and poultry, including farming, truck gardening, flower gardening, apiaries, aviaries, mushroom growing, nurseries, orchards, forestry, fur farms, including the necessary structures and farm dwellings for those owning or operating the premises or the immediate families thereof, or those directly employed thereon, and further including a roadside stand for the sale of products produced on the

Premises and signs pertaining to the sale or use of the premises or products produced thereon.

- 12.04. Alley: Any public or private way dedicated to public travel and less than thirty-one (31) feet in width.

- 12.05. Apartment: One (1) or more rooms in a multi-family structure arranged, designed or occupied as the residence of a single family, individual, or group of individuals.
- 12.06. Auto Wrecking Yard: Any place where three (3) or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such automobiles or the parts thereof.
- 12.07. Boarding or Lodging House: A building other than a hotel where meals or sleeping accommodations or both are provided for compensation for three (3), but not more than twenty (20) persons.
- 12.08. Building: Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto.
- 12.09. Commercial Resort: A resort furnishing lodging, meals, and such recreational facilities as swimming, boating, shuffleboard, horseback riding, and golf. The recreational facilities shall be incidental to the furnishing of lodging and meals.
- 12.10. District: A section of the corporate area of the county within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.
- 12.11. Dwelling: A permanent building used primarily for human habitation but not including facilities for the housing of transient residents or mobile homes.
- 12.111. Dwelling, Single Family. A permanent building, separate and free standing, in itself providing living accommodations for one (1) family.
- 12.112. Dwelling, Two (2) Families. A permanent building designed exclusively for occupancy by two (2) families.
- 12.113. Dwelling, Multiple-Family. A permanent building, or portion thereof, providing separate living accommodations for three (3) or more families.
- 12.114. Compact Home. A factory built portable structure, designed for year-round living, sixteen feet (16') or more wide and forty-five (45') or more long, with the four (4) outside walls supported by a permanent foundation.
- 2-12.115. Subterranean Home. Living accommodations built below ground level covered with at least three feet (3') of earth.
- 12.12. Family: A group of one (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no unrelated group shall consist of more than five (5) persons, as distinguished from a group occupying a boarding or lodging house or hotel.
- 12.13. Filling Station, Gas Station, Service Station: Any building or premises used for the dispensing, sale, or offering for sale at retail, of any motor vehicle fuel or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

- 12.14. Frontage: All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one (1) side between an intersecting street and the dead end of the street.
- 12.15. Garage, Private: An accessory building housing not more than four (4) motor driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.
- 12.16. Garage, Public: Any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor driven vehicles.
- 12.17. Group or Row House: A group or row of not more than eight (8) semi-detached single-family dwellings not more than two (2) rooms deep with access to a street as herein defined.
- 12.18. Height of Building: The vertical distance from the established average sidewalk grade, street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.
- 12.19. Home Occupation: Any use conducted entirely within a dwelling by the occupant of the dwelling and as a secondary use which is clearly incidental to the use of the dwelling for residential purposes. Such a use shall employ not more than one (1) person outside of the family residing in the dwelling.
- 12.20. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public or private use.
- 12.21. Kennel: Any place where house pets are kept for purposes other than those customary and incidental to a household.
- 12.22. Lot: A piece, parcel or plot of land occupied or to be occupied by one (1) principal building and its accessory buildings and including the open spaces required under this ordinance.
- 12.23. Lot of Record: A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Stark County, Illinois, or a parcel of land described by metes and bounds, the deed or description of which was recorded in the office of the Recorder of Deeds prior to the adoption of this ordinance.
- 12.24. Mobile Home or Trailer: A vehicle equipped for use as a dwelling and designed to be hauled along a highway. Placing the trailer on a permanent foundation shall not change its being a mobile home for the purposes of this ordinance. A permanent foundation shall consist of a mortared cement block or brick structure completely encircling the mobile homes outside dimension with the footings below frost line. Minimum depth of footings shall be no less than thirty inches (30"). Support of mobile home structure shall have a footing below frost line. Access opening through foundation shall be no greater than four feet (4') in width as a maximum. Mobile home and trailer shall be synonymous. Camping Trailer: a vehicle intended only for seasonal use. A camping trailer shall not exceed seventeen feet (17') in length.
- 12.25. Mobile Home or Trailer Park: A parcel of land under single ownership which has been planned and improved for the placement of a minimum of five (5) mobile homes for non-transient use.
- 12.26. Motel: Inn or group of cabins or rooms designed for occupancy by paying guests.
- 12.27. Nursing Home or Rest Home: A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter and

care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

- 12.28. Non-Conforming Use: A use of building or land lawful at the time of enactment of this ordinance that does not conform with the “permitted use” provisions of this ordinance.
- 12.29. Open Space: Any land developed as yards, parks or recreational areas including community centers, landscaped green areas and exclusive of areas developed for off-street parking.
- 12.30. Parking Space: An all-weather surfaced area, enclosed in the main building, in an accessory building or unenclosed, sufficient in size to store one (1) standard automobile, and if the space is enclosed, comprising an area of not less than one hundred forty (140) square feet; if unenclosed, twenty (20) feet by ten (10) feet; with an all-weather surface permitting satisfactory ingress and egress of an automobile.
- 12.31. Pollution Control Facility: Any waste storage site, waste transfer station or waste incinerator other than a regional pollution control facility as that term is from time to time defined in the Illinois Environmental Protection Act (Chapter 111-1/2, Section 1001 et. Seq.).
- 12.32. Remodeling or Repair: Any change in a building that is not a structural alteration or -enlargement.
- 12.33 Stark County Planning Commission: Hereinafter referred to as the Planning Commission.
- 12.34 Story: Part of a building from one (1) floor to the next floor above or to a ceiling if there is no floor above. A half-story is space under sloping roof which must be at least three feet (3’) high with not more than sixty percent (60%) of the floor area finished off for use.
- 12.35. Street: All property dedicated or intended for public or private street, highway, expressway, freeway, road or thoroughfare purpose, or subject to public easements thereof.
- 12.36. Use: The purpose or activity for which a building, structure or land is occupied or maintained.
- 12.37. Variation: A slight change in the specific requirements of the regulations in order not to impose an unreasonable hardship upon the owner.
- 12.38. Yard: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings except as otherwise provided in this ordinance.
  - 12.381. Front Yard: The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.
  - 12.382. Rear Yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.
  - 12.383 Side Yard: The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.
- 12.39 Waste: Includes garbage, hazardous waste, industrial process waste, municipal waste, pollution control waste, refuse, sludge, special waste, waste and hazardous hospital waste, as those terms are defined from time to time in the Illinois Environmental Protection Act (Chapter 111-1/2, Section 1001 et. Seq.).

12.40. Zoning Enforcing Officer: Official of Stark County charged with the primary responsibility for administering this ordinance.

12.41. Zoning Map: The maps incorporated herein as a part hereof, designating zoning districts.

12.42. Child care centers: Day care centers which receive preschool or school-age children, or

both, for short term or extended hours of care, or out of school hours, which provide essential personal care, protection, supervision, training and programs to meet the needs of the children served.

12.43. Day care center: Any child care facility receiving more than eight (8) children for daytime care during all or part of a day. The term "day care center" includes facilities commonly called "child care centers," "day nurseries," "nurseries," "nursery schools," "kindergartens," and "centers or workshops for mentally or physically handicapped" with or without state educational purposes. The term does not include:

(a) Kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning which serve children five (5) years of age and older;

(b) Child care centers which exclusively serve or that portion of the center which serves handicapped children between the ages of three (3) and twenty-one (21) and which are registered and approved as meeting standards of the Illinois Office of Education and applicable fire marshal standards;

AMENDED  
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(c) Facilities operated in connection with a shopping center or service, or other similar facility where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or are in the immediate vicinity and readily available;

(d) Any type of day care center that is conducted on federal government premises; or

(e) Special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

12.44. Day care homes: Family homes which receive not more than twelve (12) children for care during the day. The maximum of twelve (12) children includes the family's natural or adopted children and all other persons under the age of twelve (12).

12.45. Day nurseries: Day care centers which receive preschool age children for short-term or extended hours of care, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the individual children served.

12.46. Nursery School: Day care centers which receive children between the ages of two (2) and six (6) years and which are established and professionally operated primarily for educational purposes to meet the developmental needs of the children served.

AMENDED 5-10-2005

12.47. Tower-any commercial radio or television, cellular telephone, or microwave transmission relay station tower and any tower supporting Wind Energy Conversion System rotors and nacelles. (This does not include 2-way FM radio, CB, television, ham radio or WECS for personal use.)

12.48. Wind Energy Conversion System (WECS): all necessary devices that together convert wind energy into electricity and deliver that electricity to the Utility's transmission lines, including but not limited to the

rotors, nacelles, generators, WECS towers, electrical components, WECS foundations, transformers, electrical cabling, meteorological towers, communications facilities, and other required facilities and equipment.

**PROPOSED CHANGES TO PROVISIONS GOVERNING AGRICULTURAL (AG-1) DISTRICT**

**ARTICLE 1**

**PURPOSE, TITLE AND DEFINITIONS**

12.49 Solar energy system (SES) - A structure which may be attached to a building or stand-alone, which generates energy which may or may not be connected to the electrical grid.

Amended 5-8-2018 Solar Farm Energy System (SFES) - A commercial facility that converts sunlight to electricity for the primary purpose of wholesale sales of generated electricity.

**ARTICLE VII**

**PROVISIONS GOVERNING INDUSTRIAL (I-1 AND I-2) DISTRICTS**

Preamble: The purpose of the I-1 Light Industrial District is to provide for commercial uses, storage and any manufacturing use not normally creating a nuisance discernible beyond its property.

The purpose of the I-2 Heavy Industrial District is to provide for industrial uses not allowed in any other district providing that, within this district, uses of a hazardous nature or those producing extensive smoke or odor shall not be located so that the general hazard or nuisance affects a large segment of the community.

Section 71. **USES PERMITTED IN THE I-1 LIGHT INDUSTRIAL DISTRICT** – Provided that they do not violate state and county nuisance ordinances.  
(No public hearing required)

- 71.01. Any use permitted in the C-1 and C-2 Commercial Districts except residential uses.
- 71.02. Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, pole yards, building material storage, trucking storage.
- 71.03. Manufacturing: Manufacture or processing of small items including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors, generators, appliances and other electronic devices; textile products manufacture, furniture manufacture, food manufacture or processing including hatcheries, canning, freezing, storage and bottling.
- 71.04. Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibrations, or noise detectable at the lot line. Such uses shall not be established without an application for a permit which shall be accompanied by a certification by a registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt vibration or noise. In the event of the denial of such permit, an applicant shall have a right of appeal to the Zoning Board of Appeals, in accordance with the “Board of Appeals” Article.

**AMENDED**  
**5/8/2018**

**71.05. Solar Energy System (SES)**

Section 72. **USES PERMITTED IN THE I-2 HEAVY INDUSTRIAL DISTRICT** – Provided that they do not violate state and county nuisance ordinances  
(May require a public hearing)

All uses not otherwise prohibited by law except residential uses, provided, however, that the following uses will be permitted as special uses in the I-2 District when authorized by the Board of Supervisors after public hearing by the Board of Appeals and an advisory report by the Planning Commission: A pollution control facility, anhydrous ammonia and other fertilizer storage and manufacture, bag cleaning, boiler and tank

works, central mixing plant for cement, mortar, plaster or paving materials, coke oven, curing, tanning and storage of raw hides and skins, distillation of bones, coal, wood or tar, fat rendering, forge plant, foundry or metal fabrication plant, gasoline or oil storage above ground in excess of five hundred (500) gallons, slaughter house or stockyards, smelting plant, and the manufacture of acetylene, acid, alcohol or alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terracotta or tile, candles, disinfectants, dyestuffs, fertilizers, linseed oil, paint, oil turpentine, varnish, soap and tar products, or any other use which in the opinion of the Board of Appeals would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property. The Board of Appeals shall recommend Board of Supervisor's approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the Heavy Industrial District in which it is located. Such special uses shall be subject to any requirements the Board of Supervisors feels necessary to further the purpose of the Industrial District as stated in the preamble.

72.01 Salvage and wrecking operations, if located not less than two hundred feet (200') from any R-District, provided all operations are conducted within an area enclosed on all sides with a tight painted fence not less than eight feet (8') high and provided further that such operation shall not be visible from the nearest street or highway.

**AMENDED**  
**5/8/2018**

**72.02. Solar Energy Systems (SES)**

**Section 73. REQUIRED LOT AREA AND LOT WIDTH IN INDUSTRIAL DISTRICTS**

Each use to be established in the I-1 or I-2 Districts shall provide a minimum lot area of five thousand (5,000) square feet and a minimum lot width of fifty feet (50').

**Section 74. BUILDING HEIGHT REGULATION IN INDUSTRIAL DISTRICTS**

No building in the I-1 or I-2 District shall exceed fifty feet (50') in height.

**Section 75. YARDS REQUIRED IN INDUSTRIAL DISTRICTS**

Except as required in the Setback Regulations, Article X, all structures to be constructed, altered or moved in the I-1 and I-2 Districts shall provide yards of the following minimum depths:

75.01. Front Yard – fifty feet (50').

75.02. Unless otherwise stated:

Side yard – ten feet (10') except where a side yard abuts a residential district in which case a side yard of twenty-five feet (25') shall be provided.

75.03. Rear Yard – twenty-five feet (25').



Section 76. **OFF STREET PARKING AND LOADING**

There shall be provided in the I-1 and I-2 Districts adequate off-street parking in accordance with the schedule in Article II and off-street loading in accordance with the off-street loading portion of Section 66, Off-Street Parking and Loading.

**ARTICLE VIII**

**LARGE SCALE DEVELOPMENT PLAN**

(A public hearing is required)

Section 81. The owner or owners of any tract of land comprising an area of not less than thirty (30) acres may submit to the Board of Supervisors a development plan for the entire tract of land for residential and allied purposes. The development plan shall be referred to the Planning Commission for study and report and for public hearing by the Board of Appeals to be held within thirty (30) days after the plan is received and after public notice in a newspaper having county-wide circulation. The recommendations of the Planning Commission shall be accompanied by a report to the Board of Supervisors within sixty (60) days stating reasons and findings of facts showing whether or not the proposed community unit plan meets the following conditions:

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

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

81.03. That the buildings shall be used only for country homes, single-family dwellings, two (2) family dwellings or multiple dwellings and the usual accessory uses such as garages, storage space or community activities, including churches and adequate local commercial areas.

Section 82. If the board of Supervisors approves the plans, permits may be issued even though the use of the land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located, provided that the permitted commercial uses shall be limited to those uses allowed in a C-1 district and that they shall not occupy more than ten percent (10%) of the gross land area of the development, and further provided that side and rear yards and lot area are not reduced by more than ten percent (10%).

## ARTICLE IX

### SPECIAL EXCEPTIONS

(A public hearing is required)

- Section 91. The Board of Supervisors, may by special permit after public hearing by the Board of Appeals and an advisory report by the Planning Commission and subject to such protective restrictions that it deems necessary, authorize the location, extension or structural alterations of any of the following buildings or uses in any district from which they are prohibited by this ordinance. Within thirty (30) days after application for the special permit, a notice of public hearing shall be published in a newspaper having county-wide circulation.
- 91.01. Any public building erected and used by a department of a municipal, county, state or federal government.
- 91.02. Hospitals, clinics and institutions, except institutions for criminals and those for persons that are insane or have contagious diseases; provided, however, that such buildings may occupy not over fifty percent (50%) of the total area of the lot or tract and will not have any serious and depreciating effect upon the value of the surrounding property, and provided further, that the building shall be set back from all minimum yard lines heretofore established an additional distance of not less than two feet (2') for each foot of building height. Specific requirements for these buildings in any district regulations shall take precedence over the above regulations.
- 91.03. Commercial amusement or recreational development for temporary or seasonal periods.
- 91.04. Extraction of clay, coal, dirt, gravel, sand, stone, topsoil, oil or other natural resources, provided it is not closer than three hundred feet (300') of any residence.
- 91.05. Parking lots on land not more than three hundred feet (300') from the boundary of any commercial, business or industrial district under such conditions as will protect the character of surrounding property.
- 91.06. Pollution control facility.
- 91.07. Before issuance of any special permit for any of the above buildings or uses, the Board of Supervisors shall refer the proposed application to the Planning Commission, which Commission shall be given thirty (30) days in which to make an advisory report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public health, public safety or general welfare. No action shall be taken upon any application for a proposed building or use above referred to until or unless the report of the Planning Commission has been filed; provided, however, that if no report is received from the Commission within thirty (30) days, it shall be assumed that approval of the application has been given by the Commission.

## ARTICLE X

### SETBACK REGULATIONS

Section 101. No building, structure, concrete or masonry wall, no fence which cannot be viewed through at street intersections or other improvement shall be erected or structurally altered so that any part thereof is nearer than fifty feet (50') to the right-of-way line of a state or federal highway route or nearer than seventy-five feet (75') to the centerline of any county highway or nearer than sixty feet (60') to the centerline of a township road. If there is conflict between the setback regulations and the front yard regulations, the setback regulations shall govern.

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

101.02. This regulation shall not be interpreted to reduce the buildable width or depth of a lot in a single ownership subdivided and recorded by law at the time of the passage of this ordinance to less than thirty-five feet (35'). In locations where the building line restrictions set forth herein will create an undue hardship or in locations wherein the majority of existing buildings are not in conformity with these restrictions, appeals may be made for a variation in which the setback regulation may be modified.

## **ARTICLE XI**

### **WATER AND SEWAGE DISPOSAL REGULATIONS**

Section 111. Every residential building, business, trade or industry hereafter established and requiring water supply and sewage disposal facilities shall provide such facilities conforming to the suggested standards of the Illinois Department of Public Health and any new water supply and sewage disposal facilities or alterations to existing facilities shall conform also to such standards. The suggested standards of the Illinois Department of Public Health for sewage disposal are contained in circulars numbered 4.002 (Septic Tanks) and 4.704 (Sewage) and for water in circulars numbered 4.718 (Well Installation) and 4.719 (Well Construction).

## ARTICLE XII

### BOARD OF APPEALS

#### Section 121. CREATION OF MEMBERSHIP

A Zoning Board of Appeals herein referred to by the term "Board of Appeals" is hereby authorized to be established. Such Board of Appeals shall consist of five (5) members appointed by the Chairman and confirmed by the members of the County Board of Supervisors. The five (5) members of the first Board of Appeals 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 at its next meeting. The County Board shall have the power to remove any member of the Board of Appeals for cause after a public hearing upon giving ten (10) days' notice thereof. At the time of appointment to the Board of Appeals, not more than one (1) of the members shall be a resident within the limits of any one (1) township. The Chairman of the County Board of Supervisors shall name one (1) of the members of the Board of Appeals as Chairman upon his appointment and in case of vacancy, shall name the Chairman.

#### Section 122. MEETINGS

- 122.01. Regular meetings of the Board of Appeals shall be held at such time and place within the county as the board of Appeals may determine. Special meetings may be held at the call of the Chairman or as determined by the Board of Appeals. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses. All meetings of the Board of Appeals shall be open to the public.
- 122.02. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon every question or if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or appeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Board of Appeals and shall be a public record. Four (4) members of the Board of Appeals shall constitute a quorum and the concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Enforcing Officer in any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance or to recommend any variation or modification in such ordinance to the County Board. In the performance of its duties, the Board of Appeals may incur such expenditures as shall be authorized by the County board of Supervisors. The Board of Appeals shall adopt its own rules of procedure not in conflict with the Statute (Chapter 34 of the Illinois Revised Statute, Sections 3151 to 3162) or this ordinance.

Section 123. **APPEALS: HOW TAKEN**

- 123.01. Any person aggrieved or any officer, department, board, or bureau of the county may appeal to the Board of Appeals to review any order, requirement, decision or determination made by the Enforcing Officer.
- 123.02. Such appeal shall be made by filing with the Enforcing Officer and the Board of Appeals a notice of appeal specifying the grounds thereof. The Enforcing Officer shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken.
- 123.03. An appeal stays all proceedings in furtherance of the action appealed from, unless the Enforcing Officer certifies to the Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals, or by a court of record, on application, on notice to the Enforcing Officer and on due cause shown.
- 123.04. The Board of Appeals 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 124 **JURISDICTION**

- 124.01. The Board of Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Enforcing Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this ordinance.
- 124.02. The Board of Appeals may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the Board of Appeals may decide to be fitting and proper in the premises, and to what end the Board of Appeals shall also have all the powers of the officer from whom the appeal is taken.
- 124.03. When a property owner shows that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Board of Appeals may in the following instances only, make such variations of the strict application of the terms of this ordinance as are in harmony with its general purpose and intent when the Board of Appeals 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:
- 124.031. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

- 124.032. To permit the reconstruction of a non-conforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value by fire or Act of God, or the public enemy, where the Board of Appeals shall find some compelling public necessity requiring a continuance of the non-conforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.
- 124.033. To make a variation, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions, when the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property; provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the regulations and provisions contained in this ordinance.
- 124.034. To waive the parking requirements in the business or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
- 124.035. To permit a building to be erected, reconstructed, altered or enlarged so that the building lines will extend beyond the distance specified in this ordinance into side yards or into front yards, provided that such variance may not be granted (a) unless fifty percent (50%) of the buildings in the block extend beyond the distance from the front street line specified in this ordinance, in which case the building line may be permitted to extend as near to the front street line as such non-conforming building, or, (b) unless the lot is irregular in shape, topography or size, or (c) unless the street line of the lot is directly opposite the street line of a lot which is irregular in shape, topography or size.

124.04. Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the District Map; such power and authority being reserved to the Board of Supervisors.

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

Section 125. **NOTICE OF HEARING**

No variation of the terms of this ordinance shall be granted by the Board of Appeals unless an application for a permit has been made to the Enforcing Officer and a duly



advertised public hearing has been held by the Board of Appeals as prescribed by Statute. The notice of hearing shall contain the address or location of the property for which the variation or other ruling by the Board of Appeals is sought, as well as a brief description of the nature of the appeal.

Section 126 **APPEALS TO COURT**

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

**ARTICLE XIII**

**PERMITS**

**Section 131. PERMITS PROCEDURE**

- 131.01. Applications for permits shall be filed in written form with the Enforcing officer, shall state the legal description of the property, the name and address of the owner, the applicant and the contractor, the estimated costs, and shall describe the uses to be established or expanded, and shall give such information as may be required by this ordinance for its proper enforcement.
- 131.02. All application shall be accompanied by a dimensioned drawing of the building plot showing the location of buildings and structures, lot area to be used, auto parking areas and water supply and sewage disposal facilities.
- 131.03. Concrete, stone, wood, masonry or other fences in a required front yard, exceeding forty-eight inches (48") in height and which cannot be viewed through, shall require permits. The Enforcing Officer shall require permits for any fences or other structures within the sight triangle established by the center of intersection of two (2) points seventy-five feet (75') from it, each point being on the center line of an intersection road, and shall deny permits for those which could obstruct vision in said sight triangle.
- 131.04. Each permit issued for a main building also shall cover any accessory structures or buildings constructed at the same time on the same premises and such permit shall be posted in plain sight on the premises for which it is issued until completion of construction or occupancy.
- 131.05. Any work or change in use authorized by permit but not substantially started within ninety (90) days shall require a new permit. Such work or change in use authorized by said permit shall be completed within one hundred twenty (120) days after permit granted. Additional thirty (30) day periods to complete said work or change may be granted by the Enforcing Officer if circumstances interfering with completion are beyond the control of the applicant in the opinion of the Enforcing Officer. A permit shall be revoked by the Enforcing Officer when he shall find from personal inspection or from competent evidence that the rules or regulations under which it has been issued are being violated.

**AMENDMENT:  
5/10/2005**

- 131.051. Any work or change in use related to WECS and authorized by permit but not substantially started within 24 months shall require a new permit. Such work or change in use authorized by said permit shall be substantially completed within 36 months after the permit is granted.

**AMENDED**  
**5/8/2018**

131.052. Any work or change in use related to SFES and authorized by permit but not substantially started within 12 months shall require a new permit. Such work or change in use authorize by said permit shall be substantially completed within 24 months after permit is granted.

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

131.07. To partially defray expenses of administering the ordinance, a fee shall be charged for each permit and collected by the County Treasurer who shall account for the same to the County of Stark. A fee of five dollars (\$5.00) shall be charged for each permit, plus an additional fifty (50) cents for each five hundred dollars (\$500.00) of improvement or fraction thereof, except the maximum fee for a permit shall be two hundred dollars (\$200.00) and that permits with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings and structures used or to be used for agricultural purposes shall be issued free of charge and further provided that nothing herein contained shall except residential structures on farms from paying, unless the residence is occupied by a farmer.

**AMENDMENT**  
**5/10/2005**  
**5/8/2018**

A. To partially defray expenses of administering this ordinance, the following fees will be charged and collected by the Zoning Administrator who will account for such fees to the County of Stark.

Permits with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for agricultural purposes shall be issued FREE OF ANY CHARGE.

B. Any application for an amendment, special use, or variance, which is filed by, or in behalf of, or against the owner or owners of the property affected (which requires a public hearing), shall be accompanied by the following fees:

Variance.....	\$150.00	<del>\$250.00</del>
Special Use Permit or Map Amendment (rezoning).....	<del>\$250.00</del>	\$50.00/acre
	Minimum	\$250.00
	Maximum	\$5,000.00
Text Amendment.....	\$250.00	
Appeal .....	<del>\$150.00</del>	<del>\$250.00</del>

Building permits must be obtained from the Zoning Administrator.

Building Permit Fees shall apply as follows:

Single Family/or multiple family dwelling .....	\$0.10/sq. ft.
(Living Area)	Minimum of \$150.00
Single Family/or multiple family addition alteration .....	\$0.10/ sq. ft.
(Living Area)	Minimum of \$75.00
Commercial/Industrial .....	\$0.10 sq. ft.
(Including addition/alteration/accessory structure)	Minimum of \$250.00
Accessory building/Porches or Decks .....	\$0.05/ sq. ft.
(Garage attached or detached, shed, pole barn)	Minimum of \$50.00
Communication Towers .....	\$25.00/ ft.
(Measured from top of tower to top of foundation)	
WECS Towers .....	\$25.00.ft.
(Measured from WECS foundation to center of hub)	
Tower Addition/ Alteration .....	\$1,200.00
(Permit fee to add equipment to an existing tower)	

AMENDED  
5/8/2018

Solar Energy Systems.....\$0.10/sq.ft.  
Minimum of \$150.00

Solar Farm Energy Systems.....		
	0-10	kw \$100.00
	11-50	kw \$250.00
	51-100	kw \$500.00
	101-500	kw \$1000.00
	501-1000	kw \$2500.00
	1001-2000	kw \$5000.00
	(Over 2000kw...\$100 for each additional 1-100kw not to exceed \$15,000)	

If construction starts before a building permit is issued, the fee will be increased by fifty percent (50%), and in accordance with Article XIV, Section 141.04.

In addition to the above fees, the applicant shall reimburse the County for all costs of publication, prior to the date of hearing before the Zoning Board of Appeals.

131.08. No permit shall be required for:

- 131.081. Routine maintenance or repair of buildings, structures, or equipment, such as repainting or re-roofing a building, relining a blast furnace or re-ballasting a railroad track.
- 131.082. Alterations of existing buildings (but not a new building) having a replacement value of less than three hundred dollars (\$300.00).
- 131.083. Construction of a service connected to a municipally owned and operated utility

## ARTICLE XIV

### ENFORCEMENT AND PENALTIES

#### Section 141. ADMINISTRATION

- 141.01. This ordinance shall be administered and enforced by the County Zoning Enforcing Officer appointed by the Stark County Board of Supervisors, who is hereby designated and herein referred to as the "Enforcing Officer".
- 141.02. Proper authorities of the County or any person affected may institute any appropriate action or proceedings against a violation as provided by statute.
- 141.03. The Enforcing Officer will inspect all projects upon completion to insure a compliance with this ordinance. In case of non-compliance or a violation, the Enforcing Officer will institute the appropriate action as provided by this ordinance.
- 141.04. Any persons, firms or corporations, or agents, employees or contractors of such, who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of any of the provisions of this ordinance shall be subject to a fine of not more than two hundred dollars (\$200.00) or imprisonment for not more than six (6) months, or both, for each offense, and each day a violation continues shall constitute a separate offense.

AMENDED

5/10/2005

Any persons firms or corporations, or agents, employees or contractors of such, who violate, disobey, omit neglect, or refuse to comply with or resist enforcement of any of the provisions of this ordinance shall be subject to a fine of not less than two hundred twenty five dollars (\$225.00) or imprisonment for not more than six (6) months, or both, for each offense, and each day a violation continues shall constitute a separate offense.

- 141.05. The WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include: removal of all structures (includes transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also recite an agreement between the applicant and the county that:

- a. The financial resources for decommissioning shall be in the form of a surety Bond or other financial assurance acceptable to the County, or shall be deposited in an escrow account with an escrow agent acceptable to the Zoning Enforcement Officer, not more than (10) years after the WECS project commences operation. Commercial operation begins when a single tower begins production.

- b. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
- c. The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
- d. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- e. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the county's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

**AMENDED**  
**5/8/2018**

**141.06      DECOMMISSIONING PLAN FOR SOLAR FARM ENERGY SYSTEMS**

A Decommissioning plan shall be required to be submitted when applying for the building permit, 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 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Stark County may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure the proper decommissioning. In the event that the State of Illinois enacts a law with regard to the decommissioning of a solar farm, the strictest requirements shall prevail.

## **ARTICLE XV**

### **BUILDINGS UNDER CONSTRUCTION**

Section 151 To avoid undue hardship, nothing in this ordinance shall be deemed to require change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing that work shall be diligently carried on until completion of the building involved.

**ARTICLE XVI**

**AMENDMENTS**

(A public hearing is required)

Section 161. **PROCEDURES**

161.01. The Board of Supervisors of Stark County may from time to time amend, supplement or change by ordinance the boundaries of districts or regulations herein established. Any amendment, supplement or change shall first be submitted to the Enforcing Officer who shall immediately refer it to the Planning Commission for its recommendations and report. No such ordinance shall be adopted until after a duly advertised public hearing is held by the Board of Appeals, as prescribed by statute. The notice of hearing on an amendment shall be held in the Stark County Courthouse or in the township where property affected is located, in addition to publication in a newspaper as required by law, and shall be mailed to each municipality within one and one-half (1-1/2) miles thereof, fifteen (15) days in advance of the hearing. Within a reasonable time after the hearing, the Board of Appeals shall make a report to the County Board of Supervisors. The favorable vote of at least three-fourths (3/4) of all of the members of the Board of Supervisors shall be necessary to pass an amendment in the following instances:

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

161.012 When a land affected by a proposed amendment lies within one and one-half (1-1/2) miles of the limits of a zoned municipality and a written protest against the proposed amendment is passed by the City Council or President and Board of Trustees of the Zoned municipality with the limits nearest adjacent and filed with the County Clerk.

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

161.03. In the case of general amendments to the text of the County Zoning Ordinance, the hearing may be held in the County Courthouse. Within a reasonable time after the hearing, the Board of Appeals shall make a report and the Planning Commission shall make an advisory report to the County Board of Supervisors.

161.04 Petitions by interested persons to re-zone or re-classify any property and the reasons in support thereof, shall be filed with the Enforcing Officer, along with a fee of twenty-five dollars (\$25.00) 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. They must also pay the cost of publications. The petition shall then be transmitted to the County Board of Supervisors, which shall then follow the procedure in Section 161.

**ARTICLE XVII**

**VALIDITY**

Section 171. If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

## **ARTICLE XVIII**

### **INTERPRETATION, PURPOSE AND CONFLICTS**

- Section 181. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare.
- Section 182. It is not intended by this ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties, provided, however, that wherever this ordinance imposes greater restrictions upon the use of buildings, structures or land, or requires more restrictions upon the use of buildings, structures or land, or requires more restrictive building lines, then the provisions of this ordinance control.

**ARTICLE XIX**

**CONFLICTING ORDINANCES**

Section 191. All ordinances, resolutions or parts thereof in conflict with this ordinance are hereby repealed insofar as they conflict with the provisions of this ordinance.

**ARTICLE II**

**DISTRICT MAPS AND GENERAL PROVISIONS**

**Section 21. ESTABLISHMENT OF DISTRICTS**

For the purpose of this ordinance, all land inside of Stark County, including the incorporated Cities of Toulon and Wyoming and the incorporated Villages of Bradford and LaFayette, is hereby designated on the Zoning Maps as being in one of the following districts:

Zoning Districts

AG-1	District	Agricultural
R-1	District	One (1) and Two (2) Family Residential
R-2	District	Multiple-Family Residential
R-3	District	Country Homes
C-1	District	General Retail
C-2	District	Service Retail
I-1	District	Light Industrial
I-2	District	Heavy Industrial

**Section 22. BONDARIES OF DISTRICTS**

The boundaries of said districts are hereby established as shown upon the Zoning Maps of Stark County, unincorporated communities; and the Cities of Toulon and Wyoming, and the Villages of Bradford and LaFayette, Illinois, which maps accompany and are hereby made a part of this ordinance. These Zoning Maps of Stark County, Illinois, and all notations, references and other matters shown thereon shall be as much a part of this ordinance as if they were fully described herein.

- 22.01. The said Zoning Maps shall be on file and available for public reference in the office of the Enforcing Officer, complete with amendments which are adopted as provided here.
- 22.02. Any land, the classification of which is not shown thereon, and land hereafter disconnected from a city, village, or un-incorporated town shall be classified as the AG-1 Agricultural District until otherwise classified by amendment within ninety (90) days of such disconnection and after a public hearing before the Board of Appeals and recommendation by the Planning Commission as hereinafter provided in Article XVI.
- 22.03. No building shall be erected or altered, nor shall any building or premises be used for any purpose other than a use permitted in the district in which such building or premises is located.

- 22.04. No lot which is now or may hereafter be built upon as herein required may be so reduced in area that the yards and open spaces will be smaller than prescribed by the ordinance, and no yard, court or open space provided about any building for the purpose of complying with the provisions thereof shall again be used as a yard, court or other open space for any other building.
- 22.05. If Uncertainty arises with respect to the boundaries of the various Districts as shown on the Zoning maps, the Enforcing Officer shall determine the boundaries in accordance with the following rules:
  - 22.051. District boundaries unless otherwise indicated are the centerlines of streets, highways, alleys, railroads or easements; or the boundary lines of sections, quarter sections or even division thereof; tracts or lots, or such lines extended.
  - 22.052. Where a district boundary line divides a lot in single ownership, the regulations of either district may apply to the entire lot, but not more than twenty-five feet (25') beyond the boundary line.
  - 22.053. In areas not subdivided into lots and blocks, the district boundary lines on the Zoning Maps shall be determined by scale to the nearest fifty feet (50').

Section 23      **GENERAL PROVISIONS**

- 23.01. Except as provided by this ordinance and except after obtaining written permission from the Enforcing Officer, it shall be unlawful within the Cities of Toulon and Wyoming and the Villages of Bradford and LaFayette, unincorporated communities, and outside of all cities and villages of the County:
  - 23.011. To establish any use of a building, structure or land, either by itself or in addition to another use.
  - 23.012. To expand, change or re-establish any non-conforming use.
  - 23.013. To erect a new building or structure or part thereof.
  - 23.014. To rebuild, structurally alter, add to or relocate any building or structure or part thereof.
  - 23.015. To reduce the open space or plot area required for a building or structure or to include any part of such open space or plot area as that required for any adjoining building or structure.
- 23.02. Accessory Uses. Unless otherwise prohibited or restricted, a permitted use also allows uses and buildings incidental thereto if located on the same site or building plot. However, such accessory uses and buildings shall not be established or erected prior to the establishment or construction of the principal use or building and shall be compatible with the character of the principal use.

- 23.03. Temporary Uses. Permitted anywhere is a temporary yard for a contractor's plant required for highway construction, if not nearer than eight hundred feet (800') to any residence other than that of the owner or lessor of the site.
- 23.04. Exemptions. The powers effectuated by this ordinance shall not be exercised so as to:
- 23.041. Deprive the owner of any existing property of its use or maintenance for the purpose to which it is lawfully devoted at the time of enactment of this ordinance or subsequent amendments thereto.
- 23.042. Impose regulations or require payments for permits with respect to land used or to be used for agricultural purposes as defined in Section 12.03 herein, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings used or to be used for such agricultural purposes upon such land except that such building for agricultural purposes may be required to conform to building or setback lines.
- 23.043. Specify or regulate the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any similar distributing equipment of a public utility as defined in "An Act Concerning Public Utilities" enacted by the General Assembly of the State of Illinois.
- 23.05. General Exceptions. The exceptions, variations and regulations of Section 28 shall be applicable in all districts, and special reference in the various articles of this ordinance to these particular requirements is not required.

Section 24. **CONTINUANCE OF NON-CONFORMING USES**

Any lawful use of land, building or structure existing at the time of adoption of this ordinance, or subsequent amendment of this ordinance, may be continued with the following limitations:

- 24.01. Non-Conforming Use Not To Expand. Any building or structure containing a non-conforming use may not be expanded nor substantially remodeled.
- The board of Appeals may approve any remodeling and incidental repairs which do not tend to prolong the life of the non-conforming use.
- 24.02. Non-conforming Use Not To Rebuild. Any building or structure containing a non-conforming use, which has been damaged due to the extent of fifty percent (50%) of its current fair value, as estimated immediately prior to damage, except for advertising signs or billboards, shall not be repaired or reconstructed except in conformity with this ordinance.

- 24.03. Discontinued Non-Conforming Use Not To Re-establish After Six Months. Any non-conforming use of a building, structure or land which is discontinued for a period of six (6) months or more shall not be continued again and any future use thereof shall be in conformity with the provisions of this ordinance.
- 24.04. Non-Conforming Uses Not To Be Substituted. A non-conforming use may not be substituted for any other non-conforming use or any conforming use.

Section 25. **OFF-STREET PARKING**

- 25.01 Hard surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or alley. Following are minimum requirements for specific uses:
- 25.011. Dwellings – Two (2) spaces for each dwelling.
- 25.012. Hotels, including clubs, lodging houses, summer resorts and cabins, boarding and rooming houses, dormitories, sororities, fraternities and all other similar places offering overnight accommodations – at least one (1) off-street parking for each two (2) guest rooms.
- 25.013. Tourist and motel accommodations – One (1) space for each room offered for tourist accommodations.
- 25.014. Hospitals, including sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirm, institutions of a charitable or philanthropic nature and all other similar institutions – At least one (1) off-street parking space for each two (2) patient beds, plus at least one (1) additional off-street parking space for each doctor employed by the hospital or who is on the active medical staff authorized to practice at the hospital, plus at least one (1) additional off-street parking space for each three (3) employees (including nurses).
- 25.015. Places of Public Assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, theatres, exhibition halls, town halls, convention halls, auditoriums, athletic fields, sports arenas, stadiums, gymnasiums, amusement parks, race tracks, fairgrounds, circus grounds, churches, morgues, mortuaries, mausoleums, crematories, community buildings, libraries, museums and all other similar places of relatively infrequent public assembly – At least one (1) off-street parking space for each five (5) seats provided for patrons' use or at least one (1) off-street parking space for each two hundred (200) square feet of gross floor area used or intended to be used for service to the public as customers, patrons, students, members, communicants or clients, whichever requires the greater number of parking spaces.



25.016. Schools, in addition to the requirements of Section 25.015 including academies, colleges, universities, elementary schools, junior high schools, high schools and all other similar institutions of learning – nunneries, religious retreats, fire and police stations, cemeteries, experimental and proving grounds, grain storage, public utility substations, booster stations, radio and television relay towers, repeater stations, sawmills, seed processing plant, sewage treatment plant or waterworks – At least one (1) off-street parking space for each three (3) employees including administrators, teachers and building maintenance personnel.

25.017. Airports and landing field, golf courses and golf driving ranges, greenhouses, gun clubs, fish and game preserves, boat liveries, kennels, public parks, picnic grounds, television and radio stations, riding academy or commercial stable, veterinary establishment, truck gardening, home occupations and all other places of similar use – At least one (1) off-street parking space for each two (2) patrons, clients or members using the facility. The number of parking spaces shall be determined by the greatest number of patrons, clients or members to use the facility at the time of its peak use.

25.018. Wholesale, storage and manufacturing establishments – One (1) space for each five (5) employees.

25.019. Retail establishments – One (1) space for each four hundred (400) square feet of gross floor area.

25.020. Office uses – One (1) space for each three hundred (300) square feet of gross floor area.

25.02. If off-street parking for non-residential uses as required above cannot be provided on the same lot on which the principal use is conducted, the Zoning Enforcing Officer may permit such space to be provided on other off-street property provided such space is within four hundred feet (400') of an entrance to such principal use. Such off-street parking space shall thereafter be deemed to be required open space associated with this permitted use and shall not be reduced or encroached upon in any manner.

25.03. Whenever there is a change in use, or an increase in floor area, or in the number of employees, and such change or increase creates a need for three (3) or more off-street parking spaces, then additional off-street parking spaces shall be provided on the basis of the requirements for the new use.

## Section 26. OFF-STREET LOADING

Every building or structure used for other than residential uses, except for those in the existing developed part of the county, unincorporated communities, or cities and villages included in this ordinance which are adapted or constructed after the adoption of this ordinance shall provide adequate space for loading and unloading of vehicles off the street or alley.

Section 27. **OBSTRUCTIONS TO VISION AT INTERSECTIONS PROHIBITED**

On any corner lot in all districts except the C-1 General Retail District, there shall be no obstruction to traffic visibility within thirty-five feet (35') of the intersection of the two (2) street property lines of the corner lot.

Section 28. **EXCEPTIONS AND VARIATIONS OF HEIGHT AND AREA**

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

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

28.02. No accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises, when such use is permitted in the district.

28.03. For the purpose of yard regulations, a two (2) family, a group house or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.

28.04. When a lot which is an official lot of record at the time of adoption of this ordinance does not comply with the area, yard or other requirements of this ordinance, an application may be submitted to the Board of Appeals for a variation from the terms of this ordinance in accordance with the procedure outlined in the "Board of Appeals", Article XII. Such lot may be used as a building site, provided that, in the opinion of the Board of Appeals, the yard and other requirements of the district are complied with as closely as possible.

28.05. **Exceptions to Yard Requirements**

28.051. Allowable Projections of Residential Structures into Yards. Architectural features of residential buildings such as window sills, cornices, roof overhangs may project into the required yard provided such projection is not more than four feet (4') and does not reach closer than four feet (4') to any lot line.

28.052. Allowable Projections of Business Structures over Sidewalk. Signs, awnings, canopies, marquees are permitted to overhang the sidewalk in the C-1 General Retail District only, providing that overhanging signs are a minimum of eight feet (8') above the sidewalk at any point and that all other structures are a minimum of six feet eight inches (6'8") above the sidewalk at any point.

- 28.053. Allowable Projection of Accessory Building into Rear Yard. One (1) story accessory buildings may project only into rear yards abutting on an alley providing such projection extend not closer than five feet (5') to the rear lot line.
- 28.06. The height limitations of this ordinance shall not apply to power plants, silos, cooling towers, church spires, belfries, cupolas, elevator bulkheads and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, derricks, conveyors, flag poles, radio towers, masts, aerials and necessary mechanical appurtenances.

## ARTICLE III

### PROVISIONS GOVERNING AGRICULTURAL AG-1 DISTRICT

Preamble: The intent of this ordinance in establishing an agricultural district is to allow maximum freedom of operation for bona fide agricultural purposes and to protect such use from encroachment by other special uses which are subject to the regulations and requirements specified in Section 33.

#### Section 31. **BONA FIDE AGRICULTURAL USES**

Whenever a farm dwelling or mobile home is to be constructed as an agricultural use on a tract or plot comprising less than three (3) acres, or property comprising less than three (3) acres and containing a farm dwelling, is to be transferred for agricultural uses, a signed statement shall be secured by the Enforcing Officer upon a form prescribed by the Enforcing Officer attesting the authenticity of the agricultural use. It shall be determined agricultural if: (1) a majority of the total cash income of the applicant is or shall be derived from pursuit of the occupations enumerated herein, on the premises involved, or (2) the applicant is a member of the immediate family of a bona fide farmer owning land contiguous to or on the opposite frontage to the premises involved, or (3) the applicant is recognized as engaged in bona fide agricultural pursuits by the Township Board of the township concerned. Such signed statement shall be filed in the records of the Enforcing Officer.

#### Section 32. **USES PERMITTED IN THE AG-1 AGRICULTURAL DISTRICT** (No public hearing required)

32.01. Other than bona fide agricultural uses within any AG-1 Agricultural District, no building or premises shall be used or arranged or designed to be used except for one (1) or more of the following uses, which shall be subject to all regulations and requirements for permit of this ordinance and which do not violate county and state nuisance ordinances.

32.011. Churches.

32.012. Dwellings – Single family or two (2) families to include subterranean structures...

32.013. Greenhouses.

32.014. Home Occupations – Provided that not more than one (1) sign with a maximum of ten (10) square feet may be displayed setting forth such occupation and that a gravel, crushed rock or other improved access road shall be provided off the public right-of-way.

32.015. Hospitals and institutions of an educational, charitable or philanthropic nature provided that such buildings shall not be located upon sites containing an area of less than five (5) acres, may not occupy over thirty percent (30%) of the total area of the lot, that the building shall be set back from all yard lines a distance

of not less than two feet (2') for each foot of building height.

32.016. Hunting and Fishing.

32.017. Lakes (artificial, three (3) acres or less).

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

32.019. Any exploratory drilling operation or actual production well for gas or oil or other natural resources provided it is not within three hundred feet (300') of a residence.

32.020. Picnic Grounds provided that the minimum area of such tract shall be then thousand (10,000) square feet, and that one (1) sign with an area of not more than twenty (20) square feet may be displayed thereon, that a gravel, crushed stone or other improved access road shall be provided.

32.021. Schools.

32.022. Signs (unilluminated or unlighted) as follows:

32.0221. Nameplates not exceeding one hundred forty-four (144) square inches in area on either side for each dwelling unit.

32.0222. Bulletin boards for churches and identification signs for schools or other permitted uses, not exceeding twenty-four (24) square feet in area when located on the premises of such use.

32.0223. Signs offering for sale land, lots, houses, livestock, seed corn, not exceeding fifty (50) square feet in area.

32.0224. Signs permitted by law within highway right-of-way.

32.0225. Signs shall conform to the yard requirements of the District in which placed.

32.023. Town Halls.

ADD: 32.024 Uses Permitted in the AG-1 Agricultural District

AMENDED 32.0241 Stand-alone Solar Energy System owned by the land owner  
5-8-2018 designed to generate energy that will be consumed on the property.

Section 33. **SPECIAL USES IN THE AG-1 AGRICULTURAL DISTRICT**  
(A public hearing required)

- 33.01. To provide for the location of special classes of uses which are deemed desirable for the public welfare within this district, but which are potentially incompatible with uses herein permitted in it, a classification of "special uses" is hereby established.
- 33.02. The Board of Supervisors may allow a special use after public hearing by the Board of Appeals and subject to such protective restrictions that it deems necessary, authorize the location, extension or structural alterations of any of the following buildings or uses.
- 33.03. Before issuance of permit for any of the following buildings or uses, the Board of Supervisors shall at its next meeting after the application is filed, refer the proposed application to the Planning Commission, which Commission shall be given thirty (30) days after referral in which to make an advisory report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public health, public safety or general welfare. No action shall be taken upon any application for a proposed building or use above referred to until or unless the report of the Planning Commission has been filed; provided, however, that if no report is received from the Commission within thirty (30) days after referral, it shall be assumed that approval of the application has been given by the Commission.
- 33.04. The following special uses may be permitted, subject to the above provisions:
- 33.041 Airports, public and private, subject to the requirements of the Illinois Aeronautical Department.
- 33.042. Circuses – Provided that they shall not operate more than fifteen (15) consecutive days, nor sell beer or alcoholic beverages, and that they shall be located not closer than one thousand feet (1000') to any dwelling except that of the owner or lessor of the site.
- 33.043. Cemeteries, mausoleums, crematories or columbarium's in cemeteries of not less than fifty (50) acres.
- 33.044. Children's fairgrounds, including pony riding and miniature railroads.
- 33.045. Commercial Resort.
- 33.046. Community buildings (Grange Halls, etc.).
- 33.047. Extraction of clay, coal, dirt, gravel, sand, stone, topsoil, oil or other natural resources, provided it is not closer than three hundred feet (300') to any residence.
- 33.048. Fairgrounds, race tracks and county farms.
- 33.049. Fishing, commercial, in artificial or existing lakes or ponds, including sale of food and fishing fees, soft drinks, non-illuminated for night use.

- 33.050. Forest Preserves, Conservation Districts, marinas, public parks, commercial camp grounds.
- 33.051. Golf courses and golf driving ranges.
- 33.052. Propane gas and grain storage, commercial, if not closer than three hundred feet (300') to a residence other than that of the owner or lessor of the site.
- 33.053. Junk yards or auto wrecking yards.
- 33.054. Lakes (artificial) over three (3) acres.
- 33.055. Libraries and museums.
- 33.056. Livestock auction barns and yards, with restaurant facilities.
- 33.057. Motels and tourist courts – Provided that gravel or other improved surface access roads shall be constructed to parking areas and that parking areas off the public right-of-way shall be furnished at the rate of one (1) parking place for each dwelling unit.
- 33.058. Open air illumination for outdoor games such as baseball, football or other uses where glare and noise might unreasonably affect surrounding property or highway traffic.
- 33.059. Private clubs and lodges.
- 33.060. Private pistol or rifle ranges.
- 33.061. Removal of ledge rock with required approval for blasting, quarrying and crushing of stone.
- 33.062. Railroad trackage, including roundhouses and repair shops.
- 33.063. Rooming and boarding or tourist houses providing lodging and/or meals for more than six (6) persons.
- 33.064. Sanitariums.
- 33.065. Sawmills.
- 33.066. Seed Processing Plants.
- 33.067. Sewage Treatment Plants.
- 33.068. Signs (illuminated).

33.069. Skeet or trap shooting if not closer than one thousand three hundred twenty feet (1320') to any residence or farm group.

33.070. Temporary asphalt plants and crushed rock storage.

33.071. Trailer park or mobile home parks subject to state regulations – Provided each unit contains a gross floor area of four hundred (400) square feet or more and resting in whole on a permanent foundation, and further provided that all other area regulations for dwellings in this district be observed in addition to sewage disposal and water supply regulations for residential use.

33.072. Veterinarian office, animal hospitals, animal boarding and kennels.

33.073. Storage areas or yards for anhydrous ammonia fertilizers, except packaged fertilizers – Provided these areas are at least one-fourth (1/4) mile from a structure containing humans except a structure belonging to the lessor or owner of the fertilizer plant or area, and at least fifty feet (50') from owner's property line.

33.074. Water Works.

AMENDED 11/13/1990

33.075 Temporary mobile home – provided each unit contains a gross floor area of four hundred (400) square feet or more, and will be removed within one year from the date the temporary mobile home permit is issued.

AMENDED 5/10/2005

33.076 Wind Energy Conversion Systems (WECS) commercial radio or television towers, cellular telephone, or microwave transmission or relay station towers.

AMENDED 5/8/2018

33.077 Solar Farm Energy System (SFES) of any ownership and size.

1. Before a Special Use Permit is issued the applicant shall submit a site plan

With existing conditions showing the following:

i. Existing property lines and 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. Existing buildings
2. 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 solar farm to a building, substation or other electric load.
  3. A detailed list of costs showing the itemized total construction costs of the facility separated by parcel.
  4. A description of the method of connecting the array to a building or substation.

Section 34. **REQUIRED LOT AREA AND LOT WIDTHS IN AG-1 AGRICULTURAL DISTRICT**

- 34.01 Each dwelling structure shall be located on a lot or tract in such a manner as to comply with the yard regulations of this district and such lot or tract shall have a minimum area of one and a half (1-1/2) acres and a minimum width at the setback or front yard line, whichever is applicable, of one hundred fifty feet (150'), with the following exceptions which shall be deemed to conform with the regulations of this district:
- 34.011. Any dwelling existing at the time of passage of his ordinance upon a lot which does not meet the required lot area and width standards for this district.
- 34.012. Those dwellings which may be transferred shall be located on one and one-half (1-1/2) acres.
- 34.013. Lots or tracts of record at the time of passage of this ordinance, which are less than one and one-half (1-1/2) acres in area or less than one hundred fifty feet (150') in width, may be used for the erection of a single-family dwelling or two (2) family dwelling, provided that two (2) or more contiguous lots in common ownership of record at the time of passage of this ordinance shall be combined in one (1) parcel to approach the required area insofar as possible, that the intent of the yard regulations of this district be reasonably observed, and that the area of parcel so obtained is not reduced in transfer.
- 34.02. In determining the required minimum lot sizes and set-back distances in agricultural districts, there shall not be included in this compliance determination any portion of the premises which are subject to any public right-of-way.

AMENDED 5/8/2018

34.03. Minimum lot size-NO solar farm shall be erected on any lot less than 5 acres in size

Section 35. **HEIGHT REGULATIONS IN AG-1 AGRICULTURAL DISTRICT**

No dwelling shall exceed thirty feet (30') in height unless each side yard is increased over the required minimum by five feet (5') for every five feet (5') or fraction thereof of additional height over thirty feet (30'). In no case shall the building height exceed fifty feet (50'). Dwellings shall not have a height of less than eight feet (8') over a majority of the area of the ground floor except that the eight foot (8') requirement shall not apply until two (2) years after the start of construction.

AMENDED 5/8/2018

35.01. Solar Energy System (SES) height requirements shall not be greater than the allowable height of any structure within the zoning district in which the SES is to be installed.

Solar Farm Energy System (SFES) shall not exceed 30 feet in height when oriented at maximum tilt. Perimeter fencing having a maximum height of eight (8) feet shall be installed around the boundary of the Solar Farm Energy System. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.

Section 36. **YARDS REQUIRED IN AG-1 AGRICULTURAL DISTRICT**

Except as required in the Setback Regulations, Article X, no building shall be erected within fifty feet (50') of the right-of-way line of any public road or highway, or within fifteen feet (15') or one foot (1') for each foot of building height, whichever is the greater, of any lot line.

AMENDED  
5/10/2005

36.01 Wind Energy Conversion System (WECS), commercial radio or television towers, cellular telephone, or microwave transmission or relay station towers.

<u>Setback Requirements</u>	<u>Setback</u>
Residence.....	1000 feet
Public roads (right of way).....	1.10 times height
Property line.....	1.0 times height
Other structures.....	1.10 times height

A waiver of the setback requirements from the adjacent property line or other structures may be granted by the Stark County Zoning Enforcement Officer upon written affidavit of the adjacent property owner. The written affidavit will indicate a waiver by the adjacent property owner of their property owner. The written affidavit will indicate a waiver by the adjacent property owner will be included in the application for the special use permit required for the WECS project. The waiver will be restricted to the single tower for which the application for special use is filed.

Any waiver of the above setback requirement shall run with the land and be recorded as part of the chain of title of the deed of the subject property recorded in the county's public records.

For WECS, height for setback requirements for public roads and other structures shall be measured from the top surface of the WECS foundation at the base of the tower to the tip of the rotor blade at its highest point. For WECS, height for setback requirements for property lines shall be measured at its highest point. For WECS, height for setback requirements for property lines shall be measured from the top surface of the WECS foundation at the base of the tower to the center of the hub. Setback distance shall be measured from the center of the WECS tower foundation. For commercial radio or television towers, cellular telephone, or microwave transmission or relay stations tower, height shall be measured from the top surface of the foundation at the base of the tower to the tip of the highest point of the tower, and setback distance shall be measured from the center of the tower foundation.

### **ROADS**

Roads – Any proposed public roads that will be used for construction purposes shall be identified and approved by the Township Road Commissioner and the County Engineer prior to the start of construction.

Any road damage caused by the transport of the facility's equipment, the installation, or the removal, must be completely repaired to the satisfaction of the Township Road Commissioner and the County Engineer. The Township Road Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond or other financial assurance acceptable to the County in an amount to be fixed by the Township Road Commissioner or the County Engineer to insure the township or the County that future repairs are completed to their satisfaction.

### **AMENDED 5/8/2018**

#### **36.02. Setback Requirements for Solar Energy Systems (SES):**

Shall meet the structure setback requirements as stated in Article III, Section 36 of the Stark County Zoning Ordinance, unless otherwise stated herein:

The SES shall maintain perimeter setbacks including side and rear yard setbacks of (15) feet in an Agricultural District if the system is used for personal or farm use and the amount of excess energy sold to other users is less than the amount consumed by the property owner. No SES shall be permitted to be located in the required front yard.

#### **36.03. Setback Requirements for Solar Farm Energy Systems (SFES)**

The front side and rear yard setbacks shall be a minimum of fifty (50) feet from the property lines which form the outside perimeter of a SFES project area and Solar panels will be kept at least 300 feet from a residence that is not part of a Special Use.

## ROADS

Roads- Any proposed public roads that will be used for construction purposes shall be identified and approved by the Township Road Commissioner and the County Engineer prior to the start of construction.

Any road damage caused by the transport of the Solar Farm Energy Systems equipment, the installation, or the removal, must be completely repaired to the satisfaction of the Township Road Commissioner and the County Engineer. The Township Road Commissioner and County Engineer shall choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized road limits. Further, a corporate surety bond or other financial assurance acceptable to the County in an amount to be fixed by the Township Road Commissioner or the County Engineer to insure the township or the County that future repairs are completed to their satisfaction.

### Section 37. **PARKING REGULATIONS FOR AG-1 AGRICULTURAL DISTRICT**

Not less than two (2) parking spaces shall be provided per dwelling unit on the lot or in a building.

### Section 38. **GROUND FLOOR AREA REQUIRED IN AG-1 AGRICULTURAL DISTRICT**

One (1) story dwelling shall have a total ground floor area of not less than eight hundred twenty-five (825) square feet measured from the exterior faces of exterior walls, including utility rooms, but excluding open porches, garages and terraces. Dwellings having more than one (1) story shall have not less than seven hundred eighty (780) square feet of ground floor area measured as prescribed for one (1) story dwellings. Mobile homes shall have a minimum of four hundred (400) square feet.

### Section 39. **ADVERTISING DEVICES AS A SPECIAL USE**

(A public hearing is required)

Posters, painted bulletins and advertising signs, hereafter called advertising devices, may be established in the AG-1 Agricultural District, except where the district lies within an incorporated city or village, after a public hearing by the board of Appeals and advisory report by the Planning Commission and approval by the Stark County Board of Supervisors subject to the following general requirements and such other requirements as the Board of Supervisors believes proper for the individual circumstances.

39.01. They shall be placed not closer than three hundred feet (300') from the right-of way line of the nearest highway.

- 39.02. They shall be placed not closer than five hundred feet (500') to the property line of any church, school, hospital or similar public or semi-property existing at time device is placed.
- 39.03. They shall be placed not closer than five hundred feet (500') to the nearest dwelling existing at time device is placed.
- 39.04. The advertising copy shall be placed on one (1) device only and not continued to two (2) or more.
- 39.05. They shall be placed in a manner to respect the public interest in respect to natural scenery and with discretion and good taste with respect to frequency and concentration.
- 39.06. All devices must be placed on property properly leased or owned by the company placing its devices.
- 39.07. No advertising device shall be painted or posted directly upon the surface of any building.
- 39.08. Permits for any device placed as a Special Use shall be for a period not to exceed three (3) years for wooden structures and five (5) years for steel structures. All devices shall be properly maintained by painting and structural repairs.
- 39.09. Before a special permit is issued the applicant shall submit a copy of the contract showing right to maintain device on the property for a length of time not to exceed that approved by the Board of Supervisors. This contract shall be filed in the office of the Enforcing Officer together with the permit signed by the applicant setting forth special conditions relative to the Special Use required by the Board of Supervisors.
- 39.10. Exceptions: Signs designating time of meeting, location or notice of meetings pertaining to the Chamber of Commerce, Kiwanis, Rotary, clubs, churches or other similar organizations and groups may be placed as separate signs in the AG-1 Agricultural district under requirements specified above or these signs may be incorporated into one (1) sign and placed in the AG-1 Agricultural District at a distance of not less than fifty feet (50') from the right-of-way line of the highway with approval of the Board of Supervisors, without a public hearing.

**ARTICLE IV**

**PROVISIONS GOVERNING RESIDENCE (R-1 AND R-2) DISTRICTS**

Preamble: The purpose of the Residence Districts is to provide an area for (residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.)

Section 41. **USES PERMITTED IN THE R-1 DISTRICT** – Provided the use does not violate state or county nuisance ordinances  
(No public hearing required)

41.01. Single-family and two (2) family residence dwellings, leasing of rooms to not more than two (2) families and home occupations.

41.02. Home agricultural uses including nurseries and raising of farm products (not to include livestock or sale of products on premises).

**AMENDED  
5/11/1993**

41.03. Churches, schools, libraries, museums, art galleries, parks, playgrounds, community centers, cemeteries, public services, utility buildings, and day care homes.

41.04. Accessory buildings and uses.

41.05. Unlighted real estate signs, non-conforming business use signs and public building or church sign or bulletin boards pertaining to the property on which they are placed and not having over twelve (12) square feet of sign area.

**AMENDED  
5/8/2018**

41.06. Solar Energy Systems (SES)

Section 42. **USES PERMITTED IN THE R-2 DISTRICT**  
(No public hearing required)

42.01. Any use permitted in the R-1 district.

42.02. Multiple-family dwelling, tourist homes and lodging uses with accommodations for not more than fifteen (15) persons.

42.03. Clubs, lodges, hospitals, sanitariums, medical and dental clinics, rest homes and nursing homes.

**AMENDED  
5/8/2018**

42.04. Solar Energy Systems (SES)

Section 43. **SPECIAL USES IN THE R-1 AND R-2 DISTRICTS**  
(A public hearing is required)

The following uses are permitted as special uses in the R-1 and R-2 Districts when authorized by the Board of Supervisors after a public hearing by the Board of Appeals and an advisory report by the Planning Commission in accordance with procedures specified in Article IX, Special Exceptions. Such special use shall be subject to the following requirements and any other requirements the Board of Supervisors feels necessary to further the purpose of the Residence Districts as stated in the preamble.

- 43.01. Mobile Home and Trailer Parks with permanent accommodations for mobile homes providing that (a) such park will have permanent accommodations for a minimum of five (5) mobile homes, (b) mobile home accommodations will include for each mobile home individual underground sewer and water connections, concrete trailer platform, hard surface drives to be shared by not more than two (2) mobile homes leading directly to a public improved street, (c) the plan of development will provided a minimum of thirty-six hundred (3,600) square feet per trailer space, and (d) trailer spaces will not be located any closer to the bounding property lines of the park than the appropriate yard requirements for the district would allow. Mobile home parks shall comply with "An Act in relation to the licensing and regulation of Trailer Coach Parks", State of Illinois Department of Public Health.
- 43.02. An individual mobile home provided it contains a minimum gross floor area of four hundred (400) square feet and is set on and resting in whole on a permanent foundation, and further provided that all other regulations for residences in R-1 or R-2 Districts are observed in addition to sewage disposal and water supply regulations for residential use.
- 43.03. Subterranean Home provided that all regulations of R-1 or R-2 Districts are observed.

**AMENDED**  
**11/13/1990**

- 43.04. Temporary mobile home –provided each unit contains a gross floor area of four hundred (400) square feet or more, and will be removed within one year from the date the temporary mobile home permit is issued.

**AMENDED**  
**5/11/1993**

- 43.05. Care facilities, including the following:
- (1) Child care centers.
  - Day care centers.
  - Day nurseries
  - Nursery school

**AMENDED**

5/8/2018

43.06. Solar Farm Energy System (SFES)

Section 44. REQUIRED LOT AREA AND LOT WIDTH IN THE R-1 AND R-2 DISTRICTS

IN THE R-2 DISTRICT:

	Min. Lot Area Per Family (Sq. Ft.)	Min. Lot Width Per Structure (Ft.)
Single Family Dwelling		
With both public Water and public sewer	10,000	75
With neither public water Supply nor sewer	20,000	100
Two (2) Family Dwelling		
With both public water And public sewer	7,500	100
With neither public water Nor sewer	15,000	150

IN THE R-2 DISTRICT:

All dwellings in this district must be served with both public water and public sewer.

	Min. Lot Area Per Family or Rental Unit (Sq. Ft.)	Min. Lot Width Per Structure at Front Bldg. Line (Ft.)
Single Family Dwelling	7,500	65
Two (2) Family Dwelling	4,500	75
Multiple-Family Dwelling	2,500	100
Rooming or Lodging House	1,500	50

Section 45. BUILDING HEIGHT REGULATION IN RESIDENCE DISTRICTS

No building shall exceed two (20 Stories or thirty feet (30') in height, unless each side yard is increased over the required minimum by five feet (5') for every five feet (5') or fraction thereof, of additional height over thirty feet (30'). In no case shall the building height exceed fifty feet (50').

Section 46. YARDS REQUIRED IN RESIDENCE DISTRICTS



Except as required in the Setback Regulations, Article X, all structures to be constructed, altered or moved in the R-1 and R-2 Districts shall provide yards of the following minimum depths.

- 46.01. Front Yard – Twenty-five feet (25') from right-of-way.
- 46.02. Side Yard – Five feet (5') minimum, one (1) side yard; twelve feet (12') minimum, sum of two (2) side yards.
- 46.03. Rear Yard – Twenty feet (20') or twenty percent (20%) of the lot depth, whichever is greater.
- 46.04. Yards of Corner Lots – Corner lots shall provide a front yard on each street side, not. However, to reduce the buildable width of the lot below thirty-two feet (32').
- 46.05. Front yards shall be not less than twenty-five feet (25') unless forty percent (40%) or more of the frontage is improved with buildings that have observed a greater or lesser depth of front yard, in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the front property line of the residence upon either side of the proposed structure or, if there be residences upon only one side, then beyond the straight line projected from the front of the two (2) nearest residences, but this regulation shall not be interpreted to require a front yard of more than fifty feet (50'), nor to permit a front yard of lesser depth than that of the nearest building. Where the street is curved, the line shall follow the curve of the street rather than being a straight line.

Section 47. **OFF-STREET PARKING**

There shall be provided in the R-1 and R-2 Districts adequate off-street parking in accordance with the schedule in Article II.

## ARTICLE V

### PROVISIONS GOVERNING R-3 COUNTRY HOME DISTRICT

Preamble: The purpose of the Country Home District is to provide areas for acreage lots for rural type living.

Section 51. **USES PERMITTED IN THE R-3 COUNTRY HOME DISTRICT** – Provided the use does not violate state or county nuisance ordinances.  
(No public hearing required)

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

51.02. Churches.

51.03. Dwellings, single-family.

51.04. Golf courses.

51.05. Home Occupations, provided that no more than one (1) nameplate attached to the dwelling structure and unlighted, with a maximum area of four (4) square feet may be displayed setting forth such occupation.

51.06. Lakes (artificial) three (3) acres of less.

51.07. Schools, except business or commercial schools.

51.08. Signs, one (1) per tract, but not more than twenty (20) square feet in area, pertaining only to the lease or sale of a building or premises.

Section 52. **SECONDARY USES PERMITTED IN THE R-3 COUNTRY HOME DISTRICT**  
(No public hearing required)

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

52.01. Greenhouses.

52.02. Guest Houses.

52.03. Hobby or play structures.

- 52.04. Kennels, if not within one hundred feet (100') of any dwelling other than that of the owner or lessor of the site.
- 52.05. Servant Quarters.
- 52.06. Stables, if not within fifty feet (50') of any property line and not within one hundred feet (100') of any dwelling other than that of the owner or lessor of the site.

Section 53. **SPECIAL USES IN THE R-3 DISTRICT**  
(A public hearing is required)

The following uses are permitted as special uses in the R-3 District when authorized by the Board of Supervisors after a public hearing by the Board of Appeals and an advisory report by the Planning Commission in accordance with procedures specified in Article IX, Special Exceptions. Such special use shall be subject to the following requirements and any other requirements the Board of Supervisors deems necessary to further the purpose of the Residence district as stated in the preamble.

- 53.01. Lakes (artificial) more than three (3) acres.
- 53.02. Radio and television relay stations, booster stations, repeater stations and public utility substations, etc., but not including power generation or gas manufacturing plants.
- 53.03. Water works.

Section 54. **REQUIRED LOT AREA AND LOT WIDTHS IN COUNTRY HOME DISTRICT**

Every tract of land or lot upon which a single family dwelling is to be constructed shall have an area of not less than one and one-half (1-1/2) acres and a width at the setback or front yard line of not less than one hundred feet (100'), except that a smaller lot officially of record at the time of passage of this ordinance may be occupied by a single-family dwelling, provided that two (2) or more contiguous lots in common ownership of record at the time of passage of this ordinance shall be combined in one (1) parcel to approach the required area insofar as possible, that the intent of the yard regulations of this district be reasonably observed, and that the area of parcel so obtained is not reduced in transfer.

Section 55. **BUILDING HEIGHT REGULATIONS IN COUNTRY HOME DISTRICT**

Dwellings, guest houses or servant quarters, greenhouses and stables shall not exceed thirty-five feet (35') in height, nor be less than eight feet (8') above grade over a majority of the area of the ground floor.

Section 56. **YARDS REQUIRED IN COUNTRY HOME DISTRICT**

Except as required in the Setback Regulations, Article X, no building shall be constructed within fifty feet (50') of a street, road or highway right-of-way line or within fifteen feet (15') or one foot (1') for each foot of building height, whichever is the greater, of any lot line.

Section 57. **GROUND FLOOR AREA REQUIRED IN COUNTRY HOME DISTRICT**

Ground floor area per dwelling as required in AG-1 Agricultural District.

## ARTICLE VI

### PROVISIONS GOVERNING COMMERCIAL (C-1 AND C-2) DISTRICTS

Preamble: The purpose of the C-1 General Retail District is to provide for a wide range of retail facilities and services of such a nature as to be fully compatible in the proximity they must enjoy in the central business district of a city, village or unincorporated town.

The purpose of the C-2 Service Retail District is to provide for those retail businesses and services which require a location other than in the central business district, being either highway oriented, requiring larger tracts of land not normally available in the central business district, or to provide local neighborhood retail shopping facilities to that residential area immediately adjacent.

Section 61. **USES PERMITTED IN THE C-1 GENERAL RETAIL DISTRICT** – Provided that they do not violate state or county nuisance ordinances.  
(No public hearing required)

- 61.01. Any use permitted in the R-1 and R-2 Districts.
- 61.02. Major Retail Outlets: Furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores.
- 61.03. Food, Drug and Beverage: Grocery stores, supermarkets, meat markets, drug stores, liquor stores, bakery in conjunction with retail sales, restaurants, tea rooms and taverns, including light food processing, frozen food lockers and dairies.
- 61.04. Specialty Shops: Gift shops, magazine, book, stationery outlets, florist shops, camera and photography shops, sporting goods.
- 61.05. Service and Recreation: Laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shop with no more than ten (10) full-time regular employees, places of amusement and assembly.
- 61.06. Business and Professional Offices: Medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance and utility companies.
- 61.07. Automotive and Related Uses: New and used car sales, service and repair, gasoline filling stations, motorcycle and bicycle shops, cab and bus stands and depots.
- 61.08. Accessory uses or Buildings.
- 61.09. Business and advertising signs pertaining to the business on the property on which the sign is located providing that (a) illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way, and (b) that any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green or amber illumination.

**AMENDED**  
**5/8/2018**

**61.10. Solar Energy System (SES)**

**Section 62. USES PERMITTED IN THE C-2 SERVICE RETAIL DISTRICT**  
(No public hearing required)

- 62.01. Any use permitted in the C-1 General Retail District.
- 62.02. Building Trades or Equipment: Building concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments (providing no construction, millwork or concrete block manufacture is done on premises).
- 62.03. Vehicle Drive-In and Heavy Vehicle Service: Farm implement sales, drive-in theaters, drive-in restaurants and refreshment stands, express, cartage and trucking facilities, large item machinery or bulk sales and storage not including outdoor storage.
- 62.04. Heavy Service and Processing Facilities: Laundry and dry cleaning plants, linens, towels, diaper and similar supply services, animal pounds, kennels and veterinary establishments.

**AMENDED**  
**7/8/2003**

**62.05. The planting, growing, production, harvesting, keeping or maintenance of viticultural activities including the distillation and sale of ethyl alcohol from grape products on a commercial basis, wholesale or retail.**

**AMENDED**  
**5/8/2018**

**62.06. Solar Energy System (SES)**

**Section 63. REQUIRED LOT AREA AND LOT WIDTH IN THE COMMERCIAL DISTRICTS**

Each residential use to be accommodated in the c-1 and c-2 Commercial Districts shall meet the minimum lot area and minimum lot width requirements of the R-2 Residence District.

**Section 64. BUILDING HEIGHT REGULATION IN COMMERCIAL DISTRICTS**

- 64.01. In the C-1 General Retail district no building shall exceed three (3) stories or forty-five feet (45').
- 64.02. In the C-2 Service Retail District no building shall exceed two (2) stories or thirty feet (30').

**Section 65. YARDS REQUIRED IN THE COMMERCIAL DISTRICTS**

Except as required in the Setback Regulations, Article X, all buildings to be constructed, altered or moved in the Commercial Districts shall meet the following minimum requirements.

65.01 Yards Required in the C-1 General Retail District:

Front Yard – no minimum yard required.  
Side Yard – no minimum yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining Residence District.

Rear Yard – twenty feet (20’). Where a rear lot line abuts an alley, one-half (1/2) of the width of such alley may be considered toward meeting the rear yard requirements.

65.02. Yards required in the C-2 Service Retail District:

Front Yard – twenty five feet (25’).

Side Yard – ten feet (10’).

Rear Yard – twenty feet (20’). Where a rear lot line abuts an alley, one-half (1/2) of the width of such alley may be considered toward meeting the rear yard requirement.

Section 66. **OFF-STREET PARKING AND LOADING**

There shall be provided in the C-1 and C-2 Commercial Districts off-street parking in accordance with the schedule in Article II, Section 25, and off-street loading in accordance with the following:

Off Street Loading

Every building or structure used for other than residential uses, and constructed after the adoption of this ordinance shall provide space on the property to be used exclusively for loading and unloading of vehicles. Such space shall be in accordance with the following schedule.

Required Spaces	Building Gross Floor Area
1	0 – 8,000 Sq. Ft.
2	8,000 – 25,000 Sq. Ft.
3	25,000 – 40,000 Sq. Ft.
4	40,000 – 100,000 Sq. Ft.
5	100,000 – 250,000 Sq. Ft.
6	250,000 – 400,000 Sq. Ft.

For buildings over 400,000 Sq. Ft., six (6) spaces plus one (1) additional space for each additional 200,000 Sq. Ft.

For the purpose of determining adequacy of loading area, each space shall be not less than ten feet (10') in width, forty-five feet (45') in length, and fourteen feet (14') in height.



Wind farm ordinance

**PROPOSED CHANGES TO PROVISIONS GOVERNING AGRICULTURAL (AG-1) DISTRICT**

**ARTICLE I**

**PURPOSE, TITLE AND DEFINITIONS**

Section 12. Definitions

ADD: 12:47 Tower-any commercial radio or television, cellular telephone, or microwave transmission relay station tower and any tower supporting Wind Energy Conversion System rotors and nacelles. (This does not include 2-way FM radio, CB, television, ham radio or WECS for personal use.)

ADD: 12:48 Wind Energy Conversion System (WECS): all necessary devices that together convert wind energy into electricity and deliver that electricity to the Utility’s transmission lines, including but not limited to the rotors, nacelles, generators, WECS towers, electrical components, WECS foundations, transformers, electrical cabling, meteorological towers, communications facilities, and other required facilities and equipment.

**ARTICLE III**

**PROVISIONS GOVERNING AGRICULTURAL (AG-1) DISTRICT**

Section 33. Special Uses in the Agricultural District  
(A public hearing required)

ADD: 33.076 Wind Energy Conversion Systems (WECS) commercial radio or television towers, cellular telephone, or microwave transmission or relay station towers.

Section 36. Yards required in the (AG-1) Agricultural District

ADD: 36.01 Wind Energy Conversion Systems (WECS), commercial radio or television towers, cellular telephone, or microwave transmission or relay station towers.

Setback Requirements

Setback

Residence.....1000 Feet

Public Roads (right of way).....1.10 times height

Property line .....1.0 times height

Other structures .....1.10 times height

A waiver of the setback requirement from the adjacent property line or other structures may be granted

by the Stark County Zoning Enforcement Officer upon written affidavit of the adjacent property owner. The written affidavit will indicate a waiver by the adjacent property owner of their right to a public hearing before the Board of Appeals as required by this ordinance. The written affidavit of the adjacent property owner will be included in the application for the special use permit required for the WECS project. The waiver will be restricted to the single tower for which the application for special use is filed.

Any waiver of the above setback requirement shall run with the land and be recorded as part of the chain of title of the deed of the subject property recorded in the county's public records.

For WECS, height for setback requirements for public roads and other structures shall be measured from the top surface of the WECS foundation at the base of the tower to the tip of the rotor blade at its highest point. For WECS, height for setback requirements for property lines shall be measured from the top surface of the WECS foundation at the base of the tower to the center of the hub. Setback distance shall be measured from the center of the WECS tower foundation. For commercial radio or television towers, cellular telephone, or microwave transmission or relay stations towers, height shall be measured from the top surface of the foundation at the base of the tower to the tip of the highest point of the tower, and setback distance shall be measured from the center of the tower foundation.

### **ROADS**

Roads-Any proposed public roads that will be used for construction purposes shall be identified and approved by the Township Road Commissioner and County Engineer prior to the start of construction.

Any road damage caused by the transport of the facility's equipment, the installation, or the removal, must be completely repaired to the satisfaction of the Township road Commissioner and the County Engineer. The Township Road Commissioner and County Engineer may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond or other financial assurance acceptable to the County in an amount to be fixed by the Township Road Commissioner or the County Engineer may be required by the Township Road Commissioner or the County Engineer to insure the township or the County that future repairs are completed to their satisfaction.

### **PROPOSED CHANGES TO PERMIT PROCEDURES**

#### **ARICLE XIII**

#### **PERMITS**

Section 131                      PERMITS PROCEDURE

ADD:    131.051                      Any work or change in use related to WECS and authorized by permit but not Substantially started within 24 months shall require a new permit. Such work or change in use authorized by said permit shall be substantially completed within 36 months after the permit is granted.

AMEND 131.07                      FEES

- A. To partially defray expenses of administering this ordinance, the following fees will be charged and collected by the Zoning Administrator who will account for such fees to the County of Stark. Permits with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for agricultural purposes shall be issued FREE OF ANY CHARGE.
- B. Any application for an amendment, special use, or variance, which is filed by, or in behalf of, or against the owner or owners of the property affected (which requires a public hearing), shall be accompanied by the following fees:

Variance .....	\$150.00
Special Use Permit or Map Amendment (rezoning).....	\$250.00
Text Amendment .....	\$250.00
Appeal .....	\$150.00

- C. Building permits must be obtained from the Zoning Administrator. Building Permit Fees shall apply as follows:

Single Family/or multiple family dwelling .....	\$0.10/sq.	
(Living Area)		Minimum of \$150.00
Single Family/ or multiple family addition alteration .....	\$0.10/sq.	
(Living Area)		Minimum of \$75.00
Commercial/Industrial .....	\$0.10/ sq. ft.	
(Including addition/ alteration/ accessory structure)		Minimum of \$250.00
Accessory building/ Porches or Decks .....	\$0.05/ Sq. Ft	
(Garage attached or detached, shed, pole barn)		Minimum of \$50.00
Communication Towers .....	\$25.00/ft.	
(Measured from top of tower to top of foundation)		
WECS Towers .....	\$25.00/ ft.	
(Measured from WECS foundation to center of hub)		
Tower Addition/ alteration .....	\$1200.00	
(Permit fee to add equipment to an existing tower)		

If construction starts before a building permit is issued, the fee will increase by fifty percent (50%), and in accordance with article xiv, Section 141.04.

In addition to the above fees, the applicant shall reimburse the County for all costs of publication, prior to the date of hearing before the Zoning Board of Appeals.

## ARTICLE XIV

### ENFORCEMENT AND PENALTIES

#### Section 141. ADMINISTRATION

AMEND 141.04 Any persons firms or corporations, or agents, employees or contractors of such, who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of any of the provisions of this ordinance shall be subject to a fine of not less than two hundred twenty five dollars (\$225.00) or imprisonment for not more than six (6) months, or both, for each offense, and each day a violation continues shall constitute a separate offense.

#### DECOMMISSIONING PLAN FOR WIND ENERGY CONVERSION SYSTEMS

Add: 141.05 The WECS project must contain a Decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Decommissioning shall include: removal of all structures (includes transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also recite an agreement between the applicant and the county that:

- a. The financial resources for decommissioning shall be in the form of a surety bond or other financial assurance acceptable to the County, or shall be deposited in an escrow account with an escrow agent acceptable to the Zoning Enforcement Officer, not more than (10) years after the WECS project commences operation. Commercial operations begin when a single tower begins production.
- b. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
- c. The county shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.
- d. The county is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- e. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the county's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the

amount of the excess, and to take all steps allowed by law to enforce said lien.