

Chapter 400

ZONING

[HISTORY: Adopted by the County Board of Stephenson County 2-9-1971 (Apx. B of the 1977 Code). Amendments noted where applicable.]

ARTICLE I

Title

§ 400-1. Short title.

This chapter shall be known, cited, and referred to as the "Stephenson County Zoning Ordinance."

ARTICLE II
Intent and Purpose

§ 400-2. Purpose.

This chapter is adopted for the following purposes:

- A. Promoting the public health, safety, comfort, morals, convenience and general welfare;
- B. Securing adequate natural light, pure air, and safety from fire and other dangers;
- C. Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm- or floodwaters;
- D. Lessening or avoiding congestion in the public streets and highways;
- E. Conserving the value of land and buildings throughout the County; and
- F. Preserving and enhancing aesthetic values throughout the County.

§ 400-3. Intent.

To the ends set forth in § 400-2 above, this chapter is intended to establish and accomplish certain standards and objectives to assure the orderly growth in the unzoned areas of Stephenson County of agriculture, residential, business, commercial, manufacturing and complementary developments by providing that:

- A. Lands best suited for pursuit of agriculture be protected from the encroachment of urban-type residential and business developments in order to promote more efficient use of the increasingly reduced area of land in agriculture uses as the result of expanding urbanization.
- B. Existing residential areas and areas designated for expansion of residential development be suitably located in relationship to business, commercial, and manufacturing areas and be protected against intrusion which will interfere with decent living conditions.
- C. Existing business and commercial areas be protected against the encroachment of incongruous uses; that business areas be used only for those retail trade establishments engaged in serving a large volume of daily shoppers where service business and commercial establishments are not permitted to encroach upon the continuity of such shopper-type business places; that commercial areas be used for those specialized service business and commercial establishments, as well as for those uses permitted only in the business area and that vehicles of customers using the business and commercial areas.
- D. Existing manufacturing areas be given adequate protection; additional land be designated and regulated for future manufacturing development so that present industry may expand, and that a wide range of sites for new industry be provided, having access to transportation facilities and other features, enabling industry in Stephenson County to compete successfully with industry elsewhere in the nation.

- E. Land, woodland, rivers, streams and underground deposits of mineral resources be given adequate protection to that these natural resources will be preserved for future uses.
- F. Where land and structures adjoin incorporated communities and it is evident that such land could ultimately be annexed to the community, the uses of such land and buildings be related to the existing and planned land use pattern of the adjacent communities.
- G. The uses of land and structures within the entire County be so related as to provide effectiveness and economy in government.
- H. Adequate space can be available for the disposition of sewage treatment plant products consistent with the health and welfare of the public.

ARTICLE III
Rules and Definitions

§ 400-4. Interpretation.

In the construction of this chapter, the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise.

§ 400-5. Rules.

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number and the plural the singular; where the context requires.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "piece," "parcel," and "tract"; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- E. All measured distances shall be to the nearest integral foot; if a fraction is 1/2 foot or less, the integral foot below shall be taken.
- F. Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster's Dictionary.
- G. The words and terms, set forth herein under § 400-6, Definitions, wherever they occur in this chapter, shall be interpreted as herein defined.

§ 400-6. Definitions. [Amended 7-10-1973; 2-14-1978; 11-10-1992 by Ord. No. 92-11-187; 8-10-1993 by Ord. No. 93-08-14; 8-9-1994 by Ord. No. 94-08-201; 8-9-1994 by Ord. No. 94-08-202; 2-10-1998 by Ord. No. 98-02-230; 4-14-1998 by Ord. No. 98-04-231; 7-14-1998 by Ord. No. 98-07-233; 6-8-1999 by Ord. No. 99-02-238; 9-13-2000 by Ord. No. 00-04-249; 8-13-2003 by Res. No. 03-27-275; 6-15-2005 by Ord. No. 05-06-246]

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONMENT — An action to give up one's rights or interests in property.

ABUTS or ABUTTING — To have a common property line or district line.

ACCESSORY BUILDING OR USE —

- A. One which:
 - (1) Is subordinate to and serves a principal building or principal use.
 - (2) Is subordinate in area, extent or purpose to the principal building or principal use served.
 - (3) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served.

- B. An "accessory use" includes but is not limited to the following:
- (1) A children's playhouse, garden house and private greenhouse.
 - (2) A garage, shed or building for domestic storage.
 - (3) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
 - (4) Storage of goods used in or produced by manufacturing activities on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.
 - (5) Incinerators incidental to residential use.
 - (6) A nonpaying guesthouse or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of the occupant of the principal building and not for permanent occupancy by others as housekeeping units.
 - (7) Servant's quarters comprising part of an accessory garage and solely for occupancy by a servant or household employee (and his or her family) of the occupants of the principal dwelling.
 - (8) Swimming pool, private, for use by the occupant and his guests.
 - (9) Off-street motor vehicle parking areas, and loading and unloading facilities. **[Amended 8-10-2011 by Res. No. 11-08-1821]**
 - (10) Signs (other than advertising signs) as permitted and regulated in each district incorporated in this chapter.
 - (11) Carports.
 - (12) Public utilities: telephone, electric, gas, water and sewer lines, their supports and incidental equipment.

ACREAGE — Any tract or parcel of land which has not heretofore been subdivided or platted.

ADJACENT — To lie near or close to in the neighborhood or vicinity of.

ADJOINING — Touching or contiguous, as distinguished from lying near.

ADULT — A person 18 years and older.

ADULT USES — The following types of establishments:

- A. ADULT ARCADE — An establishment where, for any form of consideration, one or more motion-picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas as those terms are hereinafter defined.

- B. **ADULT BOOKSTORE** — An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:
- (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
 - (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- C. **ADULT CABARET** — A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure or display of specified anatomical areas or by specified sexual activities, or films, motion pictures, videocassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- D. **ADULT MOTION-PICTURE THEATER** — An establishment where, for any form of consideration, patrons may view films, motion pictures, videocassettes, slides, or other photographic reproductions, the majority of which are characterized by an emphasis upon the description or description of specified sexual activities or specified anatomical areas.
- E. **ADULT THEATER** — A theater, concert hall, auditorium, or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by specified sexual activities.

AGRICULTURE — Land, or land and structures, the principal uses of which are the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses, and accessory uses customarily incidental to agricultural activities, including, but not limited to, the farm dwelling, dwellings for tenants and full-time and part-time hired farm workers and dwellings or lodging rooms for seasonal workers.

AIRBNB — An American company which operates an online marketplace and hospitality service for people to lease or rent short-term lodging, including holiday cottages, apartments, home stays, hotel beds, to participate in or facilitate experiences related to tourism. **[Added 8-23-2018 by Ord. No. 18-08-1911]**

AIRCRAFT — Any machine or device capable of transporting a person or persons, including, but not limited to, airplanes, helicopters, gliders, hang gliders, ultralights, autogiros, dirigibles, and hot-air balloons, capable of atmospheric flight.

AIRPORT — Any area of land or water which is used or intended for the landing and take-off of aircraft, together with all structures located thereon.

ALLEY — A right-of-way which affords a secondary means of vehicular access to abutting properties.

ALTERATION — A change in size, shape, occupancy or use of a structure.

ANIMAL CREMATORY — A furnace or place for the cremation of domestic pets and/or wild animals, but not to include the remains of domesticated farm animals. Performance standards in § 400-59G(3) of this chapter shall be adhered to and any other local, state or federal regulations pertaining to the maintenance or operation of said crematory. **[Added 3-13-2002 by Ord. No. 02-14-262]**

ANIMAL HOSPITAL — A structure or portion thereof designed or used for the care, observation or treatment of domestic animals.

APARTMENT — A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

ASPHALT PLANT — A plant used for the manufacture of asphalt macadam and other forms of coated road stone, sometimes collectively known as "blacktop" or "asphalt concrete." **[Added 6-20-2019 by Ord. No. 19-06-2060]**

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

AUTO LAUNDRY, SELF SERVICE — A structure where water and cleaning facilities are provided for customers to wash their own vehicles; passenger cars and trucks of not more than 1 1/2 tons' capacity are permitted.

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

AUTOMOBILE LAUNDRY — A building, or portion thereof, where automobiles are washed with the use of a mechanical conveyor and blower or steam-cleaning device.

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

AUTOMOBILE REPAIR, MINOR — Incidental repairs, replacement of parts and motor service to automobiles, but not including any operation specified under "automobile repair, major."

AUTOMOBILE SERVICE STATION — A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease for operation of automobiles is offered for sale directly to the public, on the premises, and including minor accessories and servicing of automobiles; but not including major automobile repairs; and including washing of automobiles where no chain conveyor, blower or steam cleaning service device is employed. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of automobiles or trailers (new or used).

AUTOMOBILE WRECKING YARD — An area of land where three or more motor vehicles, machinery or equipment not in operable condition or parts thereof are stored in the open.

AWNING — A roof-like mechanism, retractable in operation, which projects from the

wall of a building.

BASEMENT — A story partly or wholly underground. Where more than 1/2 of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

BEDROOM — A separate room or space with a door, a closet and a window, used or intended to be used specifically for sleeping purposes. **[Added 8-23-2018 by Ord. No. 18-08-1911]**

BILLBOARD — Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include bulletin boards used to announce church services or to display court or other public office notices or signs offering the sale or lease of the premises on which the sign is located.

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

BOARDINGHOUSE — A residential building or portion thereof, other than a motel, apartment hotel or hotel, containing lodging rooms for accommodation of three or more persons who are not members of the keeper's family and where lodging or meals or both are provided by prearrangement and for definite periods.

BREWERY/DISTILLERY — A facility comprising a building or buildings used for the manufacturing, blending, fermenting, processing and packaging of alcoholic beverages and may include a tasting room, retail space and food service as an accessory use on the site. **[Added 8-19-2021 by Ord. No. 21-08-2239]**

BUILDABLE AREA — The space remaining on a zoning lot after the minimum open space requirements of this chapter have been complied with.

BUILDING — Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

BUILDING, ACCESSORY — See "accessory building or use."

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

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

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

BUILDING INSPECTOR — The Zoning Administrator of Stephenson County, Illinois, or his duly authorized representative. **[Amended 8-10-2011 by Res. No. 11-08-1821]**

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

BUILDING, NONCONFORMING — Any building which does not conform to the regulations of this chapter, prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable space for the district in which such building is located.

BUILDING, PRINCIPAL — A nonaccessory building in which is conducted the principal use of the lot.

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

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

- A. Size and height of buildings.
- B. Location of exterior walls at all levels in relation to lot lines, streets or other buildings.
- C. Gross floor area of buildings in relation to lot area (floor area ratio).
- D. All open space allocated to the buildings.
- E. Amount of lot area per dwelling unit.
- F. Required parking areas.

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

CABIN or COTTAGE — A recreational (nonresidential) use consisting of detached dwelling units used for temporary or seasonal occupancy.

CAMP, INSTITUTIONAL — A camp operated by a service club, an educational organization or a religious organization. **[Added 8-19-2021 by Ord. No. 21-08-2240]**

CAMP, RECREATIONAL — A tract of land, the principal use of which is to provide outdoor recreational facilities for three or more tents and/or recreational vehicles for persons having a bona fide permanent place of abode. **[Added 8-19-2021 by Ord. No. 21-08-2240]**

CELLAR — A portion of the building partly underground, but having more than 1/2 of its clear height below the average grade of the adjoining ground and having no means of egress directly to the exterior of the building. (See "basement.") A cellar shall not be used as a dwelling unit.¹

CLINIC, MEDICAL OR DENTAL — A building or portion thereof, the principal use of which is for offices of physicians or dentists, or both, for the examination and treatment of persons on an outpatient basis.

CLOSED CUP FLASH POINT — The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The Tag closed cup tester shall be authoritative for liquids having a flash point below 175° F. The Pensky-Martens tester shall be authoritative for liquids having a flash point between 175° F. and 300° F.

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

CLUB OR LODGE, PRIVATE — A nonprofit association of persons who are bona fide members and whose facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises, provided they are secondary and incidental to the principal use.

CONDITIONAL USES — See "use, special."

CONFORMING STRUCTURE — A structure which:

- A. Complies with all the regulations of this chapter or of any amendment thereto governing bulk of the district in which said structure is located; or
- B. Is designed or intended for a permitted or conditional permitted use as allowed in the district in which it is located.

CONTIGUOUS — In actual contact.

COUNTY — The County of Stephenson, Illinois.

COUNTY BOARD — The County Board of Stephenson County.²

COUNTY CLERK — The County Clerk of Stephenson County.

COUNTY ENGINEER — The County Superintendent of Highways or a professional engineer, registered in the State of Illinois, who has been duly appointed as the County Engineer of the County of Stephenson, or who has been hired by the County as its consulting engineer.

COURT — An open, unoccupied space other than a yard on the same lot with a building or group of buildings and which is bounded on three or more sides by such building or buildings.

CREMATORY — A furnace or place for the cremation of human corpses.

DAIRY — Any premises where three or more dairy animals are kept, milked, and maintained; the term "dairy animal" meaning either cows or goats.

DECIBEL — A unit of measurement of the intensity or loudness of sound. Sound level meters employed to measure the intensity of sound are calibrated in decibels. A decibel is technically defined as 20 times the logarithm to the base 10 of the ratio of the sound pressure in microbars to a reference pressure of 0.0002 microbar.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to construction of or substantial improvements to buildings or other structures; the placement of mobile homes, mining, dredging, filling, paving, excavating or drilling operations.

DISPLACEMENT (EARTH) — The amplitude or intensity of an earthborne vibration measured in inches. The displacement or amplitude is 1/2 the total earth movement.

DISTRICT — A section or part of the unincorporated portion of the County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DRIVE-IN ESTABLISHMENT — An establishment or part thereof in which are provided facilities where serving or consuming commodities or both are intended to

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

occur primarily in patrons' automobiles parked on the premises.

DWELLING — A building or portion thereof designed and/or manufactured and used exclusively for residential purposes, including single-family, two-family, or multiple-family dwellings, but not including mobile homes built prior to June 15, 1976, or other trailers, or lodging rooms in hotels, motels or lodging houses.

DWELLING, ATTACHED — A dwelling joined to two other dwellings by party walls or vertical cavity walls, and aboveground physically unifying horizontal structural elements.

DWELLING, DETACHED — A dwelling which is surrounded on all sides by open space on the same lot.

DWELLING, FARM — A dwelling unit located on a forty-acre tract of land, the principal use of which is the pursuit of agriculture, as defined herein, with the dwelling unit being clearly accessory and subordinate to such agricultural use, subject to the limitation that such dwelling unit is occupied by or intended for occupancy by the owner of such tract or by a person or persons whose principal occupation is the pursuit of agriculture on such land.

DWELLING, MULTIPLE-FAMILY — A building or portion thereof containing three or more dwelling units.

DWELLING, SEMI-DETACHED — A dwelling joined to one other dwelling by a party wall, or vertical cavity wall and aboveground physically unifying horizontal structural elements.

DWELLING, SINGLE-FAMILY — A dwelling containing one dwelling unit in a detached building unless otherwise specified.

DWELLING, TWO-FAMILY DETACHED — A dwelling containing two dwelling units only, one above the other.

DWELLING UNIT — A building or portion of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, sanitation, and a separate bedroom(s) for sleeping. [**Amended 8-23-2018 by Ord. No. 18-08-1911**]

EARTHBORNE VIBRATIONS — A cyclic movement of the earth due to the propagation of mechanical energy.

EDUCATIONAL INSTITUTION — A public, parochial, elementary, junior high or high school, charitable or nonprofit junior college, college or university, other than trade or business schools, including instructional and recreational uses with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

EFFICIENCY UNIT — A dwelling unit consisting of one principal room, exclusive of a bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.

ELECTRIC DISTRIBUTION CENTER — A terminal at which electric energy is received from the transmission system and is delivered to the distribution system only.

ELECTRIC SUBSTATION — A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

EQUIVALENT CAPACITY — The shade on the Ringelmann Chart that most closely corresponds to the density of smoke other than black or gray.³

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

FAMILY — One person or two or more persons each related to the other by blood, marriage or legal adoption, or a group of not more than four persons not so related, together with his or their domestic servants, maintaining a common household in a dwelling unit. A family may include, in addition thereto, not more than two roomers, boarders, or permanent guests, whether or not gratuitous.

FARM — Real property for commercial agriculture comprising at least 40 contiguous acres, of which at least 25 acres have been utilized for agricultural pursuits for the last three years, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures and machinery.

FENCE — An enclosure or barrier such as wooden post, wire, iron, etc.; used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.**[Amended 11-14-2012 by Res. No. 12-11-1918]**

FENCE, AGRICULTURE — A fence used in conjunction with an agricultural use as defined by the Illinois Fencing Law.⁴**[Added 11-14-2012 by Res. No. 12-11-1918]**

FENCE, OPEN — Shall consist of chain-link fence, split-rail fence, picket fence or other similar fence (with at least fifty-percent open area), as approved by the County.**[Amended 8-10-2011 by Res. No. 11-08-1821]**

FINANCIAL ASSURANCE — Reasonable assurance from a creditworthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.

FLOOD-CREST ELEVATION — The elevation of the highest flood level that has been or may subsequently designated by the County Engineer.

FLOODPLAIN AREA —

- A. That continuous area adjacent to a stream or stream bed or any stormwater retention area and its tributaries the elevation of which is equal to or lower than the flood crest elevation, including land also having an elevation higher than flood crest elevation but less than 10 acres in area and surrounded by land in a floodplain area or an area of such elevation secured by landfill projecting into a floodplain area.
- B. Any point shall be deemed to be within the floodplain area if it falls below the elevation of a high water mark, as the elevation of the mark is projected in horizontal directions perpendicular to the flow of the stream and thence to intersections at an equal elevation with the land on either side of the stream. Any point between the aforescribed projections of any two high water marks shall be

3. Editor's Note: The definition of "fallout shelter," which immediately followed this definition, was deleted 8-10-2011 by Res. No. 11-08-1821.

4. Editor's Note: See 765 ILCS 130 et seq.

deemed within the floodplain area if it is at an elevation equal to or lower than similar projections of the interpolated flood crest elevation. The interpolated flood crest elevation is the calculated elevation of the flood crest at the center line of the stream between two known flood crests of the nearest upstream and downstream high water marks and the difference in elevation between the flood crest at this location and at either of the high water mark projections is directly proportional to the difference in stream center line distance between the two high water mark projections.

FLOOR AREA —

A. For determining floor area ratio:

- (1) The sum of the gross horizontal areas of the several floors, including also the basement floor of a building, measured from the exterior faces of the exterior walls or from the center lines of walls separating two buildings. The floor area shall also include the horizontal areas on each floor devoted to:
 - (a) Elevator shafts and stairwells;
 - (b) Mechanical equipment, except if located on the roof when either open or enclosed, i.e., bulkheads, water tanks and cooling towers;
 - (c) Habitable attic space;
 - (d) Interior balconies and mezzanines;
 - (e) Enclosed porches; and
 - (f) Accessory uses.
- (2) The floor area of structures used for bulk storage of materials, i.e., grain elevators and petroleum tanks, shall also be included in the floor area and such floor area shall be determined on the basis of the height of such structures, with one floor for each 10 feet of structure height, and if such structure measures less than 10 feet but not less than five feet over such floor height intervals, it shall be construed to have an additional floor.
- (3) The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the floor area.

B. For determining off-street parking and off-street loading requirements: "Floor area," when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for any use, shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

FLOOR AREA RATIO — The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district, when multiplied by the lot area in square feet, shall determine the maximum permissible floor area for the building or buildings on the lot.

FOOTCANDLE — A unit of illumination, equivalent to the illumination at all points which are one foot distant from a uniform point source of one candlepower.

FREE BURNING — The rate of combustion of a material which burns actively and easily and supports combustion.

FREIGHT TERMINAL — A building in which freight brought to said building by motor truck is assembled and sorted for routing in intrastate and interstate shipment by motor truck or railroad freight cars.

FREQUENCY — Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

FRONTAGE — All the property fronting on one side of a street between the nearest intersecting streets or between a street and a right-of-way, waterway or other similar barrier.

GARAGE, BUS — Any building used or intended to be used for the storage of three or more passenger motor buses or motor coaches used in public transportation, including school buses.

GARAGE, PRIVATE — An accessory building designed and used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory and in which no occupation or business for profit is carried on. Not more than one of the motor vehicles may be a commercial vehicle of not more than 1 1/2 ton capacity.

GARAGE, PUBLIC — A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing or repairing motor vehicles. Hiring, selling or storing of motor vehicles may be included.

GARAGE, STORAGE or OFF-STREET PARKING — A building or portion thereof designed or used or land used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold and motor vehicles are not equipped, repaired, hired or sold.

GRADE — The established grade of the street or sidewalk. Where no such grade has been established, the grade shall be the elevation of the sidewalk at the property line. Where no sidewalks exist, the grade shall be the average elevation of the street adjacent to the property line; except in cases of unusual topographic conditions as determined by the Building Inspector, the grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building or at the base of a structure.

GROSS DENSITY — The ratio between the total number of dwelling units on a lot and total lot area in acres.

GROUND FLOOR AREA — The lot area covered by a principal building, measured at highest ground grade, adjacent to a building from the exterior faces of the exterior walls, but excluding open porches or terraces and garages or carports.

GUEST HOUSE — Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

GUEST, PERMANENT — A person who occupies or has the right to occupy a lodging house, rooming house, boardinghouse, hotel, apartment hotel, or motel accommodation

as his domicile and place of permanent residence.

HABITABLE SPACE — Space in a structure for living, sleeping, eating or cooking. Bathrooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces. **[Added 8-23-2018 by Ord. No. 18-08-1911]**

HEMP/INDUSTRIAL — Industrial hemp is from the plant species *Cannabis sativa* and has been used to produce a variety of industrial and consumer products. **[Added 6-20-2019 by Ord. No. 19-06-2060]**

HOME OCCUPATION — Any use or gainful occupation conducted indoors within a dwelling or any conforming accessory building which is a part of that dwelling, and where the operators of the home occupation shall make the dwelling where the home occupation is conducted their legal and primary place of residence, and where the home occupation use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling.⁵

HOSPITAL or SANITARIUM — An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than 24 hours in any week, of three or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used herein does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.

HOTEL, APARTMENT — A building containing dwelling units or individual guest rooms, the majority of which are for permanent guests. Maid and janitor service may be provided, but kitchen facilities are not necessarily included.

HOTEL, MOTEL, INN or AUTO COURT — An establishment containing lodging accommodations designed for use by transients or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, restaurants, cocktail lounges and other ancillary uses customarily incidental to such use. These terms include such terms as "motor court," "motor hotel," "tourist court" or "transient hotel."⁶

HOUSE TRAILER — See "mobile home."⁷

IMPACT, NOISE — A short-duration sound which is incapable of being accurately measured on a sound level meter.

IMPULSIVE — Discrete vibration pulsation occurring no more often than one per second.

INCOMBUSTIBLE — A material which will not ignite nor actively support combustion during an exposure for five minutes to a temperature of 1,200° F.

INTENSE BURNING — The rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly. Examples: Sawdust, magnesium,

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV). The definition of "householder," which immediately followed this definition, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

7. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

(powder, flaked or strips), rocket fuels.

JUNKYARD — An open area of land and any accessory building or structure thereon which is used primarily for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including vehicles, machinery and equipment not in operable conditions or parts thereof, and other metals, paper, rags, rubber tires, and bottles. A junkyard includes an automobile wrecking yard, but does not include an establishment located in the applicable manufacturing district, engaged exclusively in processing of scrap iron or other metals to be sold only to establishments engaged in manufacturing of steel or metal alloys.

KENNEL — Any premises or portion thereof on which more than three dogs, cats, or other household domestic animals are kept or on which more than two such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

LABORATORY — See "research laboratory."

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

LAUNDERETTE — A business that provides coin-operated self-service type washing, drying, dry cleaning and ironing facilities, provided that:

- A. Not more than four persons, including owners, are employed on the premises; and
- B. No pick-up or delivery service is maintained.

LIVESTOCK OPERATION, CONCENTRATED — A structure or area in which 1,000 or more units of livestock per acre are confined for a limited period of time prior to being shipped to market. One unit shall be equivalent to one head of cattle, two hogs, two sheep or 10 poultry.⁸

LOADING AND UNLOADING SPACE OR BERTH, OFF-STREET — An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than 10 feet in width, 35 feet in length, and 14 feet in height, exclusive of access aisles and maneuvering space.

LODGING HOUSE — A building originally designed for and used as a single- or two-family dwelling, all or a portion of which contains lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation for three or more but not more than 10 persons.

LODGING ROOM — A room or suite of rooms rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this chapter.

LOT — See "zoning lot."

LOT AREA — The area of a horizontal plane bounded by the front, side and rear lines

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

of a lot.

LOT, CORNER — A lot of which at least two adjacent sides abut for their full length upon streets, provided that the interior angle at the intersection of such two sides is less than 135°.

LOT COVERAGE — The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH — The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT, INTERIOR — A lot that is not a corner lot.

LOT LINE, FRONT — The boundary of a lot abutting a street. On a corner lot, either lot line may be construed to be the front lot line.

LOT LINE, INTERIOR — A lot line which does not abut a street.

LOT LINE, REAR — An interior lot line which is most distant from and is almost parallel to the front lot line and, in the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot which is parallel to and at maximum distance from the front lot line.

LOT LINES — The property lines bounding a lot.

LOT LINE, SIDE — Any boundary of a lot which is not a front lot line or a rear lot line.

LOT OF RECORD — Any contiguous land under ownership as of May 1, 1971, and any date thereafter, which is designated as a lot or lots on a plat within a subdivision and is recorded or registered, pursuant to statute, with the Recorder of Stephenson County, Illinois.

LOT, REVERSED-CORNER — A corner lot, the street side lot lines of which are substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH — A lot having a pair of opposite lot lines along two more or less parallel streets, and which is not a corner lot. Both street lines shall be deemed front lot lines.

LOT WIDTH — The minimum horizontal distance between the side lot lines of a lot measured at the narrowest width within the buildable area.

MAINTENANCE — The routine upkeep of a structure or equipment, including the replacement or modification of structural components or equipment in order to keep them unimpaired and in operable condition.

MANUFACTURE — The making of anything by any agency or process.

MANUFACTURED HOME — A dwelling designed and built in a factory which is built on a permanent chassis after June 15, 1976, and bears a seal certifying that it was built in compliance with the National Mobile Home Construction and Safety Standards Act of 1974.

MANUFACTURING ESTABLISHMENT — An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, goods or products.

MARQUEE or CANOPY — A rooflike structure of a permanent nature which projects

from the wall of a building.

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

MICRON — A unit of length, equal to 1/1,000 part of one millimeter (0.001 millimeter).

MOBILE HOME — A dwelling unit designed and built in a factory prior to June 15, 1976 which is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation and which has 320 or more square feet of living area.

MOBILE HOME PARK — A lot, parcel or tract of land developed with facilities for accommodating two or more mobile homes, provided each mobile home contains a kitchen, flush toilet, shower or bath; and such park shall be for use only by nontransient dwellers remaining continuously for more than one month, whether or not a charge is made. It shall not include a sales lot in which automobiles or unoccupied mobile homes or other trailers are parked for the purpose of inspection or sale, except mobile homes located on a site in the mobile home park which are occupied or vacant for not more than 90 days after occupancy may be sold or offered for sale.

MODERATE BURNING — Implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns. Examples: wood, timber and lots.

MODULAR HOME — A dwelling designed and built in a factory and designed for erection only on a site-built permanent foundation and not designed for subsequent moves and which bears a seal certifying that it was built in compliance with the State of Illinois Manufactured Housing and Mobile Home Safety Act (430 ILCS 115/1 et seq.).⁹

MOTEL — See "hotel."

MOTOR FREIGHT TERMINAL — See "freight terminal."

MOTOR SPORT VEHICLES — Dirt bikes, all-terrain vehicles, mud trucks and racecars used for recreation on private property in the unincorporated areas of Stephenson County. **[Added 4-21-2022 by Ord. No. 22-04-24]**

MOTOR VEHICLE — A passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

NAMEPLATE — A sign indicating the name and address of a building or the name, address and telephone number of the manager; or a sign indicating the name, address and/or the practice of a permitted home occupation therein.

NO-ACCESS STRIP — A strip of land within and along a rear lot line of a through lot adjoining a street which is designated on a recorded subdivision plat or property deed as land over which motor vehicular travel shall not be permitted.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

NONCONFORMING STRUCTURE — A structure lawfully established which:

- A. Does not comply with all the regulations of this chapter or of any amendment hereto governing bulk of the district in which it is located; or
- B. Is designed or intended for a nonconforming use.

NONCONFORMING USE — A structure and the use thereof or the use of land that does not conform with the regulations of this chapter or any amendment thereto governing use in the district in which it is located but conformed with all of the codes, ordinances, and other legal requirements applicable at the time such structure was erected, enlarged or altered, and the use thereof or the use of land was established.

NOXIOUS MATTER OR MATERIAL — A material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects to the physical or economic well being of individuals.

NURSERY SCHOOL — An establishment for the part-time care of five or more children of pre-elementary school age in addition to the members of the family residing therein.

NURSING HOME — A home for aged, chronically ill, care of children, infirm or incurable persons, or a place of rest for those persons suffering bodily disorders in which three or more persons, not members of the family residing on the premises, are received and provided with food, shelter and care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.

OCCUPANCY — The purpose for which a dwelling unit or portion thereof is utilized or occupied. **[Added 8-23-2018 by Ord. No. 18-08-1911]**

OCCUPANT — Any individual living or sleeping in a dwelling unit, or having possession of a space within a dwelling unit. **[Added 8-23-2018 by Ord. No. 18-08-1911]**

OCTAVE BAND — A prescribed interval of sound frequencies which classifies sound according to its pitch.

OCTAVE BAND FILTER — An electronic frequency analyzer designed according to standards of the American National Standards Institute and used in conjunction with a sound level meter to take measurements of sound pressure level in specific octave bands.

ODOROUS MATTER — A material that produces an olfactory response among human beings.

ODOR THRESHOLD — The lowest concentration of odorous matter in the air that will produce an olfactory response in a human being. **[Amended 8-10-2011 by Res. No. 11-08-1821]**

OFF-STREET PARKING AREA OR LOT — Land which is improved and used or a structure which is designed and used exclusively for the storage of passenger motor vehicles, either for accessory off-street parking spaces or commercial off-street parking spaces when permitted herein by district regulations.

OPEN SALES LOT — Land used or occupied for the purpose of buying, selling or renting merchandise stored or displayed out-of-doors prior to sale. Such merchandise

includes automobiles, trucks, motor scooters, motorcycles, boats, or similar commodities.

OPERATOR or OWNER — Any person who owns or has charge, care or control of a dwelling unit which is offered for rent. **[Added 8-23-2018 by Ord. No. 18-08-1911]**

OWNER — Any individual, firm or corporation having a possessory interest entitled to exclusive possession in land or several such owners acting jointly.

PARKING SPACE — An area, enclosed in a building or unenclosed, reserved for the parking of one motor vehicle and which is accessible to and from a street or alley.

PARTICULATE MATTER — Material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid at outdoor ambient conditions.

PARTY WALL — A common wall which extends from its footing below grade to the underside of the roof and divides buildings.

PERFORMANCE STANDARD — A criteria established to control smoke and particulate matter, noise, odorous matter, toxic matter, vibration, fire and explosion hazards, glare and radiation hazards generated by or inherent in uses of land or buildings.

PERMANENT OPEN SPACE — A compact and contiguous land area, any segment of which is not less than four acres in area, that is designated on the Comprehensive Plan for educational, religious, recreational, or institutional purposes, or such land which is not so designated but which is recommended for such designation by the Planning Commission and approved by the County Board at or before the time of approval of a subdivision or planned development. **[Amended 8-10-2011 by Res. No. 11-08-1821]**

PLANNED DEVELOPMENT — A tract of land which is planned as a whole for development under single ownership or control and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits than would normally be had through the development of diverse smaller tracts under multiple ownership. In the case of a residential planned development, adequate provision shall be made for basic community facilities such as schools, parks, playgrounds, and churches, among others. The minimum area for a planned development shall be:

- A. For residential, 10 acres;
- B. For business, five acres;
- C. For industrial, 20 acres; and
- D. For governmental, three acres.

PLANNING COMMISSION — The Stephenson County Planning Commission.¹⁰

PRIMARY STRUCTURE — For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. "Primary structure" includes structures such as residences, commercial buildings, hospitals, and day-care facilities. "Primary structure" excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

10. Editor's Note: The definitions of "pre-1960 octave bands" and "preferred frequencies," which immediately followed this definition, were repealed 8-10-2011 by Res. No. 11-08-1821.

PROFESSIONAL ENGINEER — A qualified individual who is licensed as a professional engineer in a state in the United States.

PUBLIC OPEN SPACE — Any publicly owned open area, including but not limited to the following: parks, playgrounds, forest preserves, waterways, parkways and streets.¹¹

RADIATION HAZARDS — The deleterious and harmful effects of all ionizing radiation, which shall include all radiation capable of producing ions in their passage through matter. Such radiation shall include, but are not limited to, electromagnetic radiation such as X-rays, and gamma rays and particulate radiations such as electrons or beta particles, protons, neutrons and alpha particles.

RAILROAD RIGHT-OF-WAY — A strip of land containing railroad tracks and auxiliary facilities for track operations, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

RECREATIONAL VEHICLE — Any of the following vehicles which are licensed for travel on the highway: travel trailer (a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation, or one permanently identified as a travel trailer by the manufacturer of the trailer); pick-up coach (a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation); motor home (a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle); and camping trailer (a canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use).**[Added 8-19-2021 by Ord. No. 21-08-2240]**

RECREATIONAL VEHICLE PARK — Land used or intended to be used for occupancy by recreational vehicles for transient living purposes, including the use of camping spaces for tents.**[Added 8-19-2021 by Ord. No. 21-08-2240]**

REFUSE — All waste products resulting from human habitation, except sewage.

RESEARCH LABORATORY — A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

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

RESIDENTIAL CARE — Maintenance (room and board) and oversight by a licensed agency (general watchfulness and appropriate services to meet the needs of the residents, including, but not limited to, social, recreational and employment opportunities).**[Added 8-12-2013 by Ord. No. 13-08-2007]**

RESIDENTIAL-CARE HOME — Any living quarters wherein unrelated individuals are provided residential care by a licensed agency. A residential day-care home does not include a nursing home, hospital, adult day-care center or living quarters which serve persons as an alternative to incarceration for a criminal offense.**[Added 8-12-2013 by Ord. No. 13-08-2007]**

RESIDENTIAL-CARE HOME, LARGE — A residential-care home for five or more

11. Editor's Note: The definition of "pyrophoric dust," which immediately followed this definition, was deleted 8-10-2011 by Res. No. 11-08-1821.

persons, plus supervisory or oversight personnel from a licensed agency, living together as a single housekeeping unit for the primary purpose of providing shelter. **[Added 8-12-2013 by Ord. No. 13-08-2007]**

RESIDENTIAL-CARE HOME, SMALL — A residential-care home for four persons or fewer, plus supervisory or oversight personnel from a licensed agency, living together as a single housekeeping unit for the primary purpose of providing shelter in a family-like atmosphere as part of the residential community. **[Added 8-12-2013 by Ord. No. 13-08-2007]**

RINGELMANN CHART — The chart described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke-smoke density.

RINGELMANN NUMBER — The number of the area of the Ringelmann Chart that coincides most nearly with the visual density or equivalent capacity of the emission or smoke observed.

ROAD — Street or highway.

ROADWAY — That portion of a street which is used or intended to be used for the travel of motor vehicles.

SETBACK — The minimum horizontal distance between a street line and the nearest wall of a building or side of a structure facing such street line or edge of the area of operation of a principal use when no building or structure is involved.

SETBACK, ESTABLISHED — When 40% or more of the lots fronting on one side of a street within a block are improved, the existing setbacks of such improved lots shall be the established setback for determining the depth of the required front yards for the remainder of the lots along such street frontage, as regulated in this chapter.

SHORT-TERM RENTAL — Any dwelling or condominium, or portions thereof, in which the owner does not reside, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than 30 consecutive days. **[Added 8-23-2018 by Ord. No. 18-08-1911]**

SIGHT DISTANCE TRIANGLE — The triangle area of a corner lot bounded by the right-of-way and a line connecting the two points on the property lines 45 feet from the intersection of the right-of-way. **[Added 2-9-2011 by Ord. No. 11-02-1788]**



SIGN — See Article XIII, § 400-69 et seq.¹² **[Amended 2-9-2011 by Ord. No. 11-02-1788]**

SMOKE — The visible discharge from a chimney, stack, vent, exhaust, or combustion process which is made up of particulate matter.

SMOKE UNIT — The number obtained when the smoke density in the Ringelmann

12. Editor's Note: The definitions of "sign, advertising (billboard)," "sign, business," "sign, church bulletin board," "sign, flashing," "sign, gross surface area of," "sign, ground," "sign, identification," "sign, projecting," "sign, roof" and "sign, wall," which immediately followed this definition, were repealed 2-9-2011 by Ord. No. 11-02-1788. See now Art. XIII, Sign Regulations.

Number is multiplied by the time of emission in minutes. For the purpose of this calculation:

- A. A Ringelmann density reading shall be made at least once a minute during the period of observation;
- B. Each reading shall then be multiplied by the time in minutes during which it is observed; and
- C. The various products shall then be added together to give the total number of smoke units observed during the entire observation period.

SOLAR COLLECTOR — A device, structure or part of a device or structure in which a substantial purpose is used to transform solar energy into thermal, mechanical, chemical or electrical energy. **[Added 3-9-2017 by Ord. No. 17-03-1514]**

SOLAR PANEL — A structure containing one or more receptive cells or collector devices, the purpose of which is to use solar radiation to create usable electrical energy. **[Added 3-9-2017 by Ord. No. 17-03-1514]**

SOLAR POWER GENERATING PLANT — A utility-scale commercial facility that engages in the production of electric energy from solar technologies, photovoltaic technologies, or other solar-based technology which has a minimum nameplate capacity of 2.0 megawatts of electric power. The minimum total land area for a solar power generating plant shall be 15 acres. The minimum direct land area for a solar power generating plant shall be 10 acres. Request for less than 10 acres of direct land solar project will be determined by the Building and Zoning Officer or his or her designee at the time of the special use application. **[Added 3-9-2017 by Ord. No. 17-03-1514; amended 8-23-2018 by Ord. No. 18-08-1910]**

SOUND LEVEL — The intensity of sound of an operation or use as measured in decibels.

SOUND LEVEL METER — An instrument for the measurement of sound pressure levels constructed in accordance with the standards of the American National Standards Institute and calibrated in decibels.

SOUND PRESSURE LEVEL — The intensity of sound or noise in decibels.

SPECIFIED ANATOMICAL AREAS — Includes any of the following:

- A. Less than completely and opaquely covered human genitalia, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- B. Human male genitals in a discernible state of sexual arousal, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — Includes any of the following:

- A. The fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

- C. Masturbation, actual or simulated; or
- D. Excretory functions, either independently or as part of or in connection with any of the activities set forth in Subsections A through C above.

STABLE, PRIVATE — A structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling, but in no event for hire.

STABLE, PUBLIC — A building where horses are kept for remuneration, hire or sale.

STACKING REQUIREMENTS — The number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

STAND, ROADSIDE — A structure for the display and sale of only farm products which are produced on the premises.

STORY — That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between the floor and the ceiling next above it. The floor of a story may have split levels, provided that there is not more than four feet difference in elevation between the different levels of the floor. A basement shall be counted as a story, except when used for storage, a garage for the use of occupants of a building or other facilities common for the rest of the building. A mezzanine shall be counted as a story if the vertical distance to the floor next below it or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. **[Amended 8-10-2011 by Res. No. 11-08-1821]**

STORY, HALF — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

STREET — A public or private right-of-way or easement which is designated as a permanent right-of-way or easement for common use as the primary means of vehicular access to properties abutting on it.

STREET FRONTAGE — All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property along one side of the street between an intersecting street and the end of such dead-end street.

STREET LINE — The street right-of-way line abutting a property line of a lot.

STRUCTURAL ALTERATION — Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, except such repair or replacement as may be required for the safety of the building.

STRUCTURE — Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, buildings, advertising signs, backstops for tennis courts and pergolas.

TAVERN or LOUNGE — A building or part thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is

serving food.

TENANT — A person who is not the legal owner of record and who is occupying a dwelling unit pursuant to a written or unwritten rental lease, agreement or license.**[Added 8-23-2018 by Ord. No. 18-08-1911]**

TOWER, COMPETITIVE COMMUNICATION — Commercial AM/FM radio, television and microwave transmission tower and accessory equipment and buildings.**[Added 10-15-2008 by Ord. No. 08-10-1597]**

TOWER, METEOROLOGICAL — A tower which has equipment attached to it which is designed to assess wind and other atmospheric data and accessory equipment and buildings.**[Added 10-15-2008 by Ord. No. 08-10-1597]**

TOWER, TELECOMMUNICATIONS — A tower used to hold facilities of a telecommunications carrier such as those of a cellular telephone provider and accessory equipment and buildings.**[Added 10-15-2008 by Ord. No. 08-10-1597]**

THEATER, DRIVE-IN — A parcel or tract of land containing facilities for projecting motion pictures on an outdoor movie screen which are viewed from the patron's automobile parked on the premises.

THREE-COMPONENT MEASURING SYSTEM — Instruments which measure simultaneously earthborne vibrations in horizontal and vertical planes.

TOURIST HOME — A building which contains a single dwelling unit and in which meals or lodging or both are provided or offered to transient guests for compensation; does not include a hotel, apartment hotel or motel.

TOURIST PARK — A parcel or tract of land containing facilities for locating three or more travel trailers, mobile homes, camping tents, or other similar temporary sleeping facilities for use only by transients (tourists) remaining fewer than three months, whether or not a charge is made.

TOWING SERVICE — With temporary storage of not more than 30 vehicles for no more than 90 days.**[Added 12-15-2021 by Ord. No. 21-12-2326]**

TOXIC MATTER OR MATERIAL — Those materials which are capable of causing injury to living organisms by chemical means.

TRAILER — Any vehicle or portable structure constructed so as to permit occupancy thereof for lodging or dwelling purposes or for the use as an accessory structure in the conduct of a business, trade, or occupation, and which may be used as a conveyance on streets and highways, by its own or other motive power.

TRAILER, CAMPING OR SPORTS — A trailer designed and constructed for temporary dwelling purposes which does not contain certain built-in sanitary facilities; for the purpose of this chapter, camping or sports trailers are not dwellings.

TRAILER OR MOBILE HOME, CAMPS OR PARKS — Any premises occupied or designed to accommodate one or more families living in a house trailer or mobile home.

TRAILER, TRAVEL — A trailer designed and constructed for dwelling purposes which may contain cooking, sanitary and electrical facilities.

USABLE OPEN SPACE — Permanently reserved open space which is provided as required by this chapter for the use of residents of dwellings.

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

USE, ACCESSORY — See "accessory building or use."¹³[**Amended 8-10-2011 by Res. No. 11-08-1821**]

USE, LAWFUL — The use of any structure or land that conforms with all of the regulations of this chapter or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements existing at the time of the enactment of this chapter or any amendment thereto, for the structure or land that is being examined.

USE, PERMITTED — Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and, when applicable, performance standards of this chapter for the district in which such use is located.

USE, PRINCIPAL — The dominant use of land or structures as distinguished from a subordinate or accessory use.

USE, SPECIAL — A use as designated in the Illinois Statutes that has unusual operational, physical, or other characteristics that may be different from those of the predominant permitted uses in a district, but which is a use that complements and is otherwise or can be made compatible with the intended overall development within a district. Compliance with special standards not necessarily applicable to other permitted uses or special uses in the district shall be required for a special use, as regulated in this chapter.

VENDING MACHINE — A machine for dispensing merchandise or services designed to be operated by the customer.

VIBRATION — The periodic displacement, measured in inches, of the earth at designated frequency, cycles per second.

WIND ENERGY SYSTEM, SMALL — A wind energy conversion system consisting of a single wind turbine, single tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site consumption of utility power.[**Added 10-15-2008 by Ord. No. 08-10-1597**]

WPGF (WIND POWER GENERATING FACILITIES) — All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WPGF tower, electrical components, WPGF foundation, transformer, and electrical cabling from the WPGF tower to the substation(s).

WPGF APPLICANT — The entity or person which or who submits to the County, pursuant to § 300-22B of this chapter, an application for the siting of any WPGF substation.

WPGF OPERATOR — The entity responsible for the day-to-day operation and maintenance of the WPGF, including any third-party subcontractors.

WPGF OWNER — The entity or entities with an equity interest in the WPGF(s),

13. Editor's Note: The definition of "used car lot," which immediately followed this definition, was deleted 8-10-2011 by Res. No. 11-08-1821.

including their respective successors and assigns. "Owner" does not mean the property owner from whom land is leased for locating the WPGF (unless the property owner has an equity interest in the WPGF); or any person holding a security interest in the WPGF(s) solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell the WPGF(s) at the earliest practicable date.

WPGF PROJECT — The collection of WPGFs and substations as specified in the siting approval application pursuant to § 400-22B(3).

WPGF SUBSTATION — The apparatus that connects the electrical collection system of the WPGF(s) and increases the voltage for connection with the utility's transmission lines.

WPGF TOWER — The support structure to which the nacelle and rotor are attached.

WPGF TOWER HEIGHT — The distance from the rotor blade at its highest point to the top surface of the WPGF foundation.

YARD — An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this chapter, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

YARD, FRONT — A yard which is bounded by the side lot lines, front lot lines, and the front yard line.

YARD, INTERIOR SIDE — A side yard which adjoins another lot or an alley separating such side yard from another lot.

YARD, LINE — A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of the applicable yard. A structure or other obstruction shall not encroach into the area between the yard line and such adjacent lot line, except for such permitted obstructions in yards as are set forth in this chapter.

YARD, REAR — A yard which is bounded by side lot lines, rear lot lines and the rear lot line.

YARD, SIDE — A yard which is bounded by the rear yard line, front yard line, side yard line and side lot line.

YARD, SIDE - ADJOINING A STREET — A yard which is bounded by the front lot line, side yard adjoining a street line and rear lot line.

YARD, TRANSITIONAL — The required rear yard or side yard between a business or manufacturing district and a residential district.

ZONING ADMINISTRATOR — The person charged with the responsibility of administering and enforcing the Stephenson County Zoning Ordinance.

ZONING BOARD OF APPEALS — The Board of Zoning Appeals of Stephenson County, Illinois.

ZONING DISTRICTS — The districts into which the unincorporated area of Stephenson County have been divided for zoning regulations and requirements as set

forth on the Zoning District Map.

ZONING LOT — A parcel of land which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.

ZONING MAP — The map or maps incorporated into this chapter as part thereof, designating zoning districts.

ARTICLE IV
General Provisions

§ 400-7. Interpretation.

- A. Minimum requirements. The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B. Relationship with other laws. Where the conditions imposed by any provision of this chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- C. Effect on existing agreements. This chapter is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this chapter shall govern.

§ 400-8. Scope of regulations.

- A. Changes in structures or use. Except as may otherwise be provided in Article V, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning districts in which such buildings, uses or land shall be located.
- B. Nonconforming buildings, structures and uses. Any lawful building, structure or use existing at the time of the enactment of this chapter may be continued, even though such building, structure or use does not conform to the provisions of this chapter for the district in which it is located; and whenever a district shall be changed hereafter, the then-existing lawful use may be continued, subject to the provisions of Article V, Nonconforming Buildings and Uses.

§ 400-9. Use and bulk regulations.

- A. Use. No use of a building, structure or land shall hereafter be established or enlarged and no building or part thereof or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located.
- B. Bulk. Every new building or structure shall conform to the bulk regulations established herein for the district in which each such building or structure shall be located.

§ 400-10. Lot coverage.

- A. Maintenance of yards, courts and other open spaces. The maintenance of yards,

courts and other open spaces and the minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.

- B. Division of zoning lots. No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable bulk regulations of the zoning district in which the property is located. However, with respect to the resubdivision of improved zoning lots in the Business District, side yard requirements shall not apply between attached buildings.
- C. Location of required open space. All yards, courts and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
- D. Required yards for existing buildings. No yards now or hereafter provided for a building existing on the effective date of this chapter shall subsequently be reduced below or further reduced below if already less than the minimum yard requirements of this chapter for equivalent new construction.
- E. Permitted obstructions in required yards. The following shall not be considered to be obstructions when located in the required yards specified:
 - (1) In all yards:
 - (a) Open terraces not over four feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch.
 - (b) Awnings and canopies projecting 10 feet or less into the yard. **[Amended 7-10-1973]**
 - (c) Steps, four feet or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
 - (d) Chimneys projecting 18 inches or less into the yard.
 - (e) Arbors, trellises, flagpoles, fountains, sculptures, plant boxes, and other similar ornamental objects.
 - (2) In front yards: one-story bay windows projecting three feet or less into the yards; and overhanging eaves and gutters projecting three feet or less into the yard.
 - (3) In rear yards: enclosed, attached or detached off-street parking spaces, open off-street parking spaces; accessory sheds, tool rooms and similar buildings or structures for domestic or agricultural storage; balconies; breezeways and open porches; one-story bay windows projecting three feet or less into the yard; overhanging eaves and gutters projecting three feet or less into the yard. In any residential district, no accessory building shall be nearer than five feet

to the side lot line or rear lot line, nor nearer than 10 feet to any principal building unattached.

- (4) In side yards: overhanging eaves and gutters projecting into the yard for a distance not exceeding 40% of the required yard width, but in no case exceeding 30 inches.
 - (5) No fences except fences erected upon public or private school grounds; in public parks and public playgrounds; or around public utilities facilities shall be constructed of a height greater than three feet in the front yard or seven feet elsewhere; provided, however, that the County Board may, as a special use, authorize the construction of a fence higher than seven feet if it is determined by the County Board that the public welfare is served. **[Amended 11-14-2012 by Res. No. 12-11-1918]**
 - (a) A property owner may install a fence within a dedicated easement at his or her own risk. In no case, however, shall a fence be constructed within a dedicated drainage easement.
- F. Vision clearance on corner lots. No building or structure hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:
- (1) In any residence districts, exceeding a height of three feet above the street grade, within 25 feet of the intersecting street lines bordering corner lots; and
 - (2) In a business or manufacturing district, within 12 feet of the intersecting street lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.

§ 400-11. Lot area and dimension. [Amended 2-10-1973; 2-14-1978]

- A. Contiguous parcels. When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which it is located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.
- B. Sewage disposal. Every use which is to be served by a private sanitary sewage facility shall comply with the requirements of any existing Stephenson County ordinance.

§ 400-12. Access to public street.

Except as otherwise noted for in this chapter, every building shall be constructed or erected upon a lot, or parcel of land which abuts upon a public street, unless a permanent easement of access to a public street was of record prior to the adoption of this chapter.

§ 400-13. Number of buildings on lot. [Amended 5-4-1974; 8-10-1993 by Ord. No. 93-08-194]

Except in the case of planned developments, each lot shall be occupied by only one principal building, structure or use, together with such accessory buildings, structures

and uses as allowed by this chapter; where the zoning lot is a farm, the lot may have no more than two farm dwellings as defined in this chapter.

§ 400-14. Accessory buildings.

- A. Location. When a side yard is required, no part of an accessory building shall be located closer than five feet to the side lot line along such side yard. When a rear yard is required, no part of an accessory building shall be located closer than five feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard. In a residence district, no detached accessory building shall be closer than 10 feet to the principal building.
- B. Time of construction. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- C. Percentage of required rear yard occupied. No accessory building or buildings or portion thereof shall occupy more than 40% of the area of a required rear yard. **[Amended 7-10-1973]**
- D. Height of accessory building in required rear yards. No accessory building or portion thereof located in a required side or rear yard shall exceed 20 feet in height or exceed the height of the principal structure. **[Amended 11-14-2012 by Ord. No. 12-11-1917]**
- E. Reversed-corner lots. On a reversed-corner lot in a residential district and within 15 feet of an adjacent property to the rear in a residence district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to 60% of the least depth which would be required under this chapter for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory building shall be located within five feet of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a residence district.

§ 400-15. House trailers (mobile homes).

The following regulations shall apply to house trailers:

- A. A house trailer shall not be considered an accessory use for the purposes of this chapter.
- B. No house trailer shall be stored, parked or occupied for living purposes (Connection to any public utility shall constitute occupancy for the purposes of this chapter.), except:
 - (1) In an approved trailer park, provided that public or community sewer and water facilities are available for each trailer.
 - (2) A camping trailer or sports trailer, as defined in this chapter, may be stored in a side or rear yard.
 - (3) No mobile home shall be used as a dwelling unit on any lot, plat or tract of land other than one which has been granted a conditional use permit as per

Article XIII, except that full-time, temporary or permanent employees on agricultural pursuits may be housed in mobile homes on the premises, if sanitary facilities are provided and a distance of 600 feet is maintained from residential subdivisions.

- (4) A house trailer may be used as a temporary office incidental to construction on or development of the premises on which the trailer is located only during the period of time that such construction or development is actively underway.

§ 400-16. Manufactured and modular housing. [Added 11-10-1992 by Ord. No. 92-11-187]

All manufactured and modular housing or other forms of prefabricated housing, and the lot on which they are placed, are subject to any or all of the same development standards to which a conventional on-site constructed residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, and minimum square footage requirements. In addition, the County may subject any such manufactured home or modular home or other form of prefabricated housing to architectural requirements, limited to its underfloor space enclosure.

§ 400-17. Development near major airports.

The following special height limitations shall apply to areas within two miles of the boundary lines of major airports. (For the purposes of applying these regulations, the County Planning Commission shall indicate which, if any, airports within the County shall be designated as "major."):

- A. Within 7,500 feet from the nearest airport boundary, no building, structure, object of natural growth or portion thereof shall exceed a height above curb level of 25 feet or one foot for each 50 feet that such building, structure or object is distant from such nearest boundary or boundaries, whichever height is greater.
- B. Between 7,500 feet and two miles from the nearest airport boundary, no building, structure, object of natural growth or portion thereof shall exceed a height above curb level of 150 feet.

§ 400-18. Uses not specifically permitted. [Amended 7-10-1973]

When a use is not specifically listed in the sections devoted to permitted uses, it shall be assumed that such uses are hereby expressly prohibited unless by a written decision of the Board of Zoning Appeals it is determined that said use is similar to and not more objectionable than uses listed. Such decisions shall be initiated by application, and the applicant shall be notified of the meeting of the Board of Appeals at which the decision is to be made.

§ 400-19. Agricultural land evaluation and site assessment. [Added 9-13-1983 by Ord. No. 83-46]

- A. The Zoning Board of Appeals and the Planning Commission shall utilize the agricultural land evaluation and site assessment system, commonly known as "LESA," as described by the United States Soil Conservation Service, when

deciding the following issues:

- (1) The determination of which lands should be set aside for agriculture use;
 - (2) The determination of the minimum parcel size for a subdivision in agricultural areas;
 - (3) The conversion of agricultural land to nonagricultural uses; and
 - (4) The construction of sewer, water and transportation projects in agricultural areas.
- B. The Zoning Board of Appeals and the Planning Commission, after consultation with the Zoning Administrator, may promulgate such rules and regulations which it deems proper in order to implement the LESA system, and said rules and regulations shall be enforceable to the degree and in the same manner as this chapter.
- C. The following persons shall comprise a LESA committee:
- (1) The Zoning Administrator.
 - (2) A member of the County Board to be appointed by the Chairman of the County Board with the County Board's advice and consent.
 - (3) The Chairman of the Zoning Board of Appeals.
 - (4) The Chairman of the Planning Commission.
 - (5) The Soil Conservationist of the Stephenson Soil and Water Conservation District.
 - (6) The Chairman of the Board of Directors of the Stephenson Soil and Water Conservation District.
 - (7) Any other person(s) whom the above members select by majority vote.
- D. The LESA committee shall:
- (1) Upon request by either the Zoning Board of Appeals or the Planning Commission regarding the issues in Subsection A above, evaluate any parcel of agricultural land per the LESA system and submit a written report of its evaluation and recommendation(s) to the initiating agency.
 - (2) Review the rules and regulations enacted per Subsection B above, and from time to time propose any amendments or additions thereto to the Zoning Board of Appeals and the Planning Commission.
 - (3) Upon request by the County Board, the Zoning Board of Appeals or the Planning Commission, appear before and inform said committees of the status of their investigation or of agricultural matters.
 - (4) Establish a site assessment subcommittee, which shall be chaired by the Zoning Administrator.

- (5) Establish a soil evaluation subcommittee, which shall be chaired by the Soil Conservationist of the Stephenson Soil and Water Conservation District.¹⁴

§ 400-20. Site restrictions. [Added 11-10-1992 by Ord. No. 92-11-187]

- A. The Soil and Water Conservation District shall make all natural resource information available to the County Planning Commission and Zoning Board of Appeals in the promulgation of Zoning Map amendments or conditional use applications. Any person who petitions the County agency in the district for a map amendment, conditional use, or other relief from the County's Zoning Ordinance or who proposes to subdivide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than 30 days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate County agency for further action.
- B. The Zoning Administrator may authorize the omission of any or all natural resource information if such information is not necessary to determine whether the proposed use will comply with each of the applicable provisions of this chapter.¹⁵

§ 400-21. Comprehensive Plan and planning policies. [Added 11-10-1992 by Ord. No. 92-11-187¹⁶]

The Planning Commission and the County Board shall continuously develop their Comprehensive Plan, including their planning policies to guide future decisions. All Comprehensive Plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all development under this chapter. Development which is in conflict with the Comprehensive Plan may be approved if written notification prior to development is received by the County Clerk, County Zoning Administrator and the County Board Chairman and approved by the Stephenson County Board.

§ 400-22. Standards for certain special uses. [Amended 4-14-1999 by Ord. No. 99-01-238; 8-13-2003 by Res. No. 03-27-275; 6-15-2005 by Ord. No. 05-06-246]

The following special uses shall be subject to the regulations of this section, and to any additional requirements imposed in the public interest to cover circumstances unique to the selected site as set forth in § 400-92. These temporary uses shall not continue beyond the duration of the single contract for which the use is granted.

- A. Asphalt, concrete or ready-mix plant.
- (1) Lot area. The site shall be a minimum of five acres.
 - (2) Access. The site shall have direct access to a state or County arterial street or highway. All internal roads and driveways shall be maintained in a dust-free condition.

14. Editor's Note: Former Section 4.14, pertaining to the highway/tourist-oriented commercial district, added by 10-13-1987 by Ord. No. 87-10-113, was repealed 11-10-1992 by Ord. No. 92-11-185.

15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

16. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

- (3) Front yard. The front yard shall be the same as required in the M-1 Limited Manufacturing District (§ 400-60J).
 - (4) Side and rear yards. The side and rear yards shall be not less than 50 feet.
 - (5) Performance standards. This use shall comply with the same performance standards as required in the M-1 Limited Manufacturing District (§ 400-60N).
 - (6) Times of operation. The times or hours of operation may be stipulated as provided for under the special uses (§ 400-92D).
 - (7) Setback from residential districts and uses. All activities, including driveways and on-site roads, shall be set back at least 1,000 feet from any existing residential zoning district boundary line or any building used for residential purposes.
 - (8) Septic system. If the site is not served by a central sewage system, it shall be served by a septic system as approved by the Stephenson County Health Department.
 - (9) Plot plan. The special use application for this use shall be accompanied by a scale plot plan drawing of the proposed development and the surrounding area within 1,000 feet of the site boundaries and showing the following:
 - (a) The location and names of all streets, private road and access easements, and railroad or utility rights-of-way and easements.
 - (b) The location of all residential zoned or subdivided lands.
 - (c) The location of any parks, other public open spaces and uses, residences, and other permanent structures.
- B. Standards for wind power generating facilities:
- (1) Applicability. This subsection governs the siting of WPGFs and substations that generate electricity to be sold to wholesale or retail markets.
 - (2) Prohibition. No WPGF or substation governed by Subsection B(1) of this section shall be constructed, erected, installed, or located within Stephenson County unless prior siting approval has been obtained for each individual WPGF and substation pursuant to this chapter.
 - (3) Siting approval application.
 - (a) To obtain siting approval, the applicant must first submit a siting approval application to the County.
 - (b) The siting approval application shall contain or be accompanied by the following information:
 - [1] A WPGF project summary, including, to the extent available:
 - [a] A general description of the project, including its approximate nameplate generating capacity; the potential equipment manufacturer(s), type(s) of WPGF(s), number of WPGFs and

nameplate generating capacity of each WPGF; the maximum height of the general location of the project and a description of the applicant, owner and operator, including their respective business structures;

- [b] The name(s), address(es), and phone number(s) of the applicant(s), owner and operator, and all property owners, if known;
 - [c] A site plan for the installation of the WPGF(s) showing the planned location of each WPGF tower, guy lines and anchor bases (if any), primary structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, substation(s), ancillary equipment, third-party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
 - [d] All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this chapter; and
 - [e] Any other information normally required by the County as part of this chapter.
- (c) The applicant shall notify Stephenson County of any changes to the information provided in Subsection B(3)(b) above that occurs while the siting approval application is pending.
- (4) Design and installation.
- (a) Design safety certification.
 - [1] WPGFs shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.
 - [2] Following the granting of siting approval under this chapter, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the WPGF is within accepted professional standards, given local soil and climate conditions.
 - (b) Controls and brakes. All WPGFs shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

- (c) Electrical components. All electrical components of the WPGF shall conform to applicable local, state and national codes, and relevant national and international standards (e.g., ANSI and International Electrical Commission).
- (d) Color. Towers and blades shall be painted white or gray or another nonreflective, unobtrusive color.
- (e) Compliance with the Federal Aviation Administration. The applicant for the WPGF shall comply with all applicable FAA requirements.
- (f) Warnings.
 - [1] A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - [2] Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
- (g) Climb prevention. All WPGF towers must be unclimbable by design or protected by anticlimbing devices.
- (h) Setbacks.
 - [1] All WPGF towers shall be set back at least 500 feet from any primary structure. The distance for the above setback shall be measured from the point of the primary structure foundation closest to the WPGF tower to the center of the WPGF tower foundation. The owner of the primary structure may waive this setback requirement; but in no case shall a WPGF tower be located closer to a primary structure than 1.10 times the WPGF tower height.
 - [2] All WPGF towers shall be set back a distance of at least 1.10 times the WPGF tower height from public roads, third-party transmission lines, and communications towers. The County may waive this setback requirement if the waiver is not detrimental to public safety.
 - [3] All WPGF towers shall be set back a distance of at least 1.10 times the WPGF tower height from adjacent property lines. The affected adjacent property owner may waive this setback requirement.
 - [4] The applicant does not need to obtain a variation from the County upon waiver by either the County or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.¹⁷
- (i) Compliance with additional regulations. Nothing in this chapter is intended to preempt other applicable state and federal laws and regulations.

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

(j) Use of public roads.

[1] An applicant, owner, or operator proposing to use any County, municipality, township or village road(s) for the purpose of transporting a WPGF or substation parts and/or equipment for construction, operation, or maintenance of the WPGF(s) or substation(s) shall:

[a] Identify all such public roads; and

[b] Obtain applicable weight and size permits from relevant government agencies prior to construction.

[2] To the extent an applicant, owner, or operator must obtain a weight or size permit from the County, municipality, township or village, the applicant, owner, or operator shall:

[a] Conduct a preconstruction baseline survey to determine existing road conditions for assessing potential future damage; and

[b] Secure financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WPGF.

(5) Operation.

(a) Maintenance.

[1] The owner or operator of the WPGF must submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the above annual summary, the owner or operator must furnish such operation and maintenance reports as the County reasonably requests.

[2] Any physical modification to the WPGF that alters the mechanical load, mechanical load path, or major electrical components shall require recertification under Subsection B(4)(a)[1] of this section. Like-kind replacements shall not require recertification. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third-party certifying entity identified in Subsection B(4)(a)[1] of this chapter to determine whether the physical modification requires recertification.

(b) Interference.

[1] The applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) with copies of the project summary and site plan, as set for in Subsection B(3)(b)[1] of this section. To the extent that the above provider(s) demonstrates a likelihood of interference with its

communications resulting from the WPGF(s), the applicant shall take reasonable measures to mitigate such anticipated interference. If, after construction of the WPGF, the owner or operator receives a written complaint related to the above-mentioned interference, the owner or operator shall take reasonable steps to respond to the complaint.

- [2] If, after construction of the WPGF, the owner or operator receives a written complaint related to interference with local broadcast residential television, the owner or operator shall take reasonable steps to respond to the complaint.

(c) Coordination with local fire department.

- [1] The applicant, owner or operator shall submit to the local fire department a copy of the site plan.
- [2] Upon request by the local fire department, the owner or operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
- [3] Nothing in this subsection shall alleviate the need to comply with all other applicable fire laws and regulations.
- [4] Upon request by the local fire department, the owner or operator shall, on a yearly basis, participate in high-angle rescue using a WPGF tower.

(d) Materials handling, storage and disposal.

- [1] All solid wastes related to the construction, operation and maintenance of the WPGF shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
 - [2] All hazardous materials related to the construction, operation and maintenance of the WPGF shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
- (6) Noise levels. Noise levels from each WPGF unit or WPGF project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise regulations.
 - (7) Birds. A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the siting approval application process, to determine if the installation of the WPGF will have a substantial adverse impact on birds.
 - (8) Public participation. Nothing in this subsection is meant to augment or diminish existing opportunities for public participation.

- (9) Liability insurance. The owner or operator of the WPGF(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1,000,000 per occurrence and \$1,000,000 in the aggregate.
- (10) Decommissioning plan. Prior to the date of the required hearing, the applicant, owner, and/or operator shall show proof of an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture pursuant to Public Act 099-0132, the Wind Energy Facilities Agricultural Impact Mitigation Act.¹⁸ **[Amended 11-9-2015 by Ord. No. 15-11-1334]**
- (11) Remedies.
 - (a) The applicant's, owner's, or operator's failure to materially comply with any of the above provisions shall constitute a default under this chapter.
 - (b) Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the owner and operator, setting forth the alleged default(s). Such written notice shall provide the owner and operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
 - (c) If the County determines, in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern.

C. Adult entertainment establishment.

- (1) Purpose and findings. **[Amended 6-15-2005 by Ord. No. 05-06-246]**
 - (a) Purpose. It is the purpose of this subsection to regulate the location of sexually oriented adult businesses in order to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult businesses within the County. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this subsection to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. This subsection does not apply to theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music, and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering of entertainment which is intended for the sexual interests or titillation of customers, and where the establishment is not distinguished by an emphasis on or the advertising or

18. Editor's Note: See 505 ILCS 147/1 et seq.

promotion of nude or seminude performances; neither is it the intent nor effect of this subsection to condone or legitimize the distribution of obscene material.

- (b) Findings. Based on evidence of the adverse secondary effects of sexually oriented adult uses, presented in hearings and in reports made available to the County, and on findings incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *R.V.S., LLC, v. City of Rockford*, 361 F.3d 402 (7th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003) (and cases cited therein); *Wise Enterprises, Inc. v. Unified Gov't of Athens-Clarke County, Georgia*, 217 F.3d 1360 (11th Cir. 2000); see *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Artistic Entm't, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Schultz v. City of Cumberland*, 26 F.Supp.2d 1128 (W.D. Wisc. 1998), *aff'd in part, rev'd in part*, 228 F.3d 831 (7th Cir. 2000); see *Gary v. City of Warner Robins, Georgia*, 311 F.3d 1334 (11th Cir. 2002); *Blue Canary Corp. v. City of Milwaukee*, 270 F.3d 1156 (7th Cir. 2001); *Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd. of California*, 99 Cal. App. 4th 880 (Cal. Ct. App. 2002); *Matney v. County of Kenosha*, 86 F.3d 692 (7th Cir. 1996); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Berg v. Health & Hospital Corp.*, 865 F.2d 797 (1989); *DiMa Corp. v. Town of Hallie*, 185 F.3d 823 (1999); *Entertainment Concepts v. Maciejewski*, 631 F.2d 497 (1980); *Genusa v. City of Peoria*, 619 F.2d 1203 (1980); *Graff v. City of Chicago*, 9 F.3d 1309 (1993); *North Avenue Novelties, Inc. v. City of Chicago*, 88 F.3d 441 (1996); *Chulchian v. City of Indianapolis*, 633 F.2d 27 (7th Cir. 1980); *United States v. Sturman*, 49 F.3d 1275 (7th Cir. 1995); *County of Cook v. Renaissance Arcade and Bookstore*, 122 Ill.2d 123 (1988) (including cases cited therein); and other cases; and on reports of secondary effects occurring in and around sexually oriented adult businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1997); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); St. Cloud, Minnesota (1994); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); Police reports, Gary, Indiana (2000); Dallas, Texas (1997); St. Croix City, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); New York Times Square study (1994); and also on findings from the Report of the Attorney General's Working Group on the Regulation of Adult uses, (June 6, 1989, State of Minnesota), the County finds:

- [1] Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects, including, but not limited to, personal and property crimes,

prostitution, illicit sex acts, potential spread of sexually transmitted diseases, lewdness, public indecency, illegal drug use and drug trafficking, negative impacts on property values, urban blight, pornographic litter, and sexual assault and exploitation.

- [2] Sexual acts, including masturbation, oral and anal sex, occur at unregulated sexually oriented businesses, especially those which provide private or semiprivate rooms, booths, or cubicles for viewing films, videos, or live sexually explicit shows.
- [3] The consumption of alcoholic beverages on the premises of sexually oriented businesses exacerbates the deleterious secondary effects of such businesses.
- [4] Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating.

(c) General terms and uses. This subsection contains definitions of general terms, use types and sign terminology used throughout the text of this chapter. The use definitions are mutually exclusive, which means that uses that are specifically defined shall not also be considered to be a part of a more general definition of a use type. An "adult bookstore," for example, shall not be considered a "retail sales and service" use, since "adult bookstore" is a more specific definition of the use.

- (2) Separation from other uses. No adult entertainment establishment shall be permitted within 3,000 feet of any E-1 through R-6 zoned lot or within 3,000 feet of any religious assembly, school or park and recreation use. This separation distance shall be measured as a straight line, without regard to intervening properties, from the nearest exterior wall of the adult entertainment establishment to the nearest lot line of a lot that is zoned E-1 through R-6 or a lot that contains a religious assembly, school or park and recreation use.
- (3) Separation from other adult entertainment establishments. No adult entertainment establishment shall be allowed to locate or expand within 3,000 feet of any other adult entertainment use or within 3,000 feet of any bar or tavern.
- (4) Access. All access to and from the adult entertainment establishment shall be provided from a primary thoroughfare as defined in Chapter 355, Subdivision of Land, § 355-7.¹⁹
- (5) Windows and doors. The building in which the adult entertainment establishment is located shall be designed in such a fashion that all openings, entries and windows prevent views into such establishments from any sidewalk, walkway, street or other public area. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

from the sidewalk in front of the building. No adult entertainment activity shall take place outside the building containing the adult entertainment establishment.

- (6) Signs. Adult entertainment establishments shall be limited to one wall-mounted sign no greater than one square foot of sign per linear foot of wall length, not to exceed a total of 50 square feet. The sign shall not flash, blink or move by mechanical means and shall not extend above the roofline of the building. No flashing lights or lighting that gives the impression of motion or movement shall be permitted.
- (7) Parking area lighting. Lighting of parking areas that serve an adult entertainment establishment shall provide a minimum light level of 0.25 footcandle over the entire parking area, but at no point shall the light level exceed 3.0 footcandles, nor shall any increase in light levels or visible glare be permitted at the lot line.

§ 400-23. Home occupations. [Added 6-8-1999 by Ord. No. 99-02-239]

Home occupations shall be classified as either permitted home occupations, which shall be permitted in all agricultural or residence districts, or as special use home occupations, which shall be permitted only in agricultural districts, and shall be governed by the following regulations:

A. Permitted home occupations and uses.

- (1) Permitted home occupations and uses shall only be conducted within a dwelling unit in any agricultural or residence district and include the following:
 - (a) Artist's or sculptor's studio.
 - (b) Use of the premises by a clergymen, physician, surgeon, dentist, lawyer, architect, engineer, contractor, or accountant, but not for the general practice of the profession, business or trade.
 - (c) Teaching, tutoring or other types of instruction to either an individual or a group of persons not to exceed four in aggregate, provided it is conducted in a manner not to constitute a nuisance.
- (2) Permitted home occupations shall not include the use of any mechanical or manufacturing equipment other than that which is usual for domestic or hobby purposes.

B. Prohibited home occupations and uses. Any gainful activity which is not a permitted home occupation use shall be considered a business or industrial use and is prohibited in any residential district. Uses which are not deemed permitted home occupations in any agricultural or residential district and which are not permitted include, among others:

- (1) Clinics, doctors' offices, hospitals, dress shops, millinery shops, taxicab or livery services, nursery schools, tea rooms, restaurants, tourist homes, boardinghouses, rooming houses, social clubs, nursing homes, animal

hospitals, and kennels, building contractors, storage, light manufacturing, assembly or fabrication, or similar uses.

- (2) Any wholesale, retail or service business which regularly involves the sale, receipt or delivery of merchandise on the premises.
 - (3) Any use which produces noxious matter, creates a public hazard, or constitutes a nuisance.
 - (4) The repair, body work or painting of any vehicle for remuneration.
 - (5) Any permitted home occupation which is not conducted within a dwelling unit.
- C. Special use home occupations and uses. Special use home occupations and users are only allowed in any agricultural district. No such special use home occupations shall be allowed until after a special use permit has been granted in accordance with the procedures set forth in § 400-92. Special use home occupations shall not produce noxious matter, create a public hazard, or constitute a nuisance. Special use home occupations in the agricultural district shall only be allowed in conforming detached accessory structures and may include the following: **[Amended 8-10-2017 by Ord. No. 17-08-1560]**
- (1) Certain wholesale, retail or service businesses which serve the unique and exclusive needs of the farming and rural community and businesses that support the farming and rural community, which may include the sale, receipt, private storage, and delivery of merchandise on the premises, including the following:
 - (a) The repair, body work and painting of any vehicle. Limited sales of automobiles if these automobiles were repaired at the business and used as payment for services rendered, but no more than 20 such automobiles may be sold in any twelve-month period.
 - (b) The repair and limited sales of farm equipment, but no more than 20 items of farm equipment may be sold in any twelve-month period.
 - (c) The repair, refinishing and sale of antique furniture, including crafts.
 - (d) The business of using a dwelling unit or outbuildings for social venues.
 - (e) Custom manufacturing, repair and sales of guns.
 - (f) Storage units not to exceed 36 units.
 - (g) Brewery/Distillery with eating, drinking and entertainment. (See § 400-6, Definitions.) **[Added 8-19-2021 by Ord. No. 21-08-2239]**
 - (2) Light manufacturing, assembly, fabrication, repair or similar industrial activities.
- D. Employee limitations. The entrepreneur of every home occupation special use or permitted home occupation shall be domiciled in the dwelling unit on the property where the home occupation special use business is conducted, and no more than

two persons who are not domiciled in the dwelling unit where the home occupation is conducted may be employed in connection with, or otherwise participate in, the operation of such home occupation. **[Amended 8-10-2017 by Ord. No. 17-08-1560]**

- E. Exterior storage. Exterior storage of any equipment, material, or other items associated with or used in connection with any home occupation shall be stored within an enclosed structure or behind solid fencing of at least eight feet in height. **[Amended 8-10-2017 by Ord. No. 17-08-1560]**
- F. Signs. Only business signage will be allowed in accordance with Article XIII, Sign Regulations. **[Amended 8-10-2017 by Ord. No. 17-08-1560]**
- G. Accessibility requirements. Any building permit application for any work involving new construction, alteration or repair for a home occupation use, or any application for a special use home occupation, shall be accompanied by a certificate of compliance to the Illinois Accessibility Code. **[Amended 8-10-2017 by Ord. No. 17-08-1560]**
- H. Floor area limitations for special use home occupations. The total cumulative floor area of accessory buildings or structures on a lot or parcel devoted to a special use home occupation use shall not exceed 10,000 square feet. **[Amended 8-10-2017 by Ord. No. 17-08-1560]**

§ 400-23.1. Small wind energy systems. [Added 10-15-2005 by Ord. No. 08-10-1599]

A small wind energy system is allowed as a permitted use; a site plan shall be submitted to the Department of Building and Zoning demonstrating compliance with the following restriction;

- A. Setbacks. All parts of the structure of a small wind energy system, including the tower, base, footings, and turbine but excluding guy cables and their anchors, shall be set back a distance equal to 110% of the system height from all adjacent property lines, road rights-of-way, railroad rights-of-way, and rights-of-way for overhead electrical transmission or distribution lines. Guy cables and their anchors shall meet the setback requirements for accessory structures in the zoning district in which the system is proposed to be located.
- B. Noise. The small wind energy system shall not exceed a noise level of 60 decibels as measured at the closest property line. The noise level may be exceeded during short-term events such as utility outages and/or severe wind storms.
- C. Building permit applications shall be accompanied by standard drawings of the system structure, including the tower, base, footings, and guy cables certified by a licensed professional engineer. This certification may be supplied by the manufacturer.
- D. Notifications regarding aircraft. Small wind energy systems shall comply with all applicable regulations of the FAA, including any necessary approvals for installations closer than two miles to an airport as set forth in § 400-17 of this chapter. The applicant has the responsibility of determining the applicable FAA

regulations and securing the necessary approval. If the system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the applicant shall notify all such crop dusting businesses no later than five business days prior to submitting a building permit application. Copies of letters must be included in the building permit application. Orange safety balls shall be installed on each side of towers where guy wires are used for towers over 80 feet in height.

- E. Local utility company notification. Grid-tie wind energy systems must be installed to utility company specifications. It is the responsibility of the installer to contact the local utility company for details, regulations and file appropriate applications/documents; as this may vary from power provider. Copies of all applications/documents shall be submitted upon acceptance to the Stephenson County Zoning Administrator to be held on record.
- F. Minimum distances. The distance between any protruding blades utilized on a small wind energy system and the ground shall be a minimum of 15 feet as measured at the lowest point of the arc of the blades.
- G. Radio and television signals. The small wind energy system shall not cause any radio, television, microwave, or navigation interference. If a signal disturbance problem is identified, the applicant shall correct the problem within 90 days of the problem.
- H. Appearance. The small wind energy system shall maintain a galvanized neutral finish or be painted to conform the system color to the surrounding environment to minimize adverse visual effects. No small wind energy system shall have any signage, writing, pictures, or decorations placed on it at any time other than warning, equipment, and ownership information. No small wind energy system shall have any flags, streamers, banners, and other decorative items that extend from any part of the system placed on it at any time.
- I. Removal upon end of useful life. When a system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within 120 days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal.
- J. Fencing. The tower shall be enclosed with a fence of at least six feet in height or the base of the tower shall not be climbable for a distance of eight feet measured from the ground.
- K. Required safety features. The small wind energy system shall have an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
- L. Tower. The upright portion of a small wind energy system to which the primary generator devices are attached.
- M. System height shall be measured from height above grade of the highest point of the arc of the blades and shall be limited as follows:

A-1, A-2 Districts, B-1 through M-2 Districts	E-1 through R-6 Districts	
Acreage	Height	Height
0.99 or less acre	50 feet	50 feet
1 to 1.99 acres	65 feet	65 feet
2 to 4.99 acres	80 feet	80 feet
5 or more acres	150 feet	80 feet

§ 400-23.2. Keeping of chickens in residential zoning districts. [Added 12-12-2012 by Ord. No. 12-12-1943]

- A. Persons residing in Residential Districts E-1 through R-5 may keep or maintain chickens.
- B. Private restrictions on the use of property shall remain enforceable and take precedence over this section. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- C. A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:
 - (1) The principal use of the person's property is for a single-family dwelling or two-family dwelling.
 - (2) No person shall keep any rooster.
 - (3) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
 - (4) A person shall not keep chickens in any location on the property other than in the back yard. For purposes of this section, "back yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.
 - (5) No covered enclosure or fenced enclosure shall be located closer than 10 feet to any property line of an adjacent property.
 - (6) A person shall not engage in chicken breeding, egg production, meat production or fertilizer production for commercial purposes.
 - (7) A covered enclosure or fenced enclosure shall not be located closer than 40 feet from any residential structure on an adjacent property.
 - (8) For purposes of this section, "adjacent property" means all parcels of property that the applicant's property comes into contact with at one or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a public or private street.
 - (9) All stored feed and other items associated with the keeping of chickens that

are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

(10) If the above requirements are not complied with, the County may initiate prosecution for a civil infraction violation.

- D. Feed and water. Chickens shall be provided with access to feed and water.
- E. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.
- F. The owner shall not allow his or her chickens to roam off the owner's tract of land. No dog or cat or other domesticated animal which kills a chicken at any location other than the owner's tract of land will, for that reason alone, be considered a dangerous or aggressive animal for purposes of the County's responsibility to enforce its animal control provisions.
- G. A person who is raising chickens has the liberty to do so, but with liberty comes responsibility to be considerate of thy neighbors.

§ 400-23.3. Solar power generating plant. [Added 3-9-2017 by Ord. No. 17-03-1514]

- A. The following standards shall apply to a solar power generating plant: **[Amended 12-13-2017 by Ord. No. 17-12-1793; 8-23-2018 by Ord. No. 18-08-1910]**
 - (1) Setbacks. The facility shall be set back 50 feet from the front and rear property lines and 50 feet from the side property lines. Solar panels will be kept at least 200 feet from a residence property line that is not part of the special use.
 - (2) If lighting is required, it shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends beyond the boundaries of a solar plant.
 - (3) An erosion control plan shall be provided prior to the issuance of an occupancy certificate.
 - (4) A stormwater management plan shall be provided prior to the issuance of an occupancy certificate.
 - (5) All areas occupied by the solar plant that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade-tolerant grass or other vegetation for the purpose of soil stabilization or other methods approved by the Director of Building and Zoning.
 - (6) Solar panels shall require construction permits from the Department of Building and Zoning. Solar panels that are part of a solar power generating

plant shall require engineering certified by a registered engineer or other certified professional before an occupancy permit will be issued.

- (7) If a solar plant ceases to produce electricity on a regular basis for 12 months, it will be the responsibility of the tenant to remove all tenant's property in a manner that restores the property to its original condition at no cost to the landlord or members of the public. This requirement will be included in the ground lease agreement between the landlord and tenant. The lease operator will also present a signed ground lease to the Director of Building and Zoning prior to the special use public hearing.
- (8) The solar plant shall provide approval for access points and change in access use from the road authority.
- (9) All hazardous materials related to the construction, operation and maintenance of the solar power generating plant shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal regulations.
- (10) When complying with the requirements of § 400-92, Special uses, the applicant shall, at a minimum, show the intended route for connecting to the power grid, and the alternative locations of any substation shall be disclosed with the application for the solar power plant.
- (11) Within 60 days after completion of construction of the solar power generating plant (SPGP), the owner of the SPGP shall prepare a plat showing the metes and bounds description, including access routes of the SPGP and record the plat and deliver a copy of it to the Chief County Assessment Officer and to the owner of the land surrounding the newly platted area. Upon receiving a copy of the plat, the Chief County Assessment Officer shall issue a separate parcel identification number or numbers for the property containing the SPGP.

§ 400-23.4. Short-term rental. [Added 8-23-2018 by Ord. No. 18-08-1911]

- A. Intent. To permit and regulate by special use short-term residential rentals within Stephenson County, to insure the public health, safety and welfare, and to provide standards for approval.
- B. Application and fee requirements. An operator approval of a special use permit under this section shall submit a complete application to the Zoning Administrator. The application shall include proof of ownership of, or the legal right to rent, a dwelling unit and all information reasonably necessary for the Zoning Administrator to determine whether the applicable standards for approval provided in Subsection C have been met.
- C. Standards for approval. The Zoning Administrator shall approve, or approve with conditions, an application for a short-term rental only upon a finding that the application complies with all of the following applicable standards:
 - (1) Maximum occupancy will be based on two adult people per bedroom.
 - (2) The dwelling unit must meet all residential building, Health Department, and

safety codes by a yearly inspection performed by local health authorities.

- (3) The operator shall provide ample off-street parking to accommodate occupant's vehicles.
- (4) The appearance of the dwelling shall not conflict with the residential character of the neighborhood. The structures shall be properly maintained, and kept in good repair, in order that the use in no way detracts from the general appearance of the neighborhood. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.
- (5) No sign shall be posted to advertise the availability of the short-term residential rental unit to the public.
- (6) The owner shall keep on file with the County Zoning Office and Sheriff's Department the telephone number of a contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information must be current and posted in a conspicuous location within the dwelling unit. The Contact person must be available to accept telephone calls on a twenty-four-hour basis. The contact person or designated agent must have a key to the rental unit and be able to respond to the short-term rental within 60 minutes to address issues. The owner shall notify neighboring dwelling units within 300 feet from the rental dwelling unit, in writing, that the property is a permitted short-term rental and shall provide a telephone number of the rental agency or local contact person as required in this section.
- (7) The owner or a managing agency or agent or contact person shall provide the tenant or lessees of a short-term residential rental with the following information prior to occupancy of the premises and post such information in a conspicuous place within the dwelling.
 - (a) The name of the contact person with a twenty-four-hour number where they shall be reached.
 - (b) Notification of the maximum number of overnight occupants permitted on the premises pursuant to this section.
 - (c) Notification of the parking standards of this section.
 - (d) A copy of this updated section.
- (8) All land-based recreational activities to be limited to rented premises and shall not encroach on neighboring properties.
- (9) Campfires in designated "fire pit" areas away from trees, and property lines. Fires must be attended at all times and properly extinguished after use.
- (10) Short-term tenants shall not create a nuisance as described in Chapter 309 of the Stephenson County Code.

§ 400-23.5. General standards for private motor sport vehicle tracks. [Added 4-21-2022 by Ord. No. 22-04-24]

- A. Track: A course built for the operation of motorized vehicles which operate in a repetitive continuous manner or an area where recreational motorized vehicles operate in a repetitive continuous manner or an area where recreational motorized vehicles, through their repetitive use, have altered or changed the natural contour of the landscape and created a clearly identifiable track.
- B. Permitted sites: Sites which meet the following criteria are permitted uses in Stephenson County, unless prohibited by a more restrictive ordinance:
- (1) The parcel of land is not in a residential zoning district.
 - (2) The track must be located a minimum of 1,000 feet from any residence, or residentially zoned district, except that of the owner.
 - (3) The track must be located a minimum of 1,000 feet from a livestock shelter and/or arena, except that of the owner of the track.
 - (4) There must be a 50-foot minimum setback from a track to the property line.

ARTICLE V
Nonconforming Buildings and Uses

§ 400-24. Continuance of use.

- A. Any lawfully established use of a building or land, on the effective date of this chapter, or of amendments hereto, that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
- B. Any legal nonconforming building or structure may be continued in use, provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- C. Prior approval of buildings, structures, planned developments or subdivisions.
[Amended 7-10-1973]
 - (1) Any building or other structure for which a permit has been lawfully granted prior to the effective date of this chapter, or of amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 90 days and diligently prosecuted to completion. Such building or other structure shall thereafter be deemed a lawfully established building.
 - (2) Any planned development or subdivision which has been approved prior to the effective date of this chapter, or of amendments thereto, may be completed in accordance with the approved plans, provided actual construction is started within one year and diligently prosecuted to completion. Such planned development or subdivision shall thereafter be deemed lawfully established.

§ 400-25. Discontinuance of use.

- A. Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this chapter, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.
- B. Whenever a nonconforming use of a building or structure or part thereof has been discontinued for a period of one year, or whenever a clear intent on the part of the owner to abandon a nonconforming use is evident, such use shall not be reestablished after being discontinued or abandoned, and the use of the premises thereafter shall be in conformance with the regulations of the district, except whenever a nonconforming use dependent on seasonal trade has been discontinued for a period of one year, such use shall not thereafter be established and any future use shall be in conformity with the provisions of this chapter.
- C. Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six months shall constitute abandonment, and the premises shall not thereafter be used in a nonconforming manner.

§ 400-26. Reclassification of nonconforming use.

The provisions of §§ 400-24 and 400-25 shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of zones under this chapter or any subsequent change in the regulations of this chapter, and any time periods specified for discontinuance of nonconforming uses shall be measured from the date of such reclassification or change.

§ 400-27. Termination and removal of nonconforming uses, buildings and structures in residential districts.

The period of time during which the following nonconforming uses of buildings, structures or land may continue or remain in residential districts shall be limited to two years from the effective date of the ordinance or of any amendment thereto which causes the use to be nonconforming. Every such nonconforming use shall be completely removed from the premises at the expiration of the two-year period.

- A. Any nonconforming use of a building or structure having an assessed valuation not in excess of \$500 on the effective date of the ordinance.
- B. All nonconforming signs, billboards and outdoor advertising structures.
- C. Any nonconforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building.

§ 400-28. Repairs and alterations.

- A. Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- B. No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:
 - (1) When the alteration is required by law.
 - (2) When the alteration will actually result in eliminating the nonconforming use.
 - (3) When a building in a residential district containing residential nonconforming uses may be altered in any way to improve the livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

§ 400-29. Damage and destruction. [Amended 12-15-1998 by Ord. No. 98-10-236; 11-12-2002 by Ord. No. 02-21-269]

- A. If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of 50% or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than 50% of its replacement value, based on prevailing costs, the building may then be restored to its original

condition and the occupancy or use of such building which existed at the time of such partial destruction may continue.

- B. A nonconforming residential use within a Business (B-1, B-2, B-3), Limited Manufacturing (M-1) or Agricultural (A-1, A-2) District shall be exempt from the provisions of the above subsection, with the exception of any nonconforming residential use located within a special flood hazard area as defined in Article XV of this chapter.
- C. In either event, restoration or repair of the building or other structure must be started within a period of six months from the date of damage or destruction, and diligently prosecuted to completion.

§ 400-30. Additions and enlargements.

- A. A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use and is made to conform to all the regulations of the district in which it is located.
- B. No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
- C. No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this chapter, or to displace any conforming uses in the same building or on the same parcel.

§ 400-31. Exempted buildings, structures and uses. [Added 7-11-2007 by Ord. No. 07-07-1462]

Whenever a lawfully existing building or other structure otherwise conforms to the use regulations of this chapter, but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of §§ 400-27 and 400-28 of this article:

- A. In any residence district, where a dwelling is nonconforming only as to the number of dwelling units it contains, provided that no such building shall be altered in any way so as to increase the number of dwelling units therein.
- B. In any district, where an established building, structure or other use is nonconforming with respect to the standards prescribed in this chapter for any of the following:
 - (1) Floor area ratio.
 - (2) Yards, front, side, or rear.
 - (3) Off-street parking or loading.
 - (4) Lot area.
 - (5) Building height.

- (6) Gross floor area.
- C. In any district, where an established building or structure is nonconforming with respect to the front, side or rear yards, said building or structure may be replaced if such building or structure maintains the same footprint as the former structure, provided a letter from the governing road authority is produced at the time of permitting, stating that the governing road authority has no objection to placement of the building or structure.²⁰

§ 400-32. Conversion to conditional use.

Any nonconforming use may be made a conditional use, when such conditional use is permitted in the district in which it is located, by the granting of a conditional use permit, and without holding a public hearing.

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

ARTICLE VI
Zoning Districts

§ 400-33. Districts. [Amended 11-10-1992 by Ord. No. 92-11-185²¹]

For the purpose and provisions of this chapter, Stephenson County, Illinois, is hereby organized into 18 districts, as follows:

Agricultural districts:

- A-1 Prime Agricultural Cropland
- A-2 General Agricultural
- F-1 Floodplain District

Residence districts:

- E-1 Estate Residence
- E-2 Estate Residence
- E-3 Estate Residence
- R-1 Single-Family Residence
- R-2 Single-Family Residence
- R-3 Single-Family Residence
- R-4 General Residence
- R-5 General Residence
- R-6 Mobile and Manufactured Home

Business districts:

- B-1 Limited Retail
- B-2 General Retail and Limited Service
- B-3 Commercial, Wholesale and General Service

Manufacturing districts:

- M-1 Limited Manufacturing
- M-2 General Manufacturing

Tourist districts:

- T-1 Tourist

§ 400-34. Maps. [Amended 7-10-1973]

The boundaries of the zoning districts heretofore designated are hereby established as shown on the maps entitled "Zoning Map Atlas, Stephenson County, Illinois," which maps accompany and are made a part of this chapter by reference, and shall have the same force and effect as if the Zoning Map, together with all notations, references and other information shown thereon, were fully set forth and described herein.²²

21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

22. Editor's Note: Copies of the current Zoning Maps are on file in the County offices.

§ 400-35. Boundaries.

Whenever uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Maps, the following rules shall apply:

- A. District boundary lines are either the center lines of railroads, highways, streets, alleys, or easements, or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended as otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line of the street or highways, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter-section, or division lines, or center lines of streets, highways or railroad rights-of-way unless otherwise indicated.
- C. Where a lot held in one ownership and of record on the effective date of this chapter is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted frontage of the lot by more than 25 feet.

§ 400-36. Zoning of streets, alleys, public ways, waterways, and railroad rights-of-way.

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

§ 400-37. Disconnected territory. [Amended 8-10-2011 by Res. No. 11-08-1821]

Any additions to the unincorporated area of the County, resulting from disconnection by municipalities or otherwise, shall be automatically classified in the A-1 Agricultural District until such time as the County Board designates the permitted use of land in accordance with the administrative provisions of this chapter.

ARTICLE VII
Agricultural Districts

§ 400-38. Purpose. [Amended 8-10-1993 by Ord. No. 93-09-194; 10-15-2008 by Ord. No. 08-10-1598]

The long-range goal for agricultural land use in Stephenson County is to promote the use, conservation and preservation of agricultural land for the growth and generation of food and agricultural commodities. Among the goals of the agricultural zoning districts created by this chapter is to protect the productive value of agricultural land and to protect it from indiscriminate residential and urban development and other incompatible and conflicting land uses; to conserve and protect the value of open space, wooded areas, stream, mineral deposits, and other natural and renewable resources and to protect them from incompatible land uses, and to provide for their timely utilization; to provide for the location and govern the establishment and use of residential uses which are accessory to and necessary for the conduct of agriculture, and to provide for the location and govern the establishment and use of limited nonagricultural residential use. Such nonagriculture residential uses shall not be so located as to be detrimental to or conflict with other uses which are named as permitted or special uses in this district and are appropriate to other property in the area.

- A. The A-1 Prime Agricultural District is established to protect land best suited for the production of food and agricultural commodities, and to prevent the conversion of agricultural land to nonfarm development which, when unregulated, unnecessarily increases the cost of public services to all citizens of the County and results in the premature disinvestment of agricultural resources in Stephenson County.
- B. The A-2 General Agricultural District is established as a district in which agriculture and related uses are encouraged as the principal uses of land. This district is also designed to prevent the premature end of agricultural pursuits, but permits the introduction of a limited number of rural and urban types of uses.

§ 400-39. A-1 Prime Agricultural Cropland District. [Amended 5-14-1973; 7-10-1973; 7-11-1989; 11-10-1992 by Ord. No. 92-11-187; 8-10-1993 by Ord. No. 93-08-194; 2-9-2000 by Ord. No. 00-03-248; 8-14-2002 by Ord. No. 02-19-267; 8-11-2004 by Ord. No. 04-26-239A; 10-15-2008 by Ord. No. 08-10-1598]

- A. Agricultural nuisance disclaimer. Properties within the Agricultural District are located in an area where land is used for commercial agricultural production. Owners, residents and other users of property in the Agricultural District or neighboring property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of property within the Agricultural District should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural use, and are hereby put on official notice that the Farm Nuisance Suit Act (740 ILCS70) and case law may bar them from obtaining a legal judgment against such normal agricultural operations.

B. Permitted uses.

- (1) Farm. Any parcel of land composed of at least 40 contiguous acres, the principal use of which is agricultural as defined in § 400-6 of the Stephenson County Zoning Code. Buildings and structures used for agricultural purposes on such a parcel are not subject to the regulations of this chapter, except that buildings erected, and uses established, after the effective date of this chapter shall conform to applicable state, federal and local floodplain regulations in addition to the setback lines as herein regulated. Before a building or structure to be used for the pursuit of agriculture may be erected, the property owner or builder must first file with the Director of Planning and Zoning a plan or sketch showing the proposed location on the property of the building or structure to be erected.
- (2) Dwelling unit (farm): every farm dwelling unit hereafter erected on a tract of land defined as a "farm," pursuant to section § 400-6 of this chapter.
- (3) Home occupations.
- (4) Railroad rights-of-way and tracks.
- (5) Churches, chapels, temples, synagogues, convents, mosques, monasteries and similar religious institutions including but not limited to dormitories.
- (6) Publicly controlled parks, forest preserves, conservation areas and recreation areas, including trails.
- (7) Meteorological tower.
- (8) Telecommunications tower.
- (9) Small wind energy system with a setback from property lines of 110% of the height of the device and demonstrating compliance with standards and restrictions set forth in § 400-23.1 of this chapter.
- (10) Government service.
- (11) Cemeteries.
- (12) Crematories (human and animal) and mausoleums.
- (13) Accessory uses:
 - (a) Uses, buildings and structures customarily accessory to the pursuit of agricultural uses.
 - (b) Seasonal roadside stands for the sale of produce, Christmas trees and eggs produced on premises or in the region, but not including live animals, provided that such stand shall have a building height of less than 17 feet and no more than one story and a floor area of not more than 600 square feet and located no nearer than 50 feet from a road or highway right-of-way line. Each roadside stand shall have facilities approved by the Director of Planning and Zoning and the County Engineer for vehicular ingress and egress and adequate off-street parking. All seasonal stands

will be required to apply for and receive approval of a yearly administrative review. The applicant shall adhere to requirements in the above subsection.

- (c) Uses, buildings, facilities and structures, accessory to all permitted and special uses.

(14) Residential uses:

- (a) Single-family nonfarm dwellings existing previous to the date of adoption of this amendatory paragraph.
- (b) The conversion of farm dwellings to nonfarm dwellings, provided the prospective property owners receive an administrative residential special use permit from the Director of Planning and Zoning and certify by affidavit that they have read § 400-39A of this chapter, and provided said minor subdivision is approved (if applicable) by the plat officer, attach to the property deed said affidavit and present to the plat officer proof of recording. Lot area for converted farm dwellings shall be not less than two acres and lot width shall be at least 200 feet. Yard requirements shall be as set forth in the chapter.

(15) Accessory structures associated with agricultural use, minimum acreage required: 40.

C. Any use not expressly permitted in this district is subject to the procedures and standards related to special uses under Article XIV of this chapter.

D. Miscellaneous provisions. Unless a particular use is governed elsewhere in this chapter by standards and restrictions specific to the use in question, the following regulations have application to all permitted and special uses within the district:

- (1) Lot area. Lot area shall be regulated herein for a specific permitted or special use.
- (2) Lot width. Lot width shall not be less than 200 feet except as may be otherwise regulated in this section.
- (3) Signs. Signs shall be permitted or required in Article XIII.
- (4) Building setback line. Every building or structure erected or enlarged shall provide and maintain a setback from the public street of 50 feet from the property line or 90 feet from the center line of the right-of-way, whichever distance is greater.
- (5) Yards. Except as otherwise regulated herein for a specific permitted or special use, yards shall be provided as follows:
 - (a) Front yards: not less than 50 feet.
 - (b) Side yards: not less than 30 feet for an interior side yard and not less than 50 feet for a side yard adjoining a street.
 - (c) Rear yards: not less than 50 feet, except that for a specific special use

such yard may be reduced or increased as required by the County Board.

- (6) Electric, telephone (excluding cellular towers) substations and pumping stations, sewage pumping stations or any public utilities shall require a front yard of not less than 50 feet, interior side yards of not less than 30 feet, side yards adjoining a street of not less than 50 feet and rear yards of not less than 40 feet.
- (7) Maximum floor area ratio. The maximum floor area ratio for permitted uses, including accessory uses, shall not exceed 0.1.
- (8) The maximum floor area ratio for special use shall be established at the time a special use permit is granted.
- (9) Dwelling standards. Every one-story dwelling erected in the A-1 Agricultural District shall have a total ground floor area of not less than 750 square feet and a width of not less than 24 feet. A two-story dwelling shall have a total floor area of not less than 1,200 square feet. Square feet shall be measured from the outside of the exterior walls including utility rooms but excluding basements, open porches, breezeways, and garages. Enclosed space intended for habitable rooms which are to be completed within a reasonable time will be considered in computing such floor area.

§ 400-40. A-2 General Agricultural District. [Amended 7-10-1973; 4-13-1976; 11-10-1992 by Ord. No. 92-11-187; 2-9-2000 by Ord. No. 00-03-248; 10-15-2008 by Ord. No. 08-10-1598]

A. Permitted uses.

- (1) Farm. On a twenty-acre parcel of land, the principal use of which is agriculture, buildings and structures used for agricultural purposes on such land are not subject to the regulations of this chapter, except that buildings erected, and uses established, after the effective date of this chapter shall conform with applicable setback lines and state, federal and local floodplain regulations as herein regulated. Before a building or structure to be used for the pursuit of agriculture may be erected, the property owner or builder must first file with the Director of Planning and Zoning a plan or sketch showing the proposed location on the property of the building or structure to be erected.
- (2) Cemeteries, including crematories (human and animal) and mausoleums provided that such structures shall be located not less than 330 feet from a lot line.
- (3) Churches, chapels, rectories, temples, mosques and synagogues.
- (4) Golf courses, regulation size not including "par-3" golf courses, commercially operated driving ranges or miniature golf courses, and provided that a clubhouse or accessory building shall be located not less than 330 feet from a lot line.
- (5) Greenhouses, wholesale, and retail.
- (6) Home occupations.

- (7) Publicly controlled parks, forest preserves, conservation areas and recreation areas, including trails.
 - (8) Railroad rights-of-way and track.
 - (9) Schools, public and private nonboarding, day or nursery, elementary, junior high and public junior colleges.
 - (10) All denomination religious institutions, including dormitories.
 - (11) Single-family detached nonfarm dwellings on property that scores less than 200 total points using the Land Evaluation Site Assessment (LESA) system on a lot not less than two acres in area and 200 feet in width.
 - (12) Temporary buildings for construction purposes for a period not to exceed such construction.
 - (13) Small wind energy system with a setback from property lines of 110% of the height of the device and demonstrating compliance with standards and restrictions set forth in § 400-23.1 of this chapter.
 - (14) Accessory uses:
 - (a) Those customarily accessory to the pursuit of agriculture.
 - (b) Seasonal roadside stands for the sale of produce, Christmas trees and eggs produced on premises or in the region, but not including live animals, provided that such stand shall have a building height of less than 17 feet and no more than one story and a floor area of not more than 600 square feet and located no nearer than 50 feet from a road or highway right-of-way line. Each roadside stand shall have facilities approved by the Director of Planning and Zoning and the County Engineer for vehicular ingress and egress and adequate off-street parking. Seasonal stands will be required to apply for and receive approval of a yearly administrative special use. The applicant shall adhere to requirements in the above subsection.
 - (c) Uses, buildings, facilities and structures, accessory to all permitted uses.
- B. Special uses. Special uses as per Article XIV.
- C. Lot area: not less than two acres, except as may be otherwise regulated in this section.
- D. Lot width: not less than 200 feet except as may be otherwise regulated in this section.
- E. Floor area ratio, single-family nonfarm detached dwellings: not applicable. Special use to be specified as part of the special use permit but shall not exceed 0.3.
- F. Yards: as in the A-1 District.
- G. Signs: in accordance with the regulations set forth in Article XIII of this chapter.
- H. Off-street parking and loading: in accordance with the regulations set forth in

Article XII.

§ 400-41. F-1 Floodplain District. [Amended 2-9-2000 by Ord. No. 00-03-248]

- A. Purpose. This district is created to protect the public health and to reduce the financial burdens imposed on the County, its governmental units and its individuals, which may result from improper use of lands having excessively high water tables or which are subject to frequent and periodic floods. The boundaries of this district shall be the highest water elevation established by the U.S. Army Engineer District in its report entitled "Survey Report for Flood Control on the Pecatonica River," revised February 14, 1962. As such lands are adequately drained or sufficiently protected from the risk of overflow, they may be removed from the Floodplain District and reclassified into an appropriate use district. Such determination and reclassification shall be made by the Stephenson County Zoning Board of Appeals in accordance with Article XIV.
- B. Permitted uses. The following uses are permitted:
- (1) Open type uses, such as loading and unloading areas, parking lots, storage of motor vehicles (new and used) for not more than twenty-four-hour periods, and garden auxiliary to uses permitted in any adjoining district.
 - (2) Storage yards for equipment and materials in movable containers and not subject to major damage by flood, provided such uses are permitted in an adjoining district, but not including acids, caustics, flammable liquids, trash, rags, bottles, scrap metal or any other materials commonly referred to as "junk."
 - (3) Publicly controlled parks, forest preserves, conservation area and recreation areas, including trails, private recreational facilities, such as golf clubs, golf driving ranges, drive-in theaters, recreational lakes and other similar recreational use, and subject to all other provisions of this chapter.
 - (4) Fences shall be open-wire fences providing open space of at least 70%.
 - (5) Planned single-family residential developments in unsubdivided areas only, and single-family residences on lots of record prior to the effective date of this chapter, subject to the following requirements:
 - (a) All lots are served with a public or central sewerage system approved by the County and the Illinois Sanitary Water Board.
 - (b) All finished floors, including cellars, shall be at an elevation of not less than five feet above the existing average bank elevation of the property frontage along the Pecatonica River or three feet above the floodwater elevation established above, whichever is higher.
- C. Conditional uses: as per Article XIV. **[Added 8-10-2011 by Res. No. 11-08-1821]**
- D. Conditions of use. In the F-1 Districts, the following conditions of use shall pertain:
- (1) No filling of land shall be permitted except where approved by the Zoning Board of Appeals and subject to such conditions as may be stipulated to

protect the public interest.

- (2) The natural drainage grade shall not be substantially altered.
 - (3) Any structures permitted shall be placed on the lot so as to offer the minimum obstruction to the flow of water and shall be firmly anchored to prevent the structure from floating away and thus threatening to further restrict bridge openings and other restricted sections of the stream.
 - (4) Where, in the opinion of the Zoning Board of Appeals, topographic data, engineering and other studies are needed to determine the effects of flooding on a proposed structure or the effect of the structure on the flow of water, the Zoning Board of Appeals may require the applicant to submit such data or other studies prepared by competent engineers or other technicians.
 - (5) All uses permitted shall be subject to approval of the Zoning Board of Appeals and to such conditions as may be stipulated to protect the public interest.
 - (6) No basement or other floor shall be constructed below existing ground level.
 - (7) Planned single-family residential developments, where permitted, shall contain adequate storm drainage or other facilities capable of protecting the area from flooding.
 - (8) All planned single-family residential developments shall be subject to the final approval of the County Board and County Engineer that all of the foregoing requirements of this section have been complied with. **[Amended 8-10-2011 by Res. No. 11-08-1821]**
 - (9) No building or structure shall be erected and no existing building or structure shall be moved unless the main-floor elevation of said building or structure is established with a finished first-floor elevation not less than three feet above the highest known flood elevation as determined by the County Engineer.
- E. Floodplain fringe areas. Areas lying outside of and adjacent to the floodplain districts, as shown on the Zoning Maps, shall be subject to the following regulations:
- (1) No basement floor or other floor shall be constructed below or at a lower elevation than the main floor.
 - (2) Land may be filled within the floodplain fringe areas, provided such fill shall extend at least 25 feet beyond the limits of any structure erected thereon.
 - (3) Foundations of all structures shall be designed to withstand flood conditions at the site.

ARTICLE VIII
Residence Districts

§ 400-42. E-1 Estate Residence District. [Amended 7-10-1973; 11-10-1992 by Ord. No. 92-11-187; 2-9-2000 by Ord. No. 00-03-248]

The following regulations apply in the E-1 District:

A. Permitted uses. The following uses are permitted:

- (1) One-family detached dwellings.
- (2) Lands and buildings used for agricultural purposes except the keeping of livestock, poultry and other animals except as provided herein for private stables.
- (3) Home occupations.
- (4) Schools, public, denominational or private, elementary, high, and public junior colleges, including playgrounds, garages for school buses, athletic fields and other uses auxiliary thereto.
- (5) Churches, rectories and parish houses.
- (6) Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land of not less than two acres.
- (7) Publicly controlled parks, forest preserves, conservation areas and recreation areas, including trails.
- (8) Golf courses, including ancillary uses normally provided, such as restaurants, including the sale of alcoholic beverages, residential uses for guests, managers and other employees, but not including commercially operated driving ranges or miniature golf courses; and provided that no clubhouse or accessory building shall be located nearer than 500 feet to any dwelling on another zoning lot.
- (9) Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.
- (10) Temporary real estate offices in conjunction with a new housing development, limited to the selling or renting of new units in such development and in no case to be in operation for more than one year following completion of construction of said housing development.
- (11) Signs, as permitted or required in Article XIII.
- (12) Private stables may be permitted if they are more than 150 feet from the nearest neighboring residence district or business district.
- (13) Accessory uses, including off-street parking facilities in accordance with the provisions of Article XII.

- (14) Residential-care home, small. **[Added 8-12-2013 by Ord. No. 13-08-2007]**
- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Off-street automobile parking facilities. Automobile parking facilities shall be provided as required in Article XII.
- D. Lot size.
- (1) Every one-family detached dwelling hereafter erected shall be located on a tract of land having an area of not less than three acres and a width at the established building line of not less than 200 feet, except as otherwise provided herein.
 - (2) A permitted nonresidential principal use of a building, other than a public service use, shall be located on a tract of land having an area of not less than two acres, with a width at the established building line of not less than 150 feet.
 - (3) On lots where septic tanks are used, the standards or ordinances in Stephenson County shall apply.
- E. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
- (1) Front yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - (a) Primary thoroughfares: 60 feet from the property lines or 110 feet from the center line of the right-of-way, whichever distance is greater.
 - (b) Collector thoroughfares: 50 feet from the property line or 90 feet from the center line of the right-of-way, whichever distance is greater.
 - (c) All other streets: 50 feet from the property line or 80 feet from the center line of the right-of-way, whichever distance is greater.
 - (2) Side yards: a side yard on each side of the principal building of not less than 30 feet; except where a side yard adjoins a street, the minimum width of such yard shall be not less than that established above for front yards.
 - (3) Rear yard. A rear yard of not less than 100 feet shall be provided.
- F. Lot coverage. Not more than 15% of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.
- G. Maximum floor area ratio. The floor area ratio shall not exceed the following:
- (1) One-family detached dwellings: not applicable.
 - (2) Nonresidential uses: 0.5.
 - (3) The maximum floor area ratio for conditional uses shall be established at the time the conditional use permit is granted.

- H. Dwelling standards. Every one-story dwelling hereafter erected in any E-1 District shall have a total ground floor area of not less than 750 square feet, and not less than 24 feet in width, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods of living, eating or sleeping purposes. Every dwelling of more than one story hereafter erected in any E-1 Estate District shall have a total floor area, measured from the outside of the exterior walls, of not less than 1,200 square feet, including utility rooms but excluding cellars, basements, open porches, breezeways, garages, and other spaces that are not used frequently or during extended periods of living, eating or sleeping purposes, except that enclosed space intended for habitable rooms which are to be completed within a reasonable time may be considered in computing such floor area.

§ 400-43. E-2 Estate Residence District.

The following regulations apply in the E-2 District:

- A. Permitted uses. The following uses are permitted:
- (1) Any use which is permitted in the E-1 District with the exception of private stables. **[Amended 8-12-2013 by Ord. No. 13-08-2007]**
- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Off-street automobile parking facilities. Automobile parking facilities shall be provided as required in Article XII.
- D. Lot size.
- (1) Every one-family detached dwelling hereafter erected shall be located on a tract of land having an area of not less than two acres and a width at the established building line of not less than 200 feet.
 - (2) A permitted nonresidential principal use of a building, other than a public service use, shall be located on a tract of land having an area of not less than two acres, with a width at the established building line of not less than 150 feet.
 - (3) On lots where septic tanks are used, the standards or ordinances established in Stephenson County shall apply.
- E. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
- (1) Front yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - (a) Primary thoroughfares: 50 feet from the property line or 100 feet from the center line of the right-of-way, whichever distance is greater.
 - (b) Collector thoroughfares: 40 feet from the property line or 80 feet from the

center line of the right-of-way, whichever distance is greater.

- (c) All other streets: 40 feet from the property line or 70 feet from the center line of the right-of-way, whichever distance is greater.
- (2) Side yards: a side yard on each side of the zoning lot of not less than 15 feet; except where a side yard adjoins a street, the minimum width of such yard shall be not less than that established above for front yards.
- (3) Rear yard: a rear yard of not less than 75 feet.
- F. Lot coverage. Not more than 20% of the area of a zoning lot may be covered by buildings or structures, including accessory buildings.
- G. Maximum floor area ratio. The same regulations shall apply as permitted or required in the E-1 Estate Residence District.
- H. Dwelling standards. The same regulations shall apply as permitted or required in the E-1 Estate Residence District.

§ 400-44. E-3 Estate Residence District.

The following regulations shall apply in the E-3 District:

- A. Permitted uses. The following uses are permitted:
 - (1) One-family and two-family detached dwellings. **[Amended 7-10-1973]**
 - (2) Golf courses, including ancillary uses normally provided, such as restaurants, including the sale of alcoholic beverages, residential uses for guests, managers and other employees, but not including commercially operated driving ranges or miniature golf courses; and provided that no clubhouse or accessory building shall be located nearer than 500 feet to any dwelling on another zoning lot.
 - (3) Home occupations.
 - (4) Parks, forest preserves and recreational areas, when publicly owned and operated.
 - (5) Schools, public, denominational or private, elementary and high, including playgrounds when located on the same parcel of land as the school, garages for school buses, athletic fields and other uses auxiliary thereto.
 - (6) Churches, rectories and parish houses.
 - (7) Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land of not less than two acres.
 - (8) Temporary real estate offices in conjunction with a new housing development, limited to the selling or renting of new units in such development and in no case to be in operation for more than one year following completion of construction of said housing development.

- (9) Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.
 - (10) Signs, as permitted or required in Article XIII.
 - (11) Accessory uses, including off-street parking facilities in accordance with the provisions of Article XII.
 - (12) Any use which is permitted in the E-1 and E-2 Zoning Districts with the exception of private stables. **[Added 8-12-2013 by Ord. No. 13-08-2007]**
- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Off-street automobile parking facilities. Automobile parking facilities shall be provided as required or permitted in Article XII.
- D. Lot size.
- (1) Every one-family and two-family detached dwelling hereafter erected shall be located on a lot having an area of not less than: **[Amended 7-10-1973; 11-11-1992 by Ord. No. 92-11-187]**
 - (a) Twenty thousand square feet with a central sewage system, and a width at the established building line of not less than 100 feet.
 - (b) Two acres with a septic system as approved by the Stephenson County Health Department, and a width at the established building line of not less than 200 feet.
 - (2) All nonresidential principal uses, as permitted in this section, shall be located on a tract of land having an area of not less than: **[Amended 11-10-1992 by Ord. No. 92-11-187]**
 - (a) Twenty thousand square feet with a central sewage system, and a width at the established building line of not less than 100 feet.
 - (b) Two acres with a septic system as approved by the Stephenson County Health Department, and a width at the established building line of not less than 200 feet.
 - (3) Minimum lot sizes for conditional use shall be prescribed and conditions stipulated at the time a conditional use permit is authorized.
 - (4) On lots where septic tanks are used, the standards or ordinances established in Stephenson County shall apply.
- E. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
- (1) Front yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - (a) Primary thoroughfares: 50 feet from the property line or 90 feet from the center line of the right-of-way, whichever distance is greater.

- (b) Collector thoroughfares: 40 feet from the property line or 70 feet from the center line of the right-of-way, whichever distance is greater.
- (c) All other streets: 30 feet from the property line or 60 feet from the center line of the right-of-way, whichever distance is greater.
- (2) Side yards: a side yard on each side of the zoning lot of not less than 10 feet; except where a side yard adjoins a street, the minimum width shall be increased to 30 feet on the street side.
- (3) Rear yard: a rear yard of not less than 50 feet.
- F. Lot coverage. Not more than 30% of the lot area may be occupied by buildings and structures, including accessory buildings.
- G. Maximum floor area ratio. The maximum floor area ratio shall be as follows:
 - (1) One-family detached dwellings: not applicable.
 - (2) Two-family detached dwellings: 0.07. **[Amended 7-10-1973]**
 - (3) Permitted nonresidential uses: 0.20.
 - (4) Special uses: as specified at the time the special use permit is granted. **[Amended 8-10-2011 by Res. No. 11-08-1821]**
- H. Dwelling standards. The same regulations shall apply as required or permitted in the E-1 Estate Residence District.

§ 400-45. R-1 Single-Family Residence District.²³ **[Amended 2-9-2000 by Ord. No. 00-03-248]**

The following regulations apply in the R-1 District:

- A. Permitted uses. The following uses are permitted:
 - (1) One-family detached dwellings.
 - (2) Lands and buildings used for agricultural purposes.
 - (3) Home occupations.
 - (4) Schools, public, denominational or private, elementary and high, including playgrounds, garages for school buses, athletic fields and other uses auxiliary thereto.
 - (5) Churches, rectories and parish houses.
 - (6) Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land of not less than two acres.
 - (7) Publicly owned parks, forest preserves, conservation areas and recreational

23. Editor's Note: A diagram illustrating this section is included as an attachment to this chapter.

areas, including trails.

- (8) Golf courses, including ancillary uses normally provided, such as restaurants, including the sale of alcoholic beverages, residential uses for guests, managers, and other employees but not including commercially operated driving ranges or miniature golf courses; and provided that no clubhouse or accessory building shall be located nearer than 500 feet to any dwelling on another zoning lot.
 - (9) Temporary buildings for construction purposes for a period not to extend beyond the completion date of such construction.
 - (10) Temporary real estate offices in conjunction with a new housing development, limited to the selling or renting of new units in such development and in no case to be in operation for more than one year following completion of construction of said housing development.
 - (11) Signs, as permitted or required in Article XIII.
 - (12) Accessory uses, including off-street parking facilities in accordance with the provisions of Article XII.
 - (13) Residential-care home, small. **[Added 8-12-2013 by Ord. No. 13-08-2007]**
- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Off-street automobile parking facilities. Automobile parking facilities shall be provided as required or permitted in Article XII.
- D. Lot size.
- (1) Every one-family detached dwelling hereafter erected shall be on a lot having an area of not less than 15,000 square feet, and a width at the established building line of not less than 80 feet.
 - (2) All nonresidential principal uses as permitted in this section shall be located on a tract of land having an area of not less than 18,000 square feet, with a minimum width of 85 feet at the building line.
 - (3) Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area of less than 10,000 square feet. **[Amended 8-10-2011 by Res. No. 11-08-1821]**
 - (4) On lots where septic tanks are used, the standards or ordinances established in Stephenson County shall apply.
- E. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
- (1) Front yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:

- (a) Primary thoroughfares: 50 feet from the property line or 80 feet from the center line of the right-of-way, whichever distance is greater.
 - (b) Collector thoroughfares: 40 feet from the property line or 70 feet from the center line of the right-of-way, whichever distance is greater.
 - (c) All other streets: 30 feet from the property line or 60 feet from the center line of the right-of-way, whichever distance is greater.
 - (d) Exception. Where lots comprising 50% of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than 10 feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of street on which the property is located be required.
- (2) Side yards: a side yard on each side of the zoning lot of not less than eight feet; except where a side yard adjoins a street, the minimum width on the street side shall be increased to 15 feet.
 - (3) Rear yard: a rear yard of not less than 40 feet.
- F. Lot coverage. Not more than 35% of the lot area may be occupied by buildings and structures, including accessory buildings.
 - G. Maximum floor area ratio. The maximum floor area ratio shall be as follows:
 - (1) One-family detached dwellings: not applicable.
 - (2) Permitted nonresidential uses: 0.40.
 - (3) Conditional uses: as specified at the time the conditional use permit is granted.
 - H. Dwelling standards. The same regulations shall apply as required or permitted in the E-1 Estate Residence District.

§ 400-46. R-2 Single-Family Residence District.²⁴

The following regulations shall apply in the R-2 District:

- A. Permitted uses: any use permitted in the R-1 Single-Family Residence District.
- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Off-street automobile parking facilities. Automobile parking facilities shall be provided as required or permitted in Article XII.
- D. Lot size.
 - (1) Every one-family detached dwelling hereafter erected shall be on a lot having an area of not less than 10,000 square feet and a width at the established building line of not less than 80 feet.

24. Editor's Note: A diagram illustrating this section is included as an attachment to this chapter.

- (2) All nonresidential principal uses as permitted in this section shall be located on a tract of land having an area of not less than 15,000 square feet, with a minimum width of 75 feet at the building line.
 - (3) Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have an area of less than 10,000 square feet. **[Amended 8-10-2011 by Res. No. 11-08-1821]**
 - (4) On lots where septic tanks are used, the standards or ordinances in Stephenson County shall apply.
- E. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
- (1) Front yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - (a) Primary thoroughfares: 50 feet from the property line or 80 feet from the center line of the right-of-way, whichever distance is greater.
 - (b) Collector thoroughfares: 40 feet from the property line or 70 feet from the center line of the right-of-way, whichever distance is greater.
 - (c) All other streets: 30 feet from the property line or 60 feet from the center line of the right-of-way, whichever distance is greater.
 - (d) Exception. Where lots comprising 50% of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than 10 feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that stipulated above for the applicable classification of street on which the property is located be required.
 - (2) Side yards: a side yard on each side of the zoning lot of not less than eight feet; except where a side yard adjoins a street, the minimum width on the street side shall be increased to 15 feet.
 - (3) Rear yard: a rear yard of not less than 40 feet.
- F. Lot coverage. Not more than 35% of the lot area may be occupied by buildings and structures, including accessory buildings.
- G. Maximum floor area ratio. The maximum floor area ratio shall be as follows:
- (1) One-family detached dwellings: not applicable.
 - (2) Permitted nonresidential uses: 0.40.
 - (3) Conditional uses: as specified at the time the conditional use permit is granted.
- H. Dwelling standards. The same regulations shall apply as required or permitted in

the E-1 Estate Residence District.

§ 400-47. R-3 Single-Family Residence District.²⁵

The following regulations apply in the R-3 District:

- A. Permitted uses: any use permitted in the R-1 Single-Family Residence District.
- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Off-street automobile parking facilities. Automobile parking facilities shall be provided as required in Article XII.
- D. Lot size.
 - (1) Every one-family detached dwelling hereafter erected shall be on a lot having an area of not less than 7,500 square feet and a width at the established building line of not less than 70 feet.
 - (2) All nonresidential principal uses as permitted in this district shall be located on a tract of land having an area of not less than 10,000 square feet and a minimum width of 75 feet at the building line.
 - (3) Minimum lot sizes for conditional uses shall be prescribed and conditions stipulated at the time a conditional use permit is authorized, but in no case shall any such lot have an area of less than 10,000 square feet.
 - (4) On lots where septic tanks are used, the standards or ordinances established in Stephenson County shall apply.
- E. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
 - (1) Front yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - (a) Primary thoroughfares: 50 feet from the property line or 75 feet from the center line of the right-of-way, whichever distance is greater.
 - (b) Collector thoroughfares: 40 feet from the property line or 65 feet from the center line of the right-of-way, whichever distance is greater.
 - (c) All other streets: 30 feet from the property line or 55 feet from the center line of the right-of-way, whichever distance is greater. **[Amended 8-10-2011 by Res. No. 11-08-1821]**
 - (d) Exception. Where lots comprising 50% of the frontage on the same street and within the same block are developed with buildings having front yards with a variation of not more than 10 feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, but in no case shall a front yard of more than that

25. Editor's Note: A diagram illustrating this section is included as an attachment to this chapter.

stipulated above for the applicable classification of street on which the property is located be required.

- (2) Side yards: a side yard on each side of the principal building of not less than seven feet; except where a side yard adjoins a street, the minimum width on the street side shall be increased to 15 feet.
- (3) Rear yard: a rear yard of not less than 30 feet.
- F. Lot coverage. Not more than 35% of the lot area may be occupied by buildings and structures, including accessory buildings.
- G. Maximum floor area ratio. The maximum floor area ratio shall be as follows:
 - (1) One-family detached dwellings: not applicable.
 - (2) Permitted nonresidential uses: 0.75.
 - (3) Conditional uses: as specified at the time the conditional use permit is granted.
- H. Dwelling standards. The same regulations shall apply as required or permitted in the E-1 Estate Residence District.

§ 400-48. R-4 General Residence District.²⁶

The following regulations apply in the R-4 District:

- A. Permitted uses. The following uses are permitted:
 - (1) Any of the uses permitted in the R-1 Single-Family Residence District.
 - (2) Hospitals and sanitariums, rest homes and nursing homes.
 - (3) Two-family dwellings.
 - (4) Multiple-family dwellings and apartments.
 - (5) One-family attached dwellings (party wall) with not more than six dwellings in a row or building. [**Amended 8-10-2011 by Res. No. 11-08-1821**]
 - (6) Residential-care home, small. [**Added 8-12-2013 by Ord. No. 13-08-2007**]
- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Off-street automobile parking facilities. Automobile parking facilities shall be provided as permitted or required in Article XII.
- D. Lot area per dwelling.
 - (1) Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 6,000 square feet and a width at the established building line of not less than 60 feet.
 - (2) Every building hereafter erected or altered to provide two or more dwelling

26. Editor's Note: A diagram illustrating this section is included as an attachment to this chapter.

units shall be located on a lot having an area of not less than 8,000 square feet and a width at the established building line of not less than 70 feet, and not less than the following lot area per dwelling unit shall be provided:

- (a) Dwelling units with three or more bedrooms: 5,000 square feet.
 - (b) Dwelling units with two bedrooms: 4,000 square feet.
 - (c) Dwelling units with one bedroom and efficiency dwelling units: 3,000 square feet.
- (3) Any room other than a kitchen, bath, dining or living room shall be considered as a bedroom for purposes of determining the above requirements for land area per dwelling unit.
 - (4) All nonresidential principal uses permitted in this district shall be located on a lot having an area of not less than 10,000 square feet and a width of not less than 75 feet at the established building line.
 - (5) Minimum lot sizes for conditional uses shall be prescribed and conditions stipulated at the time a conditional use permit is authorized, but in no case shall any such lot have an area of less than 10,000 square feet.
 - (6) On lots where septic tanks are used, the standards or ordinances established in Stephenson County shall apply. For structures containing five or more dwelling units, sewage treatment facilities shall be provided by: (a) connection to a sewage system of a municipality, or (b) connection to a sewage treatment plant approved by the State Board of Health. (For purposes of this chapter, septic systems shall not be considered as sewage treatment facilities.)
- E. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained:
- (1) Front yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - (a) Primary thoroughfares: 40 feet from the property line or 75 feet from the center line of the right-of-way, whichever distance is greater.
 - (b) Collector thoroughfares: 30 feet from the property line or 65 feet from the center line of the right-of-way, whichever distance is greater.
 - (c) All other streets: 25 feet from the property line or 55 feet from the center line of the right-of-way, whichever distance is greater.
 - (d) One additional foot of front yard shall be required for each three feet of building height over 40 feet.
 - (e) Required front yards shall be unobstructed from ground level to the sky, except as otherwise provided in Article IV.
 - (2) Side yards. On every zoning lot, side yards shall be provided as follows:
 - (a) For one-family detached dwellings, the same regulations shall apply as in

the R-3 Single-Family Residence District.

- (b) For two-family and multiple-family dwelling units, the side yard on each side of each building shall be a minimum of 10 feet in width, plus an additional two feet in width for each additional story above two stories in height. On corner lots, there shall be maintained a side yard of not less than 15 feet on the side adjacent to the street which intersects the street upon which the building maintains frontage; and in the case of a reversed-corner lot, there shall be maintained a setback from the side street of not less than 50% of the front yard required on the lots in the rear of such corner lots, but such setback need not exceed 15 feet. No accessory building on said reversed-corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than five feet to the side lot line of said adjacent lots.
- (c) Nonresidential buildings. On a lot improved with a nonresidential building, there shall be a side yard of not less than 12 feet on each side of the main structure and a combined total of side yards of not less than 30 feet.

(3) Rear yard. There shall be a rear yard of not less than 30 feet.

F. Maximum floor area ratio. The maximum floor area ratios shall be as follows:

- (1) One-family detached dwellings: not applicable.
- (2) Two-family and multiple-family dwellings: 0.7.
- (3) Permitted nonresidential uses: 1.0.
- (4) Special uses: as specified at the time the special use permit is granted.²⁷

G. Dwelling standards. Dwelling standards shall be as follows:

- (1) For single-family dwellings, the same regulations shall apply as required in the E-1 Estate Residence District.
- (2) For buildings containing two or more dwelling units, each dwelling unit shall contain not less than 450 square feet, exclusive of porches, terraces and garages.

§ 400-49. R-5 General Residence District.²⁸

The following regulations shall apply in the R-5 District:

- A. Permitted uses: any use permitted in the R-4 General Residence District.
- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Off-street automobile parking facilities. Automobile parking facilities shall be provided as permitted or required in Article XII.

27. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

28. Editor's Note: A diagram illustrating this section is included at the end of this chapter.

- D. Lot area per dwelling.
- (1) Every one-family detached dwelling and two-family dwelling hereafter erected shall be located on a lot having an area of not less than 6,000 square feet and a width at the established building line of not less than 60 feet.
 - (2) Every building hereafter erected or altered to provide three or more dwelling units shall be located on a lot having an area of not less than 8,000 square feet and a width at the established building line of not less than 70 feet, except those in planned unit developments, and not less than the following lot area per dwelling unit shall be provided:
 - (a) Dwelling units with three or more bedrooms: 3,000 square feet.
 - (b) Dwelling units with two bedrooms: 2,000 square feet.
 - (c) Dwelling units with one bedroom and efficiency dwelling units: 1,500 square feet.
 - (3) Any room other than a kitchen, bath, dining or living room shall be considered as a bedroom for purposes of determining the above requirements for land area per dwelling unit.
 - (4) All nonresidential principal uses permitted in this district shall be located on a lot having an area of not less than 10,000 square feet, with a width at the established building line of not less than 75 feet.
 - (5) Minimum lot sizes for conditional uses shall be prescribed and conditions stipulated at the time a conditional use permit is authorized, but in no case shall any such lot have an area of not less than 10,000 square feet.
- E. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained:
- (1) Front yard. The same regulations shall apply as required in the R-4 General Residence District [§ 400-48E(1)].
 - (2) Side yards. The same regulations shall apply as required in the R-4 General Residence District [§ 400-48E(2)].
 - (3) Rear yard. There shall be a rear yard of not less than 25 feet.
- F. Maximum floor area ratio. The maximum floor area ratios shall be as follows:
- (1) One-family detached dwellings: not applicable.
 - (2) Two-family dwellings: 0.7.
 - (3) Multiple-family dwellings: 1.0.
 - (4) Permitted nonresidential uses: 2.0.
 - (5) Conditional uses: as specified at the time the conditional use permit is granted.
- G. Dwelling standards. The same regulations shall apply as required in the R-4 General

Residence District. (§ 400-48G).

§ 400-50. R-6 Mobile and Manufactured Home District. [Amended 11-10-1992 by Ord. No. 92-11-186; 2-9-2000 by Ord. No. 00-03-248]

- A. General purposes. The Mobile and Manufactured Home District is established in order to provide and regulate the placement of mobile and manufactured homes in the County with regard to providing adequate standards to protect and promote public health, safety, morals, convenience and general welfare. The general purpose includes the following specific purposes:
- (1) To provide adequate standards and regulations for mobile homes, and to protect and promote the compatibility to adjacent land uses.
 - (2) To protect mobile home areas from overcrowding by regulating the intensity of development by density standards.
 - (3) To promote public comfort and welfare by providing for usable open space on the same zoning lot with the mobile home development.
 - (4) To provide regulations and standards for the development of a safe, healthy and well designed community for permanent mobile home living.
- B. Location and placement of mobile homes. No mobile home, whether occupied or unoccupied, may be located or placed outside the mobile home district; except as follows:
- (1) For use as a shelter on the site of a construction project, during the course of construction, provided the mobile or manufactured home shall not be occupied for human habitation without written approval by the Zoning Administrator and shall not be occupied for more than one year during the period of time that such construction or development is actively underway.
 - (2) For replacement of an existing mobile or manufactured home pursuant to § 400-16 of this chapter.
 - (3) When a mobile or manufactured home complies with §§ 400-15 and 400-16 of this chapter.
- C. Permitted uses. The following uses are permitted:
- (1) Mobile and manufactured home parks.
 - (2) Mobile and manufactured home subdivisions.
 - (3) Single family detached dwellings.
 - (4) Home occupations.
 - (5) Accessory uses, including off-street parking as required by this article.
 - (6) Signs as permitted for mobile and manufactured home sales.
 - (7) Publicly controlled parks, forest preserves, conservation areas and recreation areas, including trails.

- D. Conditional uses: mobile and manufactured home sales.
- E. Performance standards for mobile and manufactured home parks. An overall development plan delineating the street system, parking areas, mobile and manufactured home sites, recreational uses, utility easements, and any other on-site improvements shall be submitted, along with proof of application to the State of Illinois Department of Public Health for a state permit, to the County Zoning Administrator for review by the Planning Commission with final approval by the County Board.
- (1) Mobile home parks shall have not less than 300,000 square feet of land area.
 - (2) There shall be a minimum of 6,000 square feet of site area per mobile home.
 - (3) Travel trailers, recreational vehicles, nonpermanent shelters, or other vehicles designed for sleeping purposes, other than mobile and manufactured homes, shall not be permitted for occupancy within a mobile home park.
 - (4) A mobile home park shall contain recreational open spaces, not less than 2% of the gross area of which shall be developed for recreational purposes.
 - (5) A designated recreational vehicle, travel trailer and/or boat storage area shall be provided, with an aggregate area of 50 square feet for mobile and manufactured home space.
 - (6) The mobile home park management shall provide a space on each mobile home site for outdoor storage. If the park management can show that it does not need 50 square feet per mobile and manufactured home for recreational vehicle storage as contained in Subsection E(5) above, then this subsection shall be used to meet a portion or all of said requirement.
 - (7) The mobile home stand shall meet the following requirements:
 - (a) The stand shall be the same size or larger than the mobile home sitting upon it.
 - (b) The stand shall be built of concrete in either a slab or split-slab fashion.
 - (c) The gradient shall provide adequate drainage.
 - (d) Skirting shall be required around each mobile home.
 - (8) All streets for vehicular circulation, including those dedicated to public use and those which are private, shall meet the following minimum requirements: See Chapter 355, Subdivision of Land.
 - (9) Each mobile and manufactured home site shall have a paved sidewalk at least 36 inches in width between the mobile home and its on-site parking space.
 - (10) Only one mobile home may be located on a mobile home site as designated in a mobile home park and shall be subject to the following yards and setbacks for each site:
 - (a) Front yard: a minimum of 10 feet.

- (b) Side yard: a minimum of 10 feet.
 - (c) Rear lot line: a minimum of 10 feet.
 - (d) Minimum distance of 20 feet between mobile homes and/or other permitted structures.
 - (e) Minimum distance of 10 feet from accessory structures or paved parking areas.
- (11) No mobile home or dwelling shall be located less than 25 feet from the property line of the mobile home park.
- (12) In addition to one garage, only one accessory structure, such as a temporary sun shelter or storage building, with a maximum size of 150 square feet, shall be permitted on a mobile home site.
- (13) Automobile parking spaces shall be provided for each mobile home as set forth in § 400-66A.²⁹
- (14) All utilities, including television service, shall be underground.
- (15) All mobile homes shall comply with the requirements of the Illinois Mobile Home Tiedown Act (210 ILCS 120/1 et seq.).
- (16) A building permit must be obtained from the Zoning Department of Stephenson County when a mobile or manufactured home is to be placed on any lot within the R-6 District.
- F. Lot size for single-family dwellings. Every one-family detached dwelling hereafter erected or located in the mobile home district shall have a lot area of not less than 6,000 square feet, with a minimum width at the established building line of 60 feet.
- G. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:
- (1) Front yard: a front yard equal to at least half the right-of-way of the street on which the lot fronts; however, in no case shall the front yard be less than 25 feet nor require more than 50 feet.
 - (2) Side yard: a side yard on each side of the zoning lot of not less than six feet; except where a side yard adjoins a street, the minimum width shall be increased to equal half the right-of-way of the adjoining street, with a minimum of 25 feet but not requiring more than 50 feet.
 - (3) Rear yard: a rear yard of not less than 25 feet.
- H. Height. In the Mobile and Manufactured Home District, no building shall be erected or altered to a height in excess of 25 feet or 2 1/2 stories.

§ 400-51. Mobile and manufactured home subdivisions. [Amended 11-10-1992 by

29. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

Ord. No. 92-11-186]

- A. Intent and purpose. The purpose of this section is to provide areas for mobile home owners who wish to own their own land and to regulate these subdivisions.
- B. General conditions.
 - (1) Mobile and manufactured home subdivisions are allowed in the R-6 District only.
 - (2) Mobile and manufactured home subdivisions shall have not less than 300,000 square feet of land area.
 - (3) Only mobile and manufactured homes shall be permitted in a mobile home subdivision.
- C. Design and performance standards. All design and performance standards shall meet the requirements of Chapter 355, Subdivision of Land.

§ 400-52. Existing mobile and manufactured home parks and areas. [Amended 11-10-1992 by Ord. No. 92-11-186]

Mobile and manufactured home parks, trailer courts and subdivisions now in existence in Stephenson County consisting of more than three mobile or manufactured homes are required to continue to comply with all applicable state statutes concerning health and zoning, as well as any Stephenson County ordinance that applies up to and through the date of the ratification of this chapter. However, any changes in the boundary limits of any presently existing mobile home park must comply in all respects with this chapter and meet all the standards outlined in this chapter as to any additional sections or property added to the existing parcel or used in conjunction with the existing parcel for an existing mobile or manufactured home park.

ARTICLE IX
Business Districts

§ 400-53. Purpose.

Business district regulations are intended to govern the locations and uses of a full range of business and commercial establishments needed to serve the citizens of Stephenson County and its trade area. The regulations of the various business districts are designed to provide for groupings of business and commercial establishments that are compatible in scope of services and method of operations.

- A. The B-1 Limited Retail Business District is intended to provide areas and govern uses therein for a range of shopper and personal service types of establishments, in order to serve the general shopping needs of a consumer population that is located in one or more of the neighborhoods adjoining or in the vicinity of the shopping district.
- B. The B-2 General Retail and Limited Service District is designed to accommodate commercial uses, including highway-oriented service and commercial types of establishments to serve the needs of the motorists. In addition, shopper and personal service types of business establishments are also permitted in this district.
- C. The B-3 Commercial, Wholesale and General Service Business District is designed to accommodate a wide variety of related shopper-type business establishments along with wholesale and other general service uses.

§ 400-54. B-1 Limited Retail Business District.

The following regulations apply in the B-1 District:

- A. Permitted uses. The following retail business and service uses are permitted:
 - Art and school supply stores
 - Art galleries and studios
 - Bakery shops, beauty parlors, chiropody, massage or similar personal service shops
 - Banks and financial institutions, including drive-in teller facilities
 - Book and stationery stores
 - Candy and ice cream shops
 - Camera and photographic supply shops for retail sales
 - Carpet, rug and linoleum stores
 - China and glassware stores
 - Clubs and lodges, but not including gun clubs
 - Coin and philatelic stores
 - Costume rental shops
 - Currency exchanges

Custom dressmaking, millinery, tailoring or shoe repair shops, when conducted for retail sale on the premises only

Department stores

Drugstores

Dry goods stores

Dry cleaning and pressing establishments

Dwelling units above the first floor of business buildings, in accordance with the regulations of the R-4 District

Electrical appliance stores and repairs, but not including appliance assembly or manufacturing

Employment agencies

Florist shops and conservatories for retail trade on the premises only

Food, meat and fruit stores

Frozen food stores and food lockers

Furniture stores, and upholstery when conducted as a part of the retail operation and secondary to the main use

Furriers, when conducted for retail trade on the premises only

Gift shops

Government offices

Hardware stores

Haberdasheries

Hobby stores

Household appliance stores and repair

Interior decorating shops, including upholstery and making of draperies, slip covers and other similar articles, when conducted as a part of the retail operations and secondary to the main use

Jewelry and watch repair shops

Launderettes, automatic self-service types of hand laundries

Leather goods and luggage stores

Loan offices

Locksmiths

Mail order establishments

Millinery shops

Musical instrument sales and repair, retail trade only

News stands

Offices, business and professional, including medical clinics

Opticians and optometrists

Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles

Package liquor stores

Paint and wallpaper stores

Parking lots, open and other than accessory, for the storage of private passenger automobiles, and subject to the provisions of Article XI

Pet shops, but not including animal hospitals

Photography studios, including the development of film and pictures when done as a part of the retail business on the premises

Picture framing, when conducted for retail trade on the premises only

Photo developing and processing

Postal substations

Public utility collection offices

Publicly controlled parks, forest preserves, conservation areas and recreational areas, including trails

Radio and television repair

Restaurants, tearooms, or cafes, when the establishment is not of the drive-in type where food is served to occupants remaining in motor vehicles

Sewing machine sales and service

Shoe and hat stores, and repairs when done as a part of the retail business

Signs, as permitted in Article XII

Sporting goods stores

Taverns

Telegraph offices

Telephone exchanges and coin telephones, outdoor

Tobacco shops

Toy stores

Travel bureau and transportation ticket offices

Typewriter and adding machine sales and service

Variety stores

Wearing apparel shops

Accessory uses, including off-street parking and loading facilities as permitted or required in accordance with the provisions of Article XI

- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Conditions of use. All uses permitted in this district, except residence district uses, shall be retail establishments dealing directly with consumers and shall be subject to the following conditions:
 - (1) Dwelling units and lodging rooms are not permitted below the second floor.

- (2) All business, servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings.
 - (3) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are not permitted.
 - (4) There shall be no manufacture, processing or treatment of products other than that which is clearly incidental and essential to the retail business conducted on the same premises.
 - (5) Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
 - (6) When business uses are located adjacent to residence districts, adequate fencing or screen planting shall be provided along all adjacent lot lines or alleys or driveways, and all lighting shall be installed so as to be directed away from the residence district.
 - (7) Any exterior sign displayed shall pertain only to a use conducted within the building.
- D. Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:
- (1) Front yard. On every zoning lot there shall be provided and maintained a front yard in accordance with the following requirements:
 - (a) Primary thoroughfares: 60 feet from the property line or 90 feet from the center line of the right-of-way, whichever distance is greater.
 - (b) Collector thoroughfares: 50 feet from the property line or 80 feet from the center line of the right-of-way, whichever distance is greater.
 - (c) All other streets: 40 feet from the property line or 70 feet from the center line of the right-of-way, whichever distance is greater.
 - (2) Side yards. No side yard is required, except for a corner lot or a lot which abuts upon a residence district, or upon an alley separating this district from a residence district. There shall then be provided a side yard equal to 1/2 the front yard required in the abutting residence district; except that where new business uses side upon a primary or collector thoroughfare, a setback from the center line of the primary street shall be not less than 65 feet, and 55 feet for secondary streets.³⁰
 - (3) Rear yard. There shall be a rear yard of not less than 20 feet; except where adequate service access is provided, a rear yard shall not be required.
- E. Maximum floor area ratio. The maximum floor area ratio for a building or buildings on a zoning lot, including accessory buildings, shall not exceed 1:2.
- F. Off-street automobile parking facilities. Automobile parking facilities shall be provided as permitted or required in Article XII.

30. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

§ 400-55. B-2 General Retail and Limited Service Business District.

The following regulations shall apply in the B-2 District:

- A. Permitted uses. The following uses are permitted, provided they are operated within a building, except for off-street parking or loading facilities:

Any use permitted in the B-1 Limited Retail Business District

Automobile accessory stores, where there is no driveway entrance across the sidewalk into the main building

Automobile service stations for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories and supplies, including installation and minor services customarily incidental thereto; facilities for chassis and gear lubrication and for washing of not more than four vehicles are permitted only if enclosed in a building. Gasoline pumps may be located in the required yard along a street, but not closer to the right-of-way line than 20 feet.

Automobile sales and service shops, including painting and repairing, but not the painting or repairing of trucks, and accessory auto parts sales as an activity accessory to the principal use

Battery and tire service stations

Boat showrooms, sales and service

Catering establishments

Exterminating shops

Garages, public, for storage of private passenger automobiles and commercial vehicles under 1 1/2 tons

Greenhouses, retail

Hotels and motels, including restaurants and meeting rooms

Machinery sales

Physical culture and health services

Pool halls

Schools: music, dance, business, commercial or trade

Theaters, indoor

Trailer sales and rental, for use with private passenger motor vehicles

Undertaking establishments, funeral parlors or mortuaries

- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Conditions of use. All uses permitted in this district (except residence district uses) shall be retail establishments only and shall be subject to the following conditions:
- (1) Dwelling units and lodging rooms are not permitted below the second floor, except in motels.
 - (2) All business, service or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings.

- (3) When business uses are located adjacent to residence districts, adequate fencing or screen planting shall be provided along all adjacent lot lines or alleys or driveways, and all lighting shall be installed so as to be directed away from the residence district.
 - (4) There shall be no manufacture, processing or treatment of products other than that which is clearly incidental and essential to the retail business conducted on the same premises.
 - (5) Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise or vibration or other similar causes.
- D. Yard areas. All yard regulations shall be the same as required in the B-1 Business District.
 - E. Maximum floor area ratio. The maximum floor area ratio shall be the same as permitted in the B-1 Business District.
 - F. Maximum lot coverage. The maximum lot coverage shall be the same as permitted in the B-1 Business District.
 - G. Off-street automobile parking facilities. Automobile parking facilities shall be provided as permitted or required in Article XII.

§ 400-56. B-3 Commercial, Wholesale and General Service Business District.

The following regulations shall apply in the B-3 District:

- A. Permitted uses. The following uses are permitted, provided they are conducted wholly within enclosed buildings, except (1) off-street parking and loading facilities, (2) establishments of the "drive-in" type offering goods and services directly to customers waiting in parked motor vehicles, and (3) uses specified below as permitted on an open lot: **[Amended 3-13-2002 by Ord. No. 02-14-262; 8-10-2011 by Res. No. 11-08-1821]**

Any use permitted in the B-2 District, except dwelling units are not permitted in this B-3 District

Animal crematory - to be used for domestic pets/wild animals only

Agricultural equipment sales and services

Air conditioning and heating sales and service

Animal hospitals, kennels or pounds

Antique shops

Auction rooms

Automobile laundries

Bakeries, including the sale of bakery products to restaurants, hotels, clubs and other similar establishments when conducted as part of the retail business on the premises

Blueprinting and photostating establishments

Bicycle sales and repair
Building materials sales yards and storage
Bus passenger stations and terminals
Cartage and express facilities
Convention halls
Costume rental shops
Cutting of glass, mirror and glazing establishments
Dry-cleaning establishments
Exhibition halls
Greenhouses, wholesale
Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place and provided the performance standards of the M-1 District are complied with
Linen, towel, diaper and other similar supply services
Live bait stores
Model homes or garage displays
Mobile homes and trailer sales
Monument sales
Newspaper distribution agencies, for home delivery
Parcel delivery stations
Pawn shops
Printing and publishing of newspapers, periodicals, books and including letter process work
Radio and television broadcasting stations
Restaurants
Secondhand stores and rummage shops
Schools, commercial or trade, subject to the provisions of the performance standards established in the M-1 District
Stadiums, auditoriums and arenas, open or enclosed
Storage, warehousing and wholesale establishments
Taxidermist shops
Theaters, outdoor
Undertaking establishments, funeral parlors or mortuaries

- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Conditions of use. All conditions of use for permitted uses shall be the same as required and which apply in the B-2 Business District.
- D. Yard areas. All yard regulations shall be the same as required and which apply in

the B-1 Business District.

- E. Maximum floor area ratio. The maximum floor area ratio shall be the same as permitted in the B-1 Business District.
- F. Off-street automobile parking facilities. Automobile parking facilities shall be provided as permitted or required in Article XII.

§ 400-57. T-1 Tourist District. [Amended 11-13-1992 by Ord. No. 92-11-185; 2-9-2000 by Ord. No. 00-03-248]

- A. Intent. The intent of this section is to establish a Tourist District which would provide necessary locations within established zoning districts in order that Stephenson County will benefit from present and future tourism.
- B. Location: no more than 1 1/2 miles from any city, town or village. Said Tourist District must abut on a federal, state or County hard-surface roadway.
- C. Permitted uses. Permitted uses are as follows:
 - (1) Publicly controlled parks, forest preserves, conservation areas and recreation areas, including trails.
- D. Conditional uses. Conditional uses may be allowed as per Article XIV. Other uses which, in the opinion of the Zoning Board of Appeals, are similar and incidental in nature to the uses allowed, and which will not be detrimental to the integrity of the Tourist District, in districts in which the T-1 conditional use is sought, may also be allowed.
- E. Yard area: as permitted.
- F. Front yard: as permitted.
- G. Side yards: as permitted.
- H. Rear yard: as permitted.
- I. Maximum floor area ratio: as permitted.
- J. Off-street automobile parking facilities: as permitted in Article XII.
- K. Signs: as permitted or required in Article XIII.

ARTICLE X
Manufacturing Districts

§ 400-58. Purpose.

The regulations for manufacturing districts are designed to provide for the establishment of a full range of industrial and allied activities and to govern their operations in a manner that will not have a deleterious effect on agricultural, residential and business areas. It is essential that there be adequate provision for the expansion and diversification of industry, both those existing today and for the attraction of new industry. Adequate, well-located industrial sites and room for expansion of established plants will encourage industrial growth, and expansion of the County's economic base. It will also open new opportunities for a variety of employment for its labor force.

- A. The M-1 Limited Manufacturing District is established to provide an environment suitable for industrial activities that require a pleasant and nuisance-free environment and will be compatible with adjacent residential and business uses.
- B. The M-2 General Manufacturing District is established to accommodate those industrial activities that have moderate environmental effects and are located in areas relatively remote from residential and prime retail development.

§ 400-59. M-1 Limited Manufacturing District. [Amended 7-14-1998; 2-9-2000 by Ord. No. 00-03-248]

The following regulations shall apply in the M-1 District:

- A. Permitted uses. The following uses are permitted:
 - (1) Retail and service uses as follows:
 - Animal pounds and shelters
 - Automobile laundries
 - Automobile service stations, where the retail sale of gasoline and oil for motor vehicles, including minor services customarily incidental thereto, may be conducted out-of-doors. Lubrication and washing facilities, including auto laundries, are permitted only if in a completely enclosed building.
 - Banks and financial institutions
 - Battery and tire service stations
 - Beverages, nonalcoholic, bottling and distributing
 - Contractors' or construction buildings, such as lumber, cement, electrical, refrigeration, air conditioning, masonry, painting, plumbing, roofing, heating and ventilating
 - Crematories
 - Currency exchanges
 - Garages and parking lots, other than accessory, and subject to the provisions of Article XII
 - Greenhouses

Ice sales, linen, towel, diaper, and other similar supply services
Restaurants, including the sale of liquor in conjunction therewith
Taverns
Trade schools

- (2) Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, except those uses involving the storage, utilization or manufacture of materials or products which decompose by detonation, which conform with the performance standards set forth below, and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission of or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, fire or explosive hazards, or glare or heat, which uses are permitted as follows:

Agricultural buildings and structures
Advertising displays
Apparel and other products manufactured from textiles
Automobile laundries
Automobile and truck repair, including body repair and repainting
Automobile painting, upholstering, repairing, reconditioning, and body and fender repairing, when done within the confines of a structure
Bakeries
Blacksmith shops
Books, hand binding and tooling
Bottling works, nonalcoholic
Brushes and brooms
Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities or materials or equipment of similar nature
Cameras and other photographic equipment and supplies
Canning and preserving
Canvas and canvas products
Carpet and rug cleaning
Carting, express hauling or storage yards
Cement block manufacture
Ceramic products, such as pottery and small glazed tile
Cleaning and dyeing establishments
Clothing
Cosmetics and toiletries
Creameries and dairies
Dentures

Drugs

Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys

Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery

Electrical supplies, manufacturing and assembly of, such as wire and cable assembly, switches, lamps, insulation and dry cell batteries

Food products, processing and combining of, baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing, but not including abattoirs and slaughterhouses

Fur goods, but not including tanning and dyeing

Glass products, from previously manufactured glass

Hair, felt and feather products (except washing, curing and dyeing)

Hat bodies of fur and wool felt

Hosiery

Ice, dry and natural

Ink mixing and packaging and inked ribbons

Insecticides

Jewelry

Laboratories, medical, dental, research, experimental, and testing, provided there is no danger from fire or explosion or offensive noise, vibration, smoke, dust odors, heat, glare or other objectionable influences

Laundries

Leather products, including shoes and machine belting

Luggage

Machine shops for tool, die and pattern making

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, and heat treatment

Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils

Musical instruments

Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers

Packing and crating

Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing

Perfumes and cosmetics

Pharmaceutical products, compounding only

Plastic products, but not including the processing of the raw materials

Poultry and rabbits, slaughtering

Precision instruments, such as optical, medical and drafting

Products from finished materials, including plastic, bone, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, precious and semiprecious stones, rubber, shell or yarn

Printing and newspaper publishing, including engraving and photoengraving

Public utility electric substations and distribution centers, gas regulation centers, and underground gas holder stations

Railroad rights-of-way and trackage, but not including classification yards, roundhouses and other similar uses

Railroad passenger depots

Repair of household or office machinery or equipment

Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers

Silverware, plate and sterling

Soap and detergents, packaging only

Soldering and welding

Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets and rods

Statuary, mannequins, figurines, and religious and church art goods, excluding foundry operations

Storage of household goods

Storage and sale of trailers, farm implements and other similar equipment on an open lot

Storage of flammable liquids, fats or oils, but only after the location and protective measures have been approved by local governing officials

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread and cordage, but not including textile bleaching

Tobacco curing and manufacturing, and tobacco products

Tool and die shops

Tools and hardware, such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, nonferrous metal castings and plumbing appliances

Towing service with temporary storage of not more than 30 vehicles for no more than 90 days. Must have a solid eight-foot fence in place to obscure view of the vehicles towed. **[Added 12-15-2021 by Ord. No. 21-12-2326]**

Toys

Truck, tractor, trailer or bus storage yards, but not including a motor freight terminal

Umbrellas

Upholstering (bulk), including mattress manufacturing, rebuilding and renovating

Vehicles, children's, such as bicycles, scooters, wagons and baby carriages

Watches

Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works

Any other manufacturing establishments that can be operated in compliance with the performance standards listed below without creating objectionable noise, odor, dust, smoke, gas, fumes, and vapor; and that are a use compatible with the use and occupancy of adjoining properties

(3) Wholesaling and warehousing: local cartage and express facilities (but not including motor freight terminals).

(4) Public and community service uses as follows:

Bus terminals, bus turnarounds, bus garages, bus lots, street railway terminals or street car houses

Electric substations

Fire stations

Municipal or privately owned recreation buildings or community centers

Police stations

Publicly controlled parks, forest preserves, conservation areas and recreation areas, including trails

Sewage treatment plants

Telephone exchanges and coin telephones, outdoor

Water filtration plants

Water pumping stations

Water reservoirs

(5) Residential uses as follows: dwelling units for watchmen and their families when located on the premises where they are employed in such capacity.

(6) Miscellaneous uses as follows:

Accessory uses

Radio and television towers

Signs, as permitted and regulated in Article XIII

Temporary buildings for construction purposes, for a period not to exceed the duration of such construction

B. Off-street parking and loading: as permitted or required in Article XII.

C. Conditional uses may be allowed as per Article XIV.

D. Conditions of uses. All permitted uses are subject to the following conditions:

- (1) Any production, processing, cleaning, servicing, testing and repair or storage of goods, materials or products shall conform with the performance standards set forth below.
 - (2) All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within 150 feet of a residence district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage, and shall be suitably landscaped.
 - (3) However, open off-street loading facilities and open off-street parking of motor vehicles under 1 1/2 tons' capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Article XII.
 - (4) Uses established on the effective date of this chapter and by its provisions rendered nonconforming shall be permitted to continue, subject to the regulations of Article V.
- E. Yard areas. No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such buildings:
- (1) Front yard. On every zoning lot there shall be provided and maintained a front yard in accordance with the following requirements:
 - (a) Primary thoroughfares: 50 feet from the property line or 80 feet from the center line of the right-of-way, whichever distance is greater.
 - (b) Collector thoroughfares: 50 feet from the property line or 70 feet from the center line of the right-of-way, whichever distance is greater.
 - (c) All other streets: 50 feet from the property line or 60 feet from the center line of the right-of-way, whichever distance is greater.
 - (2) Side yards. On every zoning lot a side yard shall be provided along each side lot line. Each side yard shall not be less in width than 10% of the lot width, but need not exceed 20 feet in width, except that a side yard along a street shall conform to the requirements for front yards as set forth above.
 - (3) Rear yard. On every zoning lot there shall be a rear yard of not less than 30 feet; except where a use in the M-1 District is adjacent to a residence district, a rear yard shall be provided and maintained of not less than 50 feet.
- F. Maximum floor area ratio. The maximum floor area ratio shall not exceed 1.5.
- G. Performance standards. Any use established in M-1 Limited Manufacturing District after the effective date of this comprehensive amendment shall be so operated as to comply with the performance standards set forth hereinafter. No use lawfully established on the effective date of this comprehensive amendment shall be so altered or modified as to conflict with, or further conflict with, the performance

standards established hereinafter for the M-1 District.

(1) Noise.

- (a) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American National Standards Institute. Measurements shall be made using the flat network of the sound level meter. Impulsive-type noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this comprehensive amendment, shall be those noises which cause rapid fluctuation of the needle of the sound level meter with a variation of not more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- (b) In the M-1 District, at no point on the boundary of a residence or business district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this chapter, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below:

Octave Band Frequency (cycles per second)	Maximum Permitted Sound Level Along Residence District Boundaries (in decibels)	Maximum Permitted Sound Level Along Business District Boundaries (in decibels)
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

- (2) Vibration. In the M-1 District, any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot lines earthborne vibrations (other than background vibrations produced by some source not under control of this chapter, such as the operation of motor vehicles or other transportation facilities) in excess of the limits set forth in Column 1 is prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a residence district boundary line earthborne vibrations in excess of the limits set forth in Column 2 is prohibited. Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by the Zoning Administrator.

	1*	2*
Frequency	Displacement	Displacement
(cycles per second)	(inches)	(inches)
0 to 10	0.0008	0.0004
10 to 20	0.0005	0.0002
20 to 30	0.0002	0.0001
30 to 40	0.0002	0.0001
40 and Over	0.0001	0.0001

Notes:

* Steady-state vibrations, for the purpose of this chapter, are continuous or, if in discrete pulses, are more frequent than 100 per minute. Impact vibration, that is, discrete pulses which do not exceed 100 impulses per minute, shall not cause in excess of twice the displacements stipulated.

- (3) Smoke and particulate matter.
 - (a) In the M-1 District, the emission of more than 20 smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, once during any six-hour period each stack may emit up to 35 smoke units, not to exceed Ringelmann No. 2, when blowing soot or cleaning fires. Only during a fire-cleaning period, however, shall smoke Ringelmann No. 3 be permitted, and then for not more than four minutes per period.
 - (b) The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour, after deducting from the gross hourly emission per acre the correction factor set forth in the following table:

Allowance for Height of Emission*	
Height of Emission Above Grade	Correction
(feet)	(pounds per hour per acre)
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

Notes:

* Interpolate for intermediate values not shown in table.

- (c) Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:
 - [1] Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
 - [2] From each gross hourly rate of emission derived in Subsection G(3)(c)[1] above, deduct the correction factor (interpolating as required) for height in emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
 - [3] Add together the individual net rates of emission derived in Subsection G(3)(c)[2] above to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total shall not exceed one pound per acre of lot area during any one hour.
- (4) Additional regulations.
 - (a) In addition to the performance standards specified hereinafter, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
 - (b) For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided herein.
 - (c) The emission from all sources within any lot area of particulate matter containing more than 10% by weight of particles having a particle diameter larger than 44 microns is prohibited.
- (5) Toxic matter. No activity or operation shall cause, at any time, the discharge of toxic matter across lot lines in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.
- (6) Noxious and odorous matter. In the M-1 Districts, no activity or operation shall cause at any time the discharge of matter across lot lines in such concentration as to be noxious. The emission of matter in such quantities as to be readily detectable as an odor at any point along lot lines is prohibited.
- (7) Fire and explosive hazards.
 - (a) The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

- (b) The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided the following condition is met:

- [1] Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

- (c) The storage, utilization or manufacture of flammable liquids or materials (Note: When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at STP) permitted shall not exceed 300 times the quantities as listed above.) which produce flammable or explosive vapors or gases shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted:

Total Capacity of Flammable Materials Permitted

(in gallons)	Above Ground	Underground
Industries engaged in storage only:		
Materials having a closed cup flash point over 187° F.	Prohibited	100,000
Materials having a closed cup flash point from and including 105° F. to and including 187° F.	Prohibited	100,000
Materials having a closed cup flash point of less than 105° F.	Prohibited	100,000
Industries engaged in utilization and manufacture of flammable materials:		
Materials having a closed cup flash point over 187° F.	50,000	100,000
Materials having a closed cup flash point from and including 105° F. to and including 187° F.	20,000	100,000
Materials having a closed cup flash point of less than 105° F.	5,000	100,000

- (8) Glare and heat. Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines.

§ 400-60. M-2 General Manufacturing District.

The following regulations shall apply in the M-2 District:

- A. Permitted uses. The following uses are permitted:

- (1) Any use permitted in the M-1 District.
- (2) Production, processing, cleaning, servicing, testing and repair, including the following uses and manufacturing of the following products: **[Amended 4-13-1976]**

Abrasive manufacturing

Asphalt and asphalt products

Boiler maker

Bottled gas

Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates (manufactured or natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, hydrochloric, picric and sulphuric acids and derivatives

Coal, coke and tar products, including gas manufacturing

Electrical central station, power- and steam-generating plants

Fertilizers

Film, photographic

Flour, feed and grain, milling and processing

Forges

Foundries

Furniture, metal

Gas manufacturing

Gelatin, glue and size, animal

Glass bottles

Glass products

Incineration or reduction of garbage, offal and dead animals

Lamp black

Linoleum and oil cloth

Linseed cake manufacturing

Linseed meal manufacturing

Locomotive manufacturing

Magnesium foundries

Matches

Metal and metal ores (except precious and rare metals), reduction, refining, smelting, and alloying

Metal tile

Paint, lacquer, shellac, varnishes, linseed oil and turpentine

Petroleum products, refining, such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases

Planing mills

Plastic products

Power sawmills

Railroad houses, railroad shops and railroad car manufacturing

Ready-mix cement plants

Rod mills

Rolling mills

Roofing materials

Rubber (synthetic or natural)

Soaps, including fat and oil rendering

Stamping mills

Starch

Steel fabrication

Stockyards, slaughterhouses and abattoirs

Storage batteries

Storage, scrap metal

Structural iron works

Stoveboards

Tire manufacturing

Wood, coal and bones, distillation

Wood pulp and fiber, reduction and processing, including paper mill operations

Any other production, processing, cleaning, servicing, testing and repair which conforms to the requirements of this chapter and all other ordinances of Stephenson County, Illinois

(3) Storage, including the following uses and materials or products:

Goods used in or produced by manufacturing activities permitted in this district

Dumps and slag piles

Explosives

Grain

Manure, peat and topsoil

Petroleum and petroleum products

(4) Miscellaneous uses, as follows: railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and

roundhouses.

- B. Conditional uses. Conditional uses may be allowed as per Article XIV.
- C. Conditions of use. Permitted uses are subject to the following conditions:
 - (1) No production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall be hazardous or detrimental to nearby property, or adversely affect the health or safety of the occupants thereof, by reason of the emission of odor, dust, gas fumes, smoke, noise, vibration, or waste material.
 - (2) Within 100 feet of a residence district, production, processing, servicing and fabrication shall take place or be within completely enclosed buildings or structures unless otherwise specified. All exterior storage within 150 feet of a residence district shall be enclosed with a solid wall or fence to a height of such stored materials. Off-street parking and off-street loading facilities may be unenclosed except for such screening and improvements as may be required under the provisions of Article XII.
- D. Yard areas. All yard areas shall be the same as required in the M-1 Limited Manufacturing District.
- E. Maximum floor area ratio. The maximum floor area ratio shall not exceed three.

ARTICLE XI
Overlay Districts

§ 400-61. Mill Race Crossing Overlay District. [Added 2-15-2006 by Ord. No. 06-02-1218]

- A. Purpose. The Mill Race Crossing Overlay District (MRCOD) is designed to permit economically sustainable development, unlock the potential of commercial and industrial development, and provide for the long-term investment in the County Economic Development Project Area (CEDPA).
- B. Boundaries. The boundary of the Mill Race Crossing Overlay District is shown on the Zoning Map. This map is hereby incorporated and made part of this chapter.
- C. Existing zoning. The Mill Race Crossing Overlay District shall be overlaid over the Manufacturing Districts (M-1, M-2), Commercial Districts (B-3), and the Agricultural District (A-1) within the CEDPA on the Stephenson County Zoning Map. The owners of property shall maintain all zoning rights consistent with said districts. However, if an owner elects to develop consistent with the MRCOD, the rules and regulations of the MRCOD shall apply. Where the MRCOD provisions are silent on a zoning regulation, the requirements of the underlying zoning district shall apply.
- D. Permitted uses. Uses in the Mill Race Crossing Overlay District (MRCOD) shall be linked to individual zoning districts as follows:
- (1) In the A-1 Prime Agricultural Cropland District, the permitted uses listed in § 400-39A shall apply as indicated, except the following uses shall be permitted as of right:
 - (a) Livestock harvesting and processing.
 - (b) Agricultural processing.
 - (c) Agricultural sales and service.
 - (d) Stockyards.
 - (e) Utilities, minor.
 - (2) In the B-3 Commercial, Wholesale and General Service Business District, the uses listed as permitted in § 400-56A shall apply as indicated, except the following uses shall be permitted as of right:
 - (a) Restaurants, fast-food.
 - (b) Service stations, truck stops.
 - (c) Telecommunications towers.
 - (d) Transit facilities.
 - (e) Trucking facilities.
 - (f) Utilities, minor.

- (3) In the M-1 Limited Manufacturing District and the M-2 General Manufacturing District, the uses listed as permitted in §§ 400-60 and 400-61 shall apply as indicated, except the following uses shall be permitted as of right:
- (a) Livestock harvesting and processing.
 - (b) Agricultural processing.
 - (c) Government services.
 - (d) Telecommunications towers.
 - (e) Transit facilities.
 - (f) Trucking facilities.
- E. Use performance standards. The use standards of the M-1 Limited Manufacturing District shall apply to permitted uses as noted in § 400-60G of this chapter.³¹
- F. Review criteria. In addition to the development standards and requirements specified in this section, the applicant shall demonstrate and the County Planning and Development Committee, in cooperation with the Citizen's Review Board, shall determine that the following criteria have been met prior to approval of any development permit:
- (1) The proposed development is consistent with the Comprehensive Plan and with the intent and purpose of the MRCOD.
 - (2) The proposed development can be well integrated with its surroundings in substantial harmony with adjacent and surrounding lands.
 - (3) The roads within the proposed development will be adequate to support the anticipated traffic, and traffic generated by the development will not adversely impact adjacent roads.
 - (4) Adequate provision is made for the preservation of natural resources such as bodies of water, significant vegetation and special terrain features.
 - (5) The proposed water supply, sewerage, utility and drainage facilities are adequate for the densities and types of development proposed.
 - (6) The development can be financed and completed within a reasonable period of time.
- G. Definitions. As used in this section, the following terms shall have the meanings indicated:
- ENTIRE PROPERTY HOLDING — All contiguous holdings in common ownership. Properties divided by a public street right-of-way are considered contiguous.
- GENERAL DEVELOPMENT PLAN (OD-GDP) — The first phase of approval

31. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

in the overlay district, which shows the entire property holding. The OD-GDP must show the general location of buildings or building envelopes, common spaces, parking and drive areas, a conceptual stormwater drainage plan and principal landscape features. If the development is proposed to occur in phases, the sequence of development should be indicated. It is recognized that OD-GDPs are often submitted prior to the identification of the ultimate land user or the specific land use. The intent of the GDP is to be conceptual. A review by the Planning and Development Committee is required for a GDP.³²

SPECIFIC IMPLEMENTATION PLAN (OD-SIP) — The second phase of approval is a detailed plan, also referred to as an "OD-SIP," which must show detailed information for that portion or phase of the project proposed for approval. Frequently, OD-SIPs are submitted for only those portions of the total project shown in the OD-GDP which are planned for immediate development. Subsequent phases of development are shown in separate detailed plans prepared at the time of development. If, as a result of more detailed planning or engineering at the OD-SIP phase, changes need to be made in the OD-GDP, applicants can submit OD-GDP amendments. The submittal and review requirements of OD-GDP amendments are the same as those for the initial OD-GDP.

H. Regulations.

- (1) Intent. The intent of this zoning is to create a district which will enable flexibility in terms of the specific types of land uses, but will assure that any development occurring in this area will be planned and designed within the context of integrated planned development.
- (2) Required conditions.
 - (a) Floor area ratio (FAR). The maximum FAR shall be 0.50.
 - (b) Maximum impervious surface ratio. The total surface area of all principal and accessory buildings, hard-surfaced parking areas, driveways, private streets, sidewalks and other impervious surfaces shall not exceed 65% of total land area.
 - (c) Minimum landscaped green space ratio.
 - [1] At least 20% of the land area, exclusive of land required for stormwater management and parkland dedication and exclusive of wetlands and slopes over 15%, shall be landscaped open space. To the maximum extent possible, such open space shall include existing wooded areas and individual mature trees on the site at the time of development.
 - [2] The Planning Commission may allow all or a portion of the stormwater management area to be counted toward the 20% landscaped green area requirement under the following conditions:³³
 - [a] The stormwater management area is a permanent water feature

32. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

33. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

designed with sufficient flow of water and aeration to maintain aesthetic quality.

- [b] There is sufficient landscaping to assure that the stormwater management area will be an aesthetic asset to the development and the community as a whole.
- [3] The Planning Commission may allow all or a portion of the area with steep slopes over 15% grade to be counted toward the 20% landscaped green area requirements under the following conditions:³⁴
 - [a] The proposed development will include restoration of degraded slope areas.
 - [b] The use of the steeply sloped land will be integrated into the landscape plan and overall architectural concept of the project.
- [4] The above exceptions may only be granted at the OD-SIP phase of the review and approval process based on selected site and architectural plan submittals.
- [5] In the event that a planned development is divided into more than one lot and parcel, each parcel shall have at least 10% of its area in landscaped green space as defined by this subsection.
- (d) Prohibition on construction on steep slopes. Steeply sloped terrain with a natural grade of 15% or more may not be regraded or built upon.
- (e) Public street rights-of-way.
 - [1] All planned developments must have public street rights-of-way which are consistent with County design standards. Any right-of-way requirements recommended by the Illinois Department of Transportation for frontage roads or key intersections must be shown on planned development plans. Stephenson County must approve right-of-way widths for all County trunk system roads which will be under County jurisdiction.
 - [2] In those situations where a right-of-way of more than 80 feet is required for a public street, the developer may be allowed to credit that portion of the public street right-of-way over 80 feet toward meeting the open space and landscaped green space provisions of this subsection.
- (f) Land use compatibility.
 - [1] The overlay district permits a variety of land uses and allows applicants flexibility in land use planning. However, all land uses within an OD must be compatible with other land uses within the proposed development and compatible with permitted land uses on

34. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

adjoining properties.

- [2] The evaluation of compatibility between permitted residential and permitted commercial uses should specifically include:
 - [a] Lighting impact.
 - [b] Screening of parking areas, outside storage and loading areas.
 - [c] Preserving privacy.
 - [d] Noise impact.
 - [e] Hours of operation.
- (g) Stormwater management. Planned developments shall have an integrated stormwater management plan that considers potential runoff from all of the land within the proposed planned development. Stormwater retention and/or detention basins should be constructed in areas which reflect natural drainage patterns.

ARTICLE XII
Off-Street Parking and Loading

§ 400-62. Purpose.

The purpose of this article is to alleviate or prevent the congestion of the public streets and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

§ 400-63. General provisions.

A. Scope of regulations. The off-street parking and loading provisions of this chapter shall apply as follows:

- (1) For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located. However, where a permit has been issued prior to the effective date of this chapter, and provided that construction is begun within one year of such effective date, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided.
- (2) When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
- (3) However, no building or structure lawfully erected or use lawfully established prior to the effective date of this chapter shall be required to provide such additional parking or loading facilities unless and until the aggregate increase in units of measurement shall equal not less than 15% of the units of measurement existing upon the effective date of this chapter, in which event parking or loading facilities as required herein shall be provided for the total increase.
- (4) Whenever the existing use of a building or structure shall be changed hereafter to a new use, parking or loading facilities shall be provided as required for such new use. However, if the building or structure was erected prior to the effective date of this chapter, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this chapter.

B. Existing central business districts of municipalities subject to the provision of this chapter shall be exempt from the off-street parking requirements herein.

C. Permissive parking and loading facilities. Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, improvement and operation of such facilities are

adhered to.

- D. Damage or destruction. For any conforming or legally nonconforming building or use which is in existence on the effective date of this chapter, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this chapter for equivalent new uses or construction.
- E. Control of off-site parking facilities. When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no certificate of zoning compliance shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Board of Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use of the building. **[Amended 7-10-1973]**
- F. Submission of plot plan. Any application for an improvement location permit for a certificate of occupancy where no permit is required shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this chapter.

§ 400-64. Additional parking regulations. [Amended 7-10-1973]

- A. Use of residential parking facilities. Off-street parking facilities accessory to a residential dwelling in a residential zoning district may park outdoors no more than two commercial vehicles owned or used by the resident of the dwelling not to exceed 10,000 pounds per vehicle. No more than two additional commercial vehicles shall be parked or stored inside of a permitted structure. **[Amended 8-11-2016 by Ord. No. 16-08-1451]**
 - (1) Commercial vehicle; definition: any motor vehicle or trailer typically used for business, industrial, office or institutional purposes. For purposes of this section the phrase "commercial vehicle" shall include self-propelled vehicles, vehicles that are not self-propelled such as utility trailers and other types of trailers designed or used to store or haul equipment and materials and the combination of self-propelled vehicles and vehicles that are not self-propelled.
- B. Joint parking facilities. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.
- C. Computation. When determination of the number of off-street parking spaces

required by this chapter results in a requirement of a fractional space, any fraction of 1/2 or less may be disregarded, while a fraction in excess of 1/2 shall be counted as one parking space.

- D. Size. A required off-street parking space shall be at least nine feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven feet.
- E. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property nor curb cut shall exceed a width of 40 feet.
- F. In yards. Off-street parking required for uses permitted in residential districts may be located in a required rear yard only. Off-street parking for permitted uses in manufacturing, industrial or business districts may be located in a required rear or side yard, except the 10 feet adjacent to the rear or side lot line adjacent to a residential district.
- G. Open and enclosed parking spaces. Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a residence district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed.
- H. Screening and landscaping. All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residence district or any institutional property by a wall, fence or densely planted compact hedge not less than five feet nor more than seven feet in height. Such required screening shall conform with the front yard requirements of the district in which the parking is located.
- I. Surfacing. All open off-street parking areas, except a single parking space accessory to a one-family dwelling, shall be improved with a compacted macadam base or equal, not less than four inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material.
- J. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
- K. Signs. Accessory signs are permitted on parking areas.
- L. Repair and service.
 - (1) No motor vehicle repair work of any kind shall be permitted in conjunction with accessory off-street parking facilities provided in a residence district.
 - (2) The sale of gasoline and motor oil in conjunction with accessory off-street parking facilities is not permitted in any residence district.
- M. Floor area exemptions. When two or more uses are located on the same zoning lot,

only one exemption in terms of floor area, as set forth in the Schedule of Parking Requirements below, shall be taken.

§ 400-65. Location of facilities.

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

- A. Uses in a residence district. Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from, the lot occupied by the use served, but in no case at a distance in excess of 300 feet from such use.
- B. Uses in business and manufacturing districts. All required parking spaces shall be within 500 feet of the use served, except for spaces accessory to dwelling units (except those located in a transient hotel), which shall be within 300 feet of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district, except that private, free, off-street parking accessory to such uses and municipal parking lots may be allowed by special use permit in accordance with the administrative section, within 200 feet of and adjacent to any business or industrial district.³⁵

§ 400-66. Schedule of parking requirements.

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty, or residing, or both, on the premises at any one time.

- A. Residential uses, as follows:
 - (1) One-family dwellings and two-family dwellings: One parking space shall be provided for each dwelling unit.
 - (2) Multiple-family dwellings (including apartment-hotels): Three parking spaces shall be provided for every two dwelling units. For lodging rooms located in an apartment-hotel, one parking space shall be provided for each two lodging rooms.
 - (3) Tourist courts, tourist homes, motels and motor hotels: One parking space shall be provided for each dwelling unit or lodging room, plus one space for the manager and each employee, plus parking as required herein for other ancillary uses such as restaurants and meeting rooms.
 - (4) Hotels, transient: One parking space for each dwelling unit and one parking space for each two lodging rooms shall be provided.
 - (5) Lodging houses: One parking space shall be provided for each two lodging

35. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

rooms, plus one space for the owner or manager.

- (6) Private clubs and lodges: One parking space shall be provided for each 200 square feet of floor area.
- (7) Mobile home parks: One parking space shall be provided for each trailer plus one space for each employee, plus parking for visitors equal to 10% of the number of mobile homes.

B. Retail and service uses, as follows:

- (1) Retail stores and banks:
 - (a) One parking space shall be provided for each 200 square feet of floor area.
 - (b) Drive-in banks or other similar drive-in establishments shall provide three stacking spaces per teller or customer service window.
- (2) Automobile service stations: One parking space shall be provided for each employee.
- (3) Automobile laundries: Twenty stacking spaces shall be provided for each wash rack, plus one parking space for each employee.
- (4) Bowling alleys: Five parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses, such as bars, restaurants and the like.
- (5) Establishments dispensing food or beverages for consumption on the premises: One parking space shall be provided for each 200 square feet of floor area.
- (6) Furniture and appliance stores, household equipment or furniture repair shops: One parking space shall be provided for each 600 square feet of floor area.
- (7) Motor vehicle sales and machinery sales: One parking space shall be provided for each 300 square feet of floor area.
- (8) Theaters (indoor): One parking space shall be provided for each three seats.
- (9) Undertaking establishments, funeral parlors: Twenty parking spaces shall be provided for each chapel or parlor, plus one parking space for each funeral vehicle kept on the premises; in addition, there shall be provided stacking space for not less than 10 automobiles for funeral procession assembly.
- (10) Offices, business, professional and governmental: One parking space shall be provided for each 200 square feet of floor area.
- (11) Wholesale establishments (but not including warehouses and storage buildings other than accessory): One parking space shall be provided for each 600 square feet of floor area.
- (12) Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products: One parking space shall be provided

for each employee, plus one parking space for each vehicle used in the conduct of the enterprise.

- (13) Warehouses and storage buildings: One parking space shall be provided for each employee, plus one parking space for each vehicle used in the conduct of the enterprise.

C. Community services uses, as follows:

- (1) Church, school, college and other institutional auditoriums: One parking space shall be provided for each three auditorium seats. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.
- (2) Colleges, universities and business, professional and trade schools: One parking space shall be provided for each three employees, and one parking space shall be provided for each four students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.
- (3) Health centers, government-operated: Three parking spaces shall be provided for each staff and visiting doctor.
- (4) Hospitals: One parking space shall be provided for each two hospital beds, plus one parking space for each two employees, other than the staff doctors, plus one parking space for each doctor assigned to the staff.
- (5) Libraries, art galleries and museums, public: One parking space shall be provided for each 1,000 square feet of gross floor area.
- (6) Municipal or privately owned recreation buildings or community centers: One parking space shall be provided for each employee, plus one space for each 300 square feet of floor space.
- (7) Public utility and public service uses: One and one-half parking spaces shall be provided for each employee, plus one space for each vehicle used in the conduct of the enterprise.
- (8) Schools, nursery, elementary, and high: One parking space shall be provided for each employee, plus 10 spaces for each 100 pupils.

D. Places of assembly, as follows:

- (1) Stadiums, arenas, auditoriums (other than church, school, college, or other institutional auditoriums), convention halls, exhibition halls, and other similar places of assembly: Parking spaces equal in number to 50% of the capacity in persons shall be provided.³⁶

E. Miscellaneous uses, as follows:

- (1) Fraternities sororities and dormitories: One parking space shall be provided for each five active members, plus one parking space for the manager thereof.

36. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

- (2) Mental health institutions: One parking space shall be provided for each staff doctor, plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.³⁷
 - (3) Rest homes or nursing homes: One parking space shall be provided for each four beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.
 - (4) Sanitariums, convalescent homes or institutions for the aged or for children: One parking space shall be provided for each four beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.
 - (5) Theaters, automobile drive-in: Reservoir parking space equal to 10% of the vehicle capacity of such theaters shall be provided.
- F. For the following uses, parking spaces shall be provided in adequate number, as determined by the Zoning Administrator, to serve persons employed or residing on the premises as well as the visiting public:
- (1) Airports or aircraft landing fields; heliports.
 - (2) Convents and monasteries.
 - (3) Crematories and mausoleums.
 - (4) Fraternal or religious institutions.
 - (5) Outdoor amusement establishments, such as fairgrounds, permanent carnivals, kiddie parks, and other similar amusement centers.
 - (6) Penal and correctional institutions.
 - (7) Rectories and parish houses.
 - (8) Swimming pools.
- G. Mixed uses. When two or more uses are located on the same zoning lot within the same building, parking spaces equal in number to the sum of the separate requirements for each use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
- H. Other uses. For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator.

§ 400-67. Additional regulations for off-street loading.

- A. Location. All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two tons' capacity shall be closer than 50 feet to any property in a residence district unless completely enclosed by

37. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

building walls, or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets.

- B. Size. Unless otherwise specified, a required loading berth shall be at least 10 feet in width by at least 25 feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least 14 feet.
- C. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- D. Surfacing. All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphaltic concrete or some comparable all-weather dustless material.
- E. Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business district.
- F. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- G. For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such uses, as determined by the Zoning Administrator, shall be provided.³⁸
- H. Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities off any adjacent alley, service drive or open space on the same lot which is accessible by motor vehicle.

§ 400-68. Schedule of loading requirements.

For the uses listed in the following table, off-street loading berths shall be provided on the basis of the gross floor area of buildings or portions thereof devoted to such uses in the amounts shown herein:

38. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

Schedule of Loading Requirements

Use	Gross Floor Area (square feet)	Required Number of Berths	Minimum Horizontal Dimensions of Berths (feet)
Hospitals, sanitariums and other institutional uses	10,000 to 200,000	1	10 x 25
Hotels, clubs and lodges, except as set forth in "Establishments dispensing food or beverages for consumption on the premises" below			
Hotels, clubs and lodges, when containing any of the following: retail shops, convention halls, auditoriums, exhibition halls or business or professional offices (other than accessory)			
	For each additional 200,000 or fraction thereof	1 additional	10 x 25
	10,000 to 20,000	1	10 x 25
	20,000 to 150,000	1	10 x 25
	For each additional 150,000 or fraction thereof	1 additional	10 x 50
Retail stores	5,000 to 10,000	1	10 x 25
Establishments dispensing food or beverages for consumption on the premises			
Motor vehicle and machinery sales			
Wholesale establishments (but not including warehouse and storage buildings other than accessory)			
	10,000 to 25,000	2	10 x 25 each
	25,000 to 40,000	2	10 x 50 each

Schedule of Loading Requirements

Use	Gross Floor Area (square feet)	Required Number of Berths	Minimum Horizontal Dimensions of Berths (feet)
	For each additional 200,000 or fraction thereof	1 additional	10 x 50
Auditoriums, convention halls, exhibition halls, sports arenas, stadiums	10,000 to 20,000	1	10 x 25
Bowling alleys	20,000 to 100,000	1	10 x 25
	For each additional 100,000 or fraction thereof	1 additional	10 x 50
Banks and offices, business, professional and governmental	10,000 to 100,000	1	10 x 25
	For each additional 100,000 or fraction thereof	1 additional	10 x 25
	For each additional 500,000 or fraction thereof	1 additional	10 x 25
Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products	5,000 to 10,000	1	10 x 25
Warehouses and storage buildings	10,000 to 40,000	1	10 x 50
	40,000 to 100,000	2	10 x 50 each
	For each additional 100,000 or fraction thereof	1 additional	10 x 50

Schedule of Loading Requirements

Use	Gross Floor Area (square feet)	Required Number of Berths	Minimum Horizontal Dimensions of Berths (feet)
Theaters	8,000 to 25,000	1	10 x 50
	For each additional 50,000 or fraction thereof	1 additional	10 x 25
Undertaking establishments and funeral parlors	8,000 to 100,000	1	10 x 25
	For each additional 100,000 or fraction thereof	1 additional	10 x 25

ARTICLE XIII
Sign Regulations
[Amended 2-9-2011 by Ord. No. 11-02-1787]

§ 400-69. Intent and purpose.

It is the intent and purpose of these sign regulations to qualify, supplement or define the allowable uses of the several types of signs allowed in the district regulations appearing elsewhere in this regulation.

§ 400-70. Applicability.

Any sign shall, by definition, be a structure. No land, personal property or structure shall be used for sign purposes except as specified herein.

- A. A sign lawfully established before the effective date of this article, but not conforming to the regulations of this article, may be continued so long as its size, structure and surface materials remain the same as they are at the time of the enactment of this article. Repair and maintenance and change of display of a painted bulletin sign and change of poster panel signs shall be permitted. In addition, any such sign, which must be moved for reason of road repairs or utility work, may be permanently or temporarily relocated within 500 feet of the first location. If relocated beyond the term of construction work, the sign shall meet the requirements of this article or be legally nonconforming. Any sign removed for construction must be relocated within 120 days within 300 feet of the subject site. If not relocated within the aforementioned time period, the sign must adhere to a new permit application process.
- B. No sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this sign regulation. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial.

§ 400-71. Nonconforming signs.

No sign or other advertising structure lawfully in existence on the adoption of this article shall be altered or moved unless made to comply with the provisions of this article, except as otherwise provided for herein.

§ 400-72. Removal of nonconforming signs.

Should any nonconforming sign be damaged by any means to an extent of more than 50% of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of these regulations.

- A. Removal of on-site nonconforming signs. All on-site nonconforming signs not otherwise prohibited by the provisions of this regulation shall be removed:
- (1) When the nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend; or
 - (2) When the name of the business changes and the sign is changed or modified

either in shape, size, or legend.

- B. Removal of signs upon destruction of principal structures. When a principal structure is destroyed or removed due to natural or man-made circumstances, all signs on the property shall be removed within 90 days, unless a building permit has been issued to replace the structure within said time period.

§ 400-73. Permit required.

No sign except those listed in § 400-76 may be erected or altered until a sign permit has been issued by the Director of Building and Zoning.

- A. Application. A complete application for a sign permit shall be submitted to the Director of Building and Zoning on a form established by the County. No application shall be processed until the application is complete. Application for permits shall be accompanied by the following, if required by the Director of Building and Zoning or if required by the provisions hereof: Plans and specifications of an advertising, elevated, ground, monument and elevated roof sign shall require an engineer's certificate certifying the proposed sign and its construction to be of safe design.
- B. Permit fees. Every applicant, before being granted a permit hereunder, shall pay the permit fee as established by the Planning and Development Committee.
- C. Review and action. The Director of Building and Zoning shall review the sign permit application to determine whether the proposed sign complies with all the applicable sign regulations of this article. Within five days of the submission of a complete application for a sign permit, the Director of Building and Zoning shall either:
- (1) Issue the sign permit, if the sign complies in every respect with the standards of this article, if applicable; or
 - (2) Deny the sign permit if the sign fails in any way to comply with the standards of this article. The Director of Building and Zoning shall specify all reasons for the denial.
- D. Inspection. Prior to installation of a sign, a stakeout inspection may be required at the discretion of the Director of Building and Zoning to see if the sign meets the requirements of this article. The recipient of any permit shall notify the Building Inspector, who shall inspect such stakeout sign and approve the same if it is in compliance with the provisions of this article. The Building Inspector may, from time to time, as he deems necessary, inspect all signs regulated by this article for the purpose of ascertaining whether the same are secure or insecure or whether they are in need of removal or repair.

§ 400-74. Types of signs.

- A. Functional types.

ADVERTISING SIGN/BILLBOARD — A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment, political candidate, event or amusement conducted or produced which is bought or

sold, furnished, offered or dealt elsewhere than on the premises where such sign is located or to which it is affixed.

BULLETIN BOARD SIGN — A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and the announcement of persons, events or activities occurring at the institution.

BUSINESS SIGN — A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

CHURCH IDENTIFICATION SIGN — A sign giving only the name and address of a church. Such signs may be wholly or partly devoted to a readily recognized symbol.

IDENTIFICATION SIGN — A sign giving only the name and address of a structure, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

MEMORIAL SIGN — A sign, monument or statue serving to help people remember some person or event.

NAMEPLATE SIGN — A sign giving the name and/or address of the owner or occupant of a structure or premises on which it is located and, where applicable, a professional status.

POLITICAL SIGN — Any sign relating to a candidate, political party, election or other issue.

TEMPORARY CONSTRUCTION SIGN — A temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project only during the construction period and only on the premises on which the construction is taking place.

TEMPORARY REAL ESTATE SIGN — A temporary sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign located.

TEMPORARY SIGN — A display sign as listed below that is limited in use by the duration of an event, including real estate, construction, seasonal sale of produce, and political campaign signs.

B. Structural types.

AWNING, CANOPY OR MARQUEE SIGN — A sign that is mounted on, painted on, or attached to an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee. No such sign shall be illuminated, and such signs shall indicate only the name and/or address of the establishment.



ELEVATED SIGN — Any sign placed upon, or supported by, the ground

independent of the principal structure on the property, where the bottom edge of the sign is 10 feet or more above the ground level.



GROUND SIGN — Any sign placed upon, or supported by, the ground independent of the principal structure on the property, where the bottom edge of the sign is less than six feet above the ground, and the base is no less than 50% of the width of the face of the sign, presenting a monolithic structure, with a maximum height of 10 feet.



MONUMENT SIGN — Any sign whose base is greater in width than the face of the sign, and whose height is no greater than six feet.



PORTABLE DISPLAY SIGN — Any movable display structure capable of relocation under its own power or towed by a motor vehicle. The display message of the sign may be painted or nonpainted and capable of being readily altered. Portable display signs may be with or without electrical illumination and power, and with or without wheels.



PROJECTING SIGN — A sign that is wholly or partly dependent upon a structure for support and which projects more than 12 inches from such structure and shall have, at its lowest level, not less than seven feet above the grade of the ground directly below it.



ROOF SIGN, ELEVATED/PROJECTING — A sign totally supported on the roof of a structure, not including vertical roof signs. Elevated/Projecting roof signs shall not project more than 12 inches beyond the face of the structure. In no case shall an elevated/projecting roof sign project more than 10 feet beyond the highest point of

the roof. (Compare with "roof sign, vertical.")



ROOF SIGN, VERTICAL — A sign totally supported on a vertical face of the roof of a structure such as a mansard or parapet and which is mounted parallel to such vertical surface. Vertical roof signs shall not project more than 12 inches beyond the face of the structure nor the vertical surface of the roof. In no case shall a vertical roof sign project above the highest point of the roof. (Compare with "roof sign, elevated/projecting.")



WINDOW SIGN — Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed inside a window or upon the window panes of glass and which is visible from the exterior of the window.

§ 400-75. General standards.

- A. Property directly abutting a state or federal highway may have signage as allowed by the State of Illinois Department of Transportation or the Director of Building and Zoning.
- B. Gross area of sign. Gross area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign, then only the largest side shall be computed and shall be counted as a portion of the gross area. For computing the gross area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.
- C. Sign height. Sign height shall be measured from the elevation of the top of the nearest curb to the highest element of the sign.
- D. Illuminated signs are signs designed to give forth artificial light or designed to reflect light derived from any source.
 - (1) Illuminated signs shall be designed so that light is reflected or directed away from any residential dwelling district. Any illuminated sign located on a lot adjacent to or across the street from any residential district shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m., when such sign is visible from said residential district, unless otherwise allowed by the Zoning Board of Appeals.
 - (2) Illuminated signs which happen to lie in direct vision behind a traffic signal shall not employ red, amber or green illumination.
- E. Flashing or multiple-message signs. For the purpose of this regulation, any sign that is revolving, rotating, moving or animated, has moving lights or creates the illusion

of movement shall be considered a moving sign.

- (1) Flashing signs. Any illuminated sign on which the artificial light is not constant in intensity and color at all times is considered a flashing sign.
 - (a) Flashing signs shall not be permitted which are in any way similar to traffic signals or emergency vehicle lights.
 - (b) A sign which displays the current time and/or temperature by use of intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to text indicating time, temperature or other public messages. Such sign shall not in any case exceed 64 square feet in area.
 - (2) Multiple-message signs are signs that display a series of message changes, regardless of the technology used. A multiple-message sign provides for a fixed message of at least 10 seconds in length with a transition time between message changes of three seconds or less. Multiple-message signs contain a default design that will freeze the message in one position if a malfunction occurs. These signs are commonly known as "trivision signs" and shall not be considered a moving sign.
- F. Accessway or window. No sign erected in any district shall be erected, constructed and maintained so as to obstruct any fire escape or any window, or door, or opening as a means of egress or for fire-fighting purposes, or so as to prevent free passage from one part of a roof to any other part thereof. No sign shall be attached in any form, shape or manner to a fire escape or be so placed as to interfere with any opening required for legal ventilation.
- G. Signs on trees or utility poles. No sign shall be attached to any utility pole or tree.
- H. Traffic safety.
- (1) No sign shall be maintained at any location where, by reason of its position, size, shape or color, it may obstruct, impair, obscure or interfere with the view of or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
 - (2) No sign, except for small directional signs, shall be located within three feet of a driveway or within a parking area, and signs shall have their lowest elevation at least 10 feet above the curb level; however, in no event shall any sign be placed so as to project over any public right-of-way, except in the B Commercial Districts, where signs may project over a sidewalk.
 - (3) Under no circumstances shall any sign be placed in the sight triangle as defined in Article III, § 400-6, Definitions.
- I. Lineal street frontage. In those district where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, the lineal street frontage shall be computed as the sum of all of the street frontages.

§ 400-76. Exemptions.

- A. Total exemptions. The following signs shall be exempt from the requirements of

this article, except for the provisions of § 400-75A through I above, and except that such signs shall comply with appropriate setback requirements as specified in this chapter. Such signs shall not be illuminated, but may be of the beaded reflector type upon approval thereof by the Director of Building and Zoning. Such signs shall be of the types and contain only such displays as follows:

- (1) Permanent signs displaying the name and location of a city, town or village, hospital, community center, private school, college, YMCA, YWCA, church, or other place of worship; or the name or place of meeting of an official or civic body such as a Chamber of Commerce, Rotary, Kiwanis or other similar service club.
 - (2) Temporary signs displaying the name, location and time of an event of public interest such as a State or County Fair, public or general election, or horse show, provided such sign shall not interfere with the full view of traffic in all directions. Such sign shall be removed not more than 10 days after the event.
 - (3) Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property.
 - (4) Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.
 - (5) Memorial signs displayed on public or private property.
 - (6) Small signs, not exceeding three square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances and other similar signs.
 - (7) Scoreboards in athletic stadiums.
 - (8) Signs for the sale of household goods at a residence (for example, garage sales or auctions) for a period not to exceed five days in any calendar year.
 - (9) Real estate signs not exceeding 32 square feet in area.
 - (10) Construction signs not exceeding 32 square feet in area.
 - (11) Political signs. Political signs shall be removed 10 days after the date of the election.
- B. Exemptions from sign permit. Window signs not exceeding 25% of the window surface in commercial and manufacturing districts shall be exempt from the sign permit section of this article, but shall comply with all of the other regulations imposed by this article:

§ 400-77. Prohibited signs.

- A. Signs on public property. Any sign installed or placed on public property, except in conformance with the requirements, shall be forfeited to the public and subject to

confiscation, except that logo signs on athletic fields shall be allowed. In addition to other remedies hereunder, the County shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

- B. Obscene or indecent advertisement. No person shall display upon any sign or other advertising structure any obscene, indecent or immoral matter.
- C. Any sign located on public right-of way, except those signs required by governmental authority.

§ 400-78. Temporary signs.

Temporary signs shall be erected and maintained in a safe and attractive manner and shall be subject to applicable regulations, except as specifically modified herein.

- A. Real estate signs. Real estate signs shall be removed within one week of the date of sale, rental, or lease.
- B. Construction signs. Development project (construction) signs shall be no larger than 64 square feet. Such signs are subject to yard area requirements and may be erected at the start of construction and shall be removed upon project completion.
- C. Portable display signs may be displayed for a period not exceeding 14 days twice a year.
- D. Seasonal sales or produce signs: as required in Article VII, § 400-39A(8)(b).

§ 400-79. Maintenance.

- A. All signs shall be maintained in a safe condition and in such a manner that they shall not become a visual detriment to the community at large. The Director of Building and Zoning shall be charged with the responsibility and authority to inspect all signs and direct the maintenance of said signs. Maintenance of signs is defined as keeping sign structures in a safe condition, free of rust, with broken glass or plastic replaced, electrical lights and other electrical operations in operable condition, and letters and other sign components in the equivalent condition as on the sign permit or as approved.
- B. Should the Director of Building and Zoning find an unmaintained sign as defined above, he shall cause the owner of said sign to be notified as to the deficiency and the corrective action that needs to be taken.
- C. Should the owner fail to exhibit evidence of compliance within 30 day after the mailing of the letter of notification, the Director of Building and Zoning shall cause the owner to be cited for violation of this regulation.

§ 400-80. Office park, industrial park and shipping center identification signs.

In office parks, industrial parks and shipping centers, identification signs containing the name of the development, the address of the development, the name or names of individual businesses and their addresses may be erected in addition to the signage permitted for the individual businesses. This identification sign may contain the names

and addresses of businesses that are not on the lot containing the identification sign as long as they are in the same subdivision as the identification sign. This identification sign must comply with the following regulations:

- A. One identification sign per street frontage.
- B. Content. Such sign shall advertise only the name and address of such development and/or the name and address of the individual businesses within the development.
- C. Area. The total sign area of an identification sign shall not exceed 64 square feet.
- D. Height. The height of such sign shall not exceed 25 feet.
- E. Setback. Such sign shall be set back a minimum of 10 feet for commercial districts and 15 feet for manufacturing districts from the front lot line of such center or individual use, except as may be provided by special use.

§ 400-81. District regulations.

The District Sign Regulation Table of this section provides a tabular summary of the sign types allowed within each base zoning district.

- A. Permitted signs. Signs identified in a zoning district column of the District Sign Regulation Table below with a "P" are permitted and shall be permitted in such zoning district, subject to such standards as may be indicated in the "standards" row and all other requirements of this chapter.
- B. Not permitted. Sign types not identified as permitted in a zoning district column of the District Sign Regulation Table are not allowed in such zoning district unless otherwise expressly permitted by other regulations of this chapter.

District Sign Regulation Table

Zoning Districts

	A	E	R	B	T	M
Standards	§§ 400-39 and 400-40	§§ 400-42 through 400-44	§§ 400-45 through 400-50	§§ 400-54 through 400-56	§ 400-57	§§ 400-59 and 400-60

Functional Sign Types

Advertising sign (billboard)				P		
Bulletin board	P	P	P	P	P	P
Business sign	P	P	P	P	P	P
Identification sign	P	P	P	P	P	P
Church identification sign	P	P	P	P	P	P
Nameplate sign	P	P	P	P	P	P
Temporary sign	P	P	P	P	P	P

Structural Sign Types

District Sign Regulation Table

Zoning Districts

Standards	A	E	R	B	T	M
	§§ 400-39 and 400-40	§§ 400-42 through 400-44	§§ 400-45 through 400-50	§§ 400-54 through 400-56	§ 400-57	§§ 400-59 and 400-60
Awning canopy or marquee sign				P	P	P
Elevated sign	P			P	P	P
Ground sign		P	P	P	P	P
Monument sign	P	P	P	P	P	P
Portable display sign						
Projecting sign				P	P	P
Roof sign						P
Wall sign				P	P	P
Window sign	P	P	P	P	P	P

§ 400-82. Sign standards.

A. A Agricultural Districts.

- (1) Number of signs permitted. There shall not be more than one sign per lot, except that on a corner lot two signs, one facing each street, shall be permitted.
- (2) Maximum gross surface area.

Maximum Gross Surface Area

Sign Type	(square feet)
Bulletin board	50
Business sign	32
Identification sign	4
Church identification sign	32
Nameplate sign	4
Temporary sign	As regulated by § 400-78

- (3) Maximum height: 35 feet, except when an elevated sign is located within 3,000 feet of the center of a federal aid interstate highway interchange, in which case said elevated sign shall not exceed 70 feet.
- (4) Required setback. No sign shall be placed closer to the front property line than one-half the distance of the front yard, except that church and subdivision identification signs may be two feet from any property line but may not encroach into or be located within a required sight triangle or stipulated in

Article III, § 400-6, Definitions.

(5) Projection. No sign shall project beyond the property line into a public way.

B. E-1 through E-3 Estate Residence and R-1 through R-6 higher density Residence Districts.

(1) Number of signs permitted. There shall not be more than one sign per lot, except that on a corner lot two signs, one facing each street, shall be permitted.

(2) Maximum gross surface area.

Maximum Gross Surface Area

Sign Type	(square feet)
Bulletin board	50
Business sign	32
Identification sign	32
Church identification sign	32
Nameplate sign	4
Temporary sign	As regulated by § 400-78

(3) Maximum height: one story or 15 feet above curb level, whichever is lower.

(4) Required setback: 10 feet from all property lines, except real estate signs with a minimum setback of eight feet from all property lines. Church and subdivision identification signs may be two feet from the property line but shall not encroach into or be located within a required sight triangle.

(5) Projection. No sign shall project beyond the property line into the public way.

(6) Illumination. Illuminated signs shall be permitted.

C. Business districts.

(1) Number of signs permitted.

(a) All permitted functional sign types: one per zoning lot and two on a corner lot with one sign facing each street; except as modified for advertising signs in Subsection C(7) below.

(b) Awning, canopy or marquee, and window signs: no limitations.

(c) Projecting and wall signs: one per street frontage per establishment.

(d) Ground or elevated monument signs: one per street frontage.

(2) Maximum gross surface area. The square footage of all signs on a lot shall not exceed six times the lineal feet of street frontage of such lot, and on corner lots or through lots, each lot line abutting a street shall be considered a separate frontage; except as modified by § 400-78, Temporary signs.

(3) Maximum height: except as otherwise limited in height by this article, 30 feet;

except an elevated sign located within 3,000 feet of the center of a federal aid interstate highway interchange shall not exceed 70 feet.

- (4) Required setback. A ground, monument, or portable display sign shall be located not less than 10 feet from a lot line abutting a street, or five feet from a rear or interior side lot line; otherwise, none.
- (5) Illumination. Illuminated signs shall be permitted.
- (6) Projection. A business sign attached to a building wall shall not project therefrom more than six feet, and an advertising sign attached to a building wall shall not project therefrom more than 18 inches.
- (7) Advertising signs (billboards).
 - (a) Not more than five advertising signs may be located per linear mile of street or highway regardless of the fact that such advertising signs may be located on different sides of the subject street or highway.
 - (b) No advertising sign shall be located within 1,000 feet of another advertising sign abutting either side of the same street or highway.
 - (c) No advertising sign shall be located within 200 feet of a residential zone and/or existing residence. If the advertising sign is illuminated, this required distance shall be increased to 300 feet.
 - (d) No advertising sign shall be located closer than 20 feet to a property line adjoining a public right-of-way or 10 feet to any interior boundary lines of the premises on which the advertising sign is located. Setbacks shall be measured from the surface display area to the vertical extension of the property line.
 - (e) The surface display area of any side of an advertising sign may not exceed 400 square feet. In case of advertising sign structures with tandem or staked advertising sign faces, the combined surface display area of both faces may not exceed 400 square feet.
 - (f) The height of an advertising sign shall not exceed 35 feet above the grade of the ground on which the advertising sign sits or the grade of the abutting roadway, whichever is higher.
 - (g) No advertising sign shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
 - (h) An advertising sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any adjacent premises. In no event shall any advertising sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 - (i) An advertising sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected

to occur in the vicinity. An advertising sign must be maintained so as to assure proper alignment of the structure, continued structural soundness, and continued readability of message.

- (j) An advertising sign established within a business, commercial, or industrial area, as defined in the Highway Advertising Control Act of 1971 (225 ILCS 440/1 et seq., as amended), bordering interstate highways, freeway or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of the Act and the regulations provided thereunder, as such may from time to time be amended.

D. M-1 Limited Manufacturing District and M-2 General Manufacturing District.

- (1) Number of signs permitted.
 - (a) All permitted functional sign types: one per zoning lot and two on a corner lot, with one sign facing each street.
 - (b) Awning, canopy or marquee, and window signs: no limitations.
 - (c) Ground, monument, projecting, wall, and roof signs: one per zoning lot.
 - (d) Elevated signs: one per business located on a platted lot which is no more than 100 feet from the intersection of a federal aid highway right-of-way and a perpendicular local street.
- (2) Maximum gross surface area. The total gross area in square feet of all signs on a lot shall not exceed six times the lineal feet of street frontage of such lot, except as modified by temporary signs in § 400-78 of this article.
- (3) Maximum height: 30 feet.
- (4) Required setback. No sign shall be placed closer to the front property line than one-half the distance of the front yard; except that real estate signs shall be exempt from setback requirements.
- (5) Projection. Projecting signs shall be affixed flat against the building walls and may project therefrom not more than 18 inches.
- (6) Illumination. Illuminated signs shall be permitted.

ARTICLE XIV
Administration and Enforcement

§ 400-83. Authority to administer.

The administration of this chapter is hereby vested in the:

- A. Zoning Administrator.
- B. Zoning Board of Appeals.
- C. County Planning Commission.
- D. County Board.³⁹

§ 400-84. Zoning Administrator. [Amended 7-10-1973; 5-15-1974; 8-9-1983]

- A. Establishment. There is hereby established the office of Zoning Administrator. The Zoning Administrator shall be the executive head of this office. Such other employees of the office of the Zoning Administrator shall be appointed by the Zoning Administrator with the approval of the County Board.⁴⁰
- B. Duties. The Zoning Administrator shall administer and enforce this chapter, and in addition thereto and in furtherance of said authority he shall:
 - (1) Examine and approve an application pertaining to the use of land or structures when the application conforms with the provisions of this chapter.
 - (2) Issue zoning certificates and sign permits, and make and maintain records thereof.
 - (3) Issue occupancy certificates and make and maintain records thereof.
 - (4) Supervise inspections of structures and uses of land to determine compliance with the terms of this chapter, and where there are violations, initiate action to secure compliance.
 - (5) Receive, file, and forward to the Zoning Board of Appeals all applications for appeal, variations, conditional uses, other than planned developments, or for other matters on which the Zoning Board of Appeals is required to pass under this chapter.
 - (6) Receive, file, and forward to the County Planning Commission all applications for the amendments, planned developments, or for other matters which, under this chapter, require referral to the County Planning Commission.
 - (7) Maintain permanent and current records of this chapter, including, but not limited to, maps, amendments, the rules of practice and procedure of the Zoning Board of Appeals, conditional uses, variations, appeals and applications therefor, and records of hearings thereon, including the recording of district amendments and conditional uses on the Zoning District Map.

39. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

40. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

- (8) Decide or make recommendations on all other matters under this chapter upon which the Zoning Administrator is required to act.
- (9) Maintain all zoning records which are a part of the administration of this chapter.
- (10) Initiate, direct and review, from time to time, a study of the provisions of this chapter, and make reports of his recommendations to the Zoning Board of Appeals, the County Planning Commission and the County Board not less frequently than annually.⁴¹
- (11) Assist the office of the State's Attorney in the development of proposed amendments to the provisions of this chapter as may be necessary from time to time.
- (12) Publish periodically this chapter, including the Zoning District Map.
- (13) Provide and maintain public information service relative to matters arising out of this chapter.
- (14) In cases where an application for an amendment or conditional use is made, the Zoning Administrator shall send notice by U.S. mail, postage prepaid, to owners of all property surrounding and contiguous to the property which is the subject of the application. For this purpose, property is contiguous to a property which is the subject of the application even if it is across an existing or proposed road, stream, or other natural or man-made separation of the two land tracts.
- (15) Act as plat officer of the Subdivision Regulations of Stephenson County, Illinois, enacted October 28, 1969:⁴²
 - (a) Maintain permanent and current records of Chapter 355, including amendments thereto.
 - (b) Receive and file all preliminary plans and plats (together with applications).
 - (c) Forward copies of the preliminary plat to other appropriate agencies for their recommendations and report.
 - (d) Receive and file all final plats, and check their compliance with the preliminary plat and as-built plans.
 - (e) Make all other determinations required of him by the regulations herein.
 - (f) Discourage the subdividing of lands that are far in advance of the needs of the development of the County; or which, by their locations, cannot be efficiently served by public utilities, fire protection, police protection, or other community services; or which are located in areas subject to flooding, or are topographically unsuitable for development; or which,

41. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

42. Editor's Note: See Ch. 355, Subdivision of Land. Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

for any other reason, are being unwisely or prematurely subdivided.

§ 400-85. Zoning certificates. [Amended 2-14-1978; 3-8-1983; 7-11-1989 by Ord. No. 89-07-141; 11-10-1992 by Ord. No. 92-11-187; 11-15-2000 by Ord. No. 00-05-250; 9-10-2003 by Ord. No. 03-28-276]

- A. Applications for zoning certificates shall be accompanied by building layout plans in triplicate, drawn to scale, and fully dimensioned, adequate to show the shape, area and dimensions of the lot to be built upon, the location, the ground area, height, and bulk of existing and proposed structures and, if residential, the number of dwelling units each structure is designed to accommodate, location and number of off-street parking and off-street loading spaces, and such other information as may be required by the Zoning Administrator for the proper enforcement of this chapter. Wherever a structure or use is of a type for which this chapter requires off-street parking on a ratio to the number of employees, the number of employees on which the parking requirement is based shall be shown on the application. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator. The lot and location of the building thereon shall be staked out on the ground before construction is started. Fees for zoning certificates for the following shall be set from time to time by the County Board: established buildings; cellular towers, including associated equipment structures; WPGF towers.⁴³
- B. No permit pertaining to the use of land or structures shall be issued by any officer, department, or employee of Stephenson County unless the application for such permit has been examined by the Zoning Administrator and has affixed to it the authorization of the Zoning Administrator indicating that the proposed structure or use complies with the provisions of this chapter. Where no other permit is required for the use of the land, this zoning authorization shall be construed as the permit to so use the land.
- C. An application for a permit pertaining to the use of land or structures which requires compliance with the provisions of this chapter respecting performance standards shall be signed by the landowner or a corporate officer, or authorized representative of the owner or corporation, certifying that the structure and the proposed use thereof comply with the applicable performance standards of the district in which they are located. Such certificates shall contain sufficient information and detail to enable the Zoning Administrator to determine that the proposed structure and use can and will be in compliance with the applicable performance standards. The Zoning Administrator shall, within 15 working days following receipt of such application and certificate, approve and authorize or deny the issuance of a zoning certificate. Approval also indicates that the application complies with other relevant provisions of this chapter. Such authorization shall thereafter be valid for all purposes for a period of one year, and if incomplete at that time, may be extended for successive one-year periods by requests in writing to and written authorizations for such extensions from the Zoning Administrator. If the application is denied, the Zoning Administrator shall notify the person signing the application, in writing, of his findings. Upon receipt of such findings the applicant may, within 20 working

43. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

days, show that such application is in compliance, or submit a revised application which is in compliance.

- D. If construction of any kind is started prior to obtaining a building permit and having the permit approved by the Zoning Administrator, a late fee charge will be added to the cost of the building permit.⁴⁴

§ 400-86. Occupancy certificates. [Added 2-14-1978]

- A. Occupancy certificates shall be applied for coincidentally with applications for zoning certificates, and shall be issued within 10 working days after completion of construction and the premises inspected by the Zoning Administrator. Occupancy certificates shall be issued by the Zoning Administrator to authorize occupancy of the premises in accordance with the zoning certificate. Pending the issuance of the permanent occupancy certificate, a temporary certificate may be issued, to be valid for a period not to exceed six months from its date, during the completion of any addition or during partial occupancy of the premises. If the completion of an occupancy certificate is denied, the Zoning Administrator shall notify the applicant in writing within 10 working days after he has been notified in writing that the premises are ready for occupancy, stating the reasons why a certificate cannot be issued.
- B. No occupancy certificate for a change of use in an existing structure or land improvement shall be issued until the premises have been inspected and certified by the Zoning Administrator to be in compliance with applicable requirements for the zoning district in which it is located.
- C. A record of occupancy certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished, on request, to any person having proprietary or tenancy interest in the land or structure affected. There shall be no charge for the original occupancy certificate, but there shall be a charge as set from time to time by the County Board for each additional copy.⁴⁵

§ 400-87. Procedure in case of violation.

Whenever there is found a violation of the terms of this chapter, the Zoning Administrator shall at once issue written notice to the owner and any other responsible party, specifying the nature of the violation and citing the provisions of this chapter which are violated, and said owner and any other party shall at once take appropriate steps to correct said violation. In case of failure by the owner or other responsible party to correct the violation within a reasonable time, the Zoning Administrator shall initiate action or proceedings as shall secure compliance with the applicable provision of this chapter. When compliance is so secured, the Zoning Administrator shall issue an occupancy certificate certifying such compliance.

§ 400-88. Zoning Board of Appeals.

- A. Establishment. The Zoning Board of Appeals of Stephenson County is hereby

44. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

45. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

created in accordance with the Illinois Statutes.

- B. Membership and term of office. The Chairman of the County Board shall appoint a Zoning Board of Appeals consisting of five full-time members and two alternate members, which shall be confirmed by a majority vote of the members of the County Board present and voting thereon. The members appointed shall serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, and one for five years; the successor to each member so appointed to serve for a term of five years. The alternate members to serve the following terms, one for four years and one for five years. The first member so appointed to the five-member Board shall be named as Chairman at the time of his appointment, and the second member so appointed shall be named the Vice Chairman; and in case of vacancy, the Chairman of the County Board shall designate a Chairman, which shall be confirmed by a majority vote of the County Board present and voting thereon. The Chairperson, with the advice and consent of the County Board, shall have the power to remove any member of the Zoning Board of Appeals for cause, after public hearing. Vacancies on the Zoning Board of Appeals shall be filled, for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such a new member. **[Amended 12-15-2004 by Ord. No. 04-12-1084; 8-10-2011 by Res. No. 11-08-1821]**
- C. Jurisdiction. The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:
- (1) To hear all applications for amendments, conditional uses and variations to this chapter and report said findings and recommendations to the County Board. **[Amended 8-9-1983]**
 - (2) To hear and decide on appeals from a decision of the Zoning Administrator under this chapter.
 - (3) To hear and decide upon all matters referred to it upon which it is required to pass under this chapter.
- D. Meetings and rules. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times and places within the County as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. Meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Administrator shall keep minutes of the proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such facts and shall keep records of examinations and other official actions. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Zoning Board of Appeals and shall be a public record. In the performance of its duties, the Zoning Board of Appeals may incur such expenditures as shall be authorized by the County Board. **[Amended 8-10-2011 by Res. No. 11-08-1821]**

§ 400-89. Variations.

- A. Purpose. The Zoning Board of Appeals shall determine and vary the regulations of this chapter in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Zoning Board of Appeals makes a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.
- B. Application for variation. Application for a variation shall be filed with the office of the Zoning Administrator. Such application shall be upon such form and accompanied by such information as may be required from time to time by the Zoning Administrator and the Zoning Board of Appeals. Upon receipt of an application for a variation, the Zoning Administrator shall forward a copy of same to the Planning and Development Committee of the County Board and a copy to the Zoning Board of Appeals. **[Amended 8-10-2011 by Res. No. 11-08-1821; 9-15-2016 by Ord. No. 16-09-1458]**
- C. Approval standards. **[Amended 9-15-2016 by Ord. No. 16-09-1458]**
- (1) The Zoning Board of Appeals shall not vary the regulations of this chapter, unless it shall make findings based upon the evidence presented to it in each specific case that:
- (a) The granting of the variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (b) The variation, if granted, will not drastically alter the essential character of the locality;
 - (c) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - (d) The granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations; and
 - (e) That aforementioned circumstances or conditions are such that the strict application of the provisions of this section would deprive the applicant of reasonable use of his or her land. Mere loss of value shall not justify a variance.
- D. Authorized variations. **[Amended 7-10-1973; 5-14-1974; 9-15-2016 by Ord. No. 16-09-1458]**
- (1) Variation from the regulations of this chapter shall be granted by the Zoning Board of Appeals only in accordance with the standards as set forth in this section and may be granted in the following instances.
- (a) To permit setback or yard less than the setback or yard required by this

chapter.

- (b) To permit any building or structure to exceed the height limitations imposed by this chapter, but not more than 30% of the allowable height in a residential district.
 - (c) To permit the use of a lot for use otherwise prohibited solely because of insufficient area of the lot, but in no event shall the area of the lot be less than 80% of the required lot area.
 - (d) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
 - (e) To reduce the applicable off-street parking by not more than one parking space or 20% of the number of spaces required, whichever number is greater.
 - (f) To increase by not more than 25% the maximum distance that required parking spaces may be located from the use served.
 - (g) To permit the erection of not more than two principal detached residential buildings on a zoning lot in accordance with § 400-13.
- (2) Exceptionally unique circumstances, as determined by the Planning and Development Committee upon the recommendation of the Zoning Administrator, that would involve instances other than or more extreme than allowed above, may be considered as a variation from the regulations of this chapter.

E. Decisions.

- (1) A concurring vote of three members of the Zoning Board of Appeals shall be necessary to approve a variation. **[Amended 9-10-1974; 8-10-2011 by Res. No. 11-08-1821]**
- (2) No order of the Zoning Board of Appeals granting a variation shall be valid for a period longer than six months from the date of such order unless the building or other required permit is obtained within such period and the erection or alteration of a building, structure, or land improvement is started or the use is commenced within such period.

§ 400-90. Appeals.

An appeal to the Zoning Board of Appeals may be made by any person, firm, or corporation or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator under this chapter in accordance with Illinois Statutes and the following:

- A. An application for an appeal shall be filed with the County Clerk within 20 days of the date of the action from which the appeal is being filed, and thereafter the County Clerk shall forward such application to the Zoning Board of Appeals for processing.

The County Clerk shall forward to the Zoning Administrator a notice of appeal specifying the grounds thereof, and he shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

- B. An appeal stays all the proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- C. The Zoning Board of Appeals shall fix a reasonable time, not to exceed 90 days, for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be done or made on the premises, and to that end shall have all the powers of the officer from whom the appeal was taken.

§ 400-91. Amendments.

- A. Authority. The regulations imposed and the districts created under the authority of this chapter may be amended, from time to time, by ordinance in accordance with applicable Illinois Statutes.⁴⁶ An amendment shall be granted or denied by the County Board only after a public hearing before the Zoning Board of Appeals, and after a report of its findings and recommendations has thereafter been submitted to the County Board. **[Amended 8-10-2011 by Res. No. 11-08-1821]**
- B. Initiation of amendments. Amendments may be proposed by the County Board, the Zoning Board of Appeals, and by any person, firm, or corporation having a possessory interest entitled to exclusive possession, a contractual interest, an option to purchase, or any exclusive possessory interest which is specifically enforceable on the land which is described in the application for an amendment. **[Amended 8-10-2011 by Res. No. 11-08-1821]**
- C. Processing.
 - (1) An application for an amendment shall be filed with the Zoning Administrator and a copy forwarded to the County Clerk. **[Amended 4-13-1976; 8-9-1983]**
 - (2) A copy of such application shall thereafter be forwarded by the County Clerk to the Zoning Board of Appeals with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations. **[Amended 8-10-2011 by Res. No. 11-08-1821]**
 - (3) At the time an application for an amendment is filed, the applicant shall submit the names and addresses of all property owners, as taken from the latest

46. Editor's Note: See 55 ILCS 5/5-12014.

adopted tax rolls, who are adjacent and contiguous to the lot of record of which all, or a portion, is subject to the map amendment application. **[Amended 5-14-1974; 11-10-1992 by Ord. No. 92-11-183]**

D. Decisions.

- (1) The County Board, upon report of the Zoning Board of Appeals and without further public hearing, may grant or deny any proposed amendment, or may refer it back to the Zoning Board of Appeals for further consideration. **[Amended 8-10-2011 by Res. No. 11-08-1821]**
- (2) Protests. **[Amended 5-14-1974; 11-10-1992 by Ord. No. 92-11-187; 9-8-1997 by Ord. No. 97-09-225]**
 - (a) In case of written protest against any proposed map amendment that is signed by the owner or owners of at least 20% of the perimeter of the lot of record to be altered, and said protest is filed with the County Clerk prior to the public hearing of the Zoning Board of Appeals, the map amendment cannot be passed except on the favorable vote of 3/4 of all members of the County Board.
 - (b) In case of written protest against any proposed text amendment that is signed by 5% of the landowners of the County, such amendment shall not be passed except by the favorable vote of 3/4 of all members of the County Board.
- (3) For a period not longer than one year, an order of the County Board granting an amendment of zoning classification shall be considered valid. If by that time a building permit or other required permits are not obtained or within such period the erection or alteration of a building, structure or land improvement has not started or use commenced, the County Board, the Zoning Board of Appeals, and any person, firm, or corporation having a possessory interest may initiate an amendment to reclassify the zoning district to its previous zoning district classification. **[Added 8-9-1983; amended 11-10-1992 by Ord. No. 92-11-187; 8-10-2011 by Res. No. 11-08-1821]**
 - (a) The owner or owners of the land to be rezoned pursuant to Subsection D(3) may be granted a one-year extension on the amended zoning classification described in Subsection D(3) if approved by the Zoning Board of Appeals and the County Board.

§ 400-92. Special uses.⁴⁷ [Amended 5-14-1974; 4-13-1976; 8-9-1983; 11-10-1992 by Ord. No. 92-11-184; 2-10-1998 by Ord. No. 98-02-230; 4-9-2003 by Res. No. 03-25-273; 12-14-2005 by Ord. No. 05-12-1194]

- A. Purpose. The development and execution of this chapter is based upon the division of the County into districts, within which the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can not be properly classified in any particular district without

47. Editor's Note: The Table of Conditional Uses is included at the end of this chapter.

consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location. Such uses, hereby designated as special uses, fall into three categories:

- (1) Uses either governmentally owned and operated or operated by regulated public utilities or traditionally affected by a public interest; and
 - (2) Uses entirely private in character but of such a nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
 - (3) Uses, either public or private, that because of past or present conditions need special consideration.
- B. Delegation of power. The County Board is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in the chapter; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with these regulations; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of these regulations and the health, safety, and welfare of the community. The County Board shall not act on a special use permit application until after a public hearing has been held by the Zoning Board of Appeals. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of these regulations, or where the standards of this section are not found to exist.
- C. Conditions and guarantees. Prior to the granting of any special use permit, the Zoning Board of Appeals may recommend and the County Board may stipulate such conditions and restrictions upon the establishment location, construction, maintenance and operation to the special use permit as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Zoning Board of Appeals may recommend or the County Board may require such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will be, fully complied with.
- D. Procedures for special uses.
- (1) Application. A written application for a general special use permit shall be filed with the Director of Building and Zoning on forms prescribed by the Director of Building and Zoning. Each general special use permit application shall be accompanied by an area map and site plan of the subject property.
 - (2) Fees. Each application for a general special use permit shall be subject to a filing fee as established by the County Board and the actual cost of publishing the public hearing notice, certified mailing, security, and administrative review.
 - (3) Site plan. All applicants for a special use permit shall submit with their application a copy of a development plan for the property which shall include the following if applicable:

- (a) A site plan showing:
 - [1] Approximate size and locations of all structures.
 - [2] Access from streets.
 - [3] Parking arrangements and numbers of spaces.
 - [4] Interior drives and service areas.
 - [5] Landscaped areas.
 - [6] All proposed signs.
 - (b) Location map showing development and zoning of adjacent property within 100 feet.
 - (c) A short legal description of the boundaries of said development area. **[Amended 10-15-2005 by Ord. No. 08-10-1599]**
 - (d) Names and addresses of all property owners as taken from the latest adopted tax rolls, whose property is adjacent and contiguous to the lot of record of which all or a portion of is subject to the special use application.
- E. Hearing. Upon receipt of the formal application and all accompanying material, the Director of Building and Zoning shall call a public hearing for the next scheduled meeting of the Zoning Board of Appeals; provided, however, that notice must be published in a newspaper of general circulation not more than 30 days and not less than 15 days prior to the date set for hearing.
- F. Recommendation. The Zoning Board of Appeals shall submit a written report and recommendation to the County Board within 30 days after the close of the public hearing. The concurring vote of at least three members of the Zoning Board of Appeals shall be necessary in order to recommend approval to the County Board of a special use permit application.
- G. Findings. In making a recommendation to the County Board, the Zoning Board of Appeals shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings that the proposed use conforms to the general standards set forth in this section. In no case shall a special use permit be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community.
- H. Action by County Board. The County Board shall consider the Zoning Board of Appeal's recommendation at the next regularly scheduled County Board meeting for which the agenda item can be docketed. The County Board, upon receiving the written report and recommendation of the Zoning Board of Appeals, may, by majority vote, grant or deny any proposed special use permit or may refer it back to the Zoning Board of Appeals for further consideration. If said application for a proposed special use permit is not acted upon finally by the County Board within 120 days of the date upon which such application is received by the County Board, it shall be deemed to have been denied unless an extension is authorized by the County Board.

- I. Additional conditions for special uses. In granting a special use, the County may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.
- J. Time limit.
- (1) Sunset. Unless for good cause shown, a special use permit shall expire, upon public hearing, unless a construction permit is taken within 24 months after approval of the County Board to effectuate such specially permitted use; or if no construction permit is required, evidence of use is filed with the Director of Building and Zoning. **[Amended 10-15-2005 by Ord. No. 08-10-1599]**
 - (2) Abandonment. Once a specially permitted use ceases or is abandoned for a period of more than 12 months, the special use permit shall expire upon public hearing and approval by the County Board; except that the special use permit for an auto salvage yard shall automatically expire if the state license for operating the auto salvage yard lapses for a period of time more than six months.
 - (3) Upon a public hearing, a special use permit may be revoked by the County Board:
 - (a) For a violation of the codes and ordinances of Stephenson County including, but not limited to, the Zoning Ordinance;
 - (b) For a violation of the district regulations;
 - (c) For a violation of noncompliance with the conditions, limitations or requirements contained in the special use permit or these regulations.
- K. Effect of denial of a special use permit. No application for a special use permit which has been denied wholly or in part by the County Board shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence of proof of change of conditions found to be valid by the Director of Building and Zoning.
- L. Standards for issuance of special use permits; generally. Before any permit shall be granted, the Zoning Board of Appeals shall make written findings certifying that adequate provision has been made for the following:
- (1) The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.
 - (2) The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values for permitted uses in the immediate area.
 - (3) The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.

- (4) Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.
- (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) The establishment, maintenance and operation of the special use will be in conformance with the preamble to the regulations of the district in which the special use is proposed to be located.
- (7) The proposed special use, in all other respects, conforms to the applicable regulations of the district in which it is located.

§ 400-93. Planned developments.

- A. Purpose. Planned developments are intended to encourage the most imaginative and best possible design of building forms and site planning for tracts of land where unitary plans would best adapt to topographic and other natural features of such sites. Under this procedure, well-planned residential, industrial, commercial and other types of land use, individually or in combination, may be developed with complete design flexibility. Planned developments must be environmentally compatible. They should have a more beneficial effect upon the health, safety, and general welfare of the people of the County and, particularly, in the immediate surroundings than would developments built in conformity with standard district regulations. Sites of planned developments shall be of sufficient size to accommodate self-contained developments and to create their own character. Planned developments are of such substantially different character from other conditional uses that the following additional standards are established to guard against their use solely as a means of intensifying the use of land.
- B. Zoning Map. Approved planned developments shall be delineated and designated by number on the Zoning District Map. A file, available for inspection by the public, shall be maintained by the Zoning Administrator for each planned development so designated. The file shall contain a record of the approved development plan and all exceptions authorized therein.
- C. Procedure.
 - (1) Preapplication conference. Prior to official submittal of an application for consideration of a planned development, the petitioner shall meet with the County Planning Commission, or duly designated officer thereof, for a preliminary conference as to the scope and nature of the proposed development.
 - (2) Application approval and appeal. **[Amended 8-10-2011 by Res. No. 11-08-1821]**
 - (a) Following the preliminary conference with the County Planning Commission, or its designee, formal application shall be made by the owner, or his agent, to the Zoning Administrator, who shall forward the application to the County Board for its consideration pursuant to the provisions of this chapter. The Zoning Administrator shall transmit

copies of such application and development plans to the County Planning Commission for report and recommendation. The County Planning Commission may approve or disapprove the plans submitted or may grant conditional approval, or may require that the plans be modified, altered, adjusted, or amended by the applicant prior to approval. In making its recommendation, the County Planning Commission shall be guided and give consideration to whether:

- [1] The plans for the development are in general conformance with all elements of the Comprehensive Plan for the County and the needs for the particular neighborhood.
 - [2] The proposed development, when complete, will have a character of sustained desirability and stability; that it will be in harmony with its surroundings; and that it will not cause undue congestion in local streets or thoroughfares.
 - [3] The nature of the proposed development, the extent, location or physical characteristics of the site, or other special circumstances warrant exceptions to the regulations and requirements ordinarily applicable under this chapter.
- (b) Further, the County Planning Commission shall forward its report and recommendation in writing, together with the reasons therefor, to the applicant, the Zoning Administrator, and the County Board, within 30 working days after the application has been filed with the County Clerk. In the event that the County Planning Commission shall fail to so act on said application within that time, the development plan shall be deemed to have been approved by the County Planning Commission; provided, however, that the applicant may waive this time limit and consent to an extension of such period, in which event he shall give written notice of the waiver to the Zoning Administrator, with a copy addressed and forwarded to the County Board.
- (c) Upon receipt of a recommendation of approval from the County Planning Commission, the County Board may authorize approval of the development in accordance with the procedures set forth for other conditional uses. Such authorization by the County Board shall be in the form of a written order, with copies to the County Planning Commission and the Zoning Administrator. The application as authorized by the County Board constitutes a binding agreement by the developer that he will proceed with the development in strict accordance with the approved plan.
- (d) Modifications of the plan, authorized by the County Board, shall not be made unless they are processed as a new application under these provisions, except that the County Planning Commission may approve, upon written request, minor modifications of design features. However, in no event shall this be interpreted to include any change or increase in the applicable density or bulk regulations. Any such authorization by the County Planning Commission for minor modifications shall be reported

in written form to the Zoning Administrator and the County Board. An extension or minor modification in the time schedule may be made by the Zoning Administrator upon a showing of reasonable cause by the developer. Such authorizations shall be reported in written form to the County Planning Commission and to the County Board.

- (e) Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a specific project shall be cause for termination of the approval of said project. At least 10 working days' notice shall be given by the Zoning Administrator to the developer to appear before him and answer any such charge of noncompliance. If the Zoning Administrator finds the charges substantiated, he may recommend or order, subject to the right of appeal to the County Board, the termination of the project approval, unless the situation is satisfactorily adjusted within a specified period of time, and he may take such other action as he deems appropriate.

D. General standards.

- (1) Comprehensive Plan. All plans, designs or proposals for a planned development shall be in general conformance with all elements of the Comprehensive Plan.
- (2) Use regulations. Uses which may be allowed under this section which would not otherwise be allowed within the district in which they are located shall be necessary or desirable and appropriate with respect to the primary purpose of the development, and not of such a nature, or so located, as to exercise a detrimental influence on adjacent properties.
- (3) Bulk regulations. Exceptions to the bulk regulations which may be allowed under this subsection within the existing district shall be solely for the purpose of promoting a physically integrated site plan no less beneficial to the residents or occupants of such development, as well as neighboring property, than would obtain under the bulk regulations of this chapter for structures developed on individual lots.
- (4) Development plan and specifications. The design features and standards of planned developments shall include, as a minimum, the following:
 - (a) An accurate topographic and boundary line survey of the project area, and a location map showing its relationship to adjacent properties.
 - (b) Proposed plans and related documents, as follows:
 - [1] The pattern of existing and proposed public and private roads, if any, driveways, and parking facilities, and intended design standards.
 - [2] The size, arrangement, and location of lots, if any.
 - [3] The use, type, size and location of structures.
 - [4] Architectural drawings or sketches illustrating the design characteristics of proposed structures.

- [5] Location, type and size of plant material.
 - [6] The location of recreational and open space areas and areas reserved or dedicated for public use such as school and park sites, and any open space to be owned and maintained by a property owners' association.
 - [7] Existing topography and storm drainage pattern and proposed storm drainage system showing basic topographic changes.
 - [8] Statistical data acreage, number of dwelling units, by type, total floor area for both floor area ratio computations, and other similar data pertinent to an evaluation of the proposed development.
 - [9] A draft of the documents related to a property owners' association, protective covenants, and provision of services.
 - [10] Time schedule estimates for the completion of the development, in whole or by stages.
- E. Residential planned developments. For planned developments located in one or more residence districts, exceptions may be made in the regulations of such districts, as follows:
- (1) Use regulations.
 - (a) In the R-1, R-2 and R-3 Districts, uses listed as permitted uses are allowed, and single-family attached, single-family semidetached, and multiple-family dwellings may be allowed.
 - (b) Uses listed as permitted uses in the R-4 District are allowed, and uses listed as permitted uses in the B-1 District may be allowed.
 - (c) Uses listed as conditional uses in the zoning district in which the development is located may be allowed.
 - (d) In developments containing over 50 dwelling units, uses specified as permitted and conditional uses in the B-1 Limited Retail Business District may be allowed, provided that such uses and accessory uses shall not occupy more than 10% of the gross floor area of the development.
 - (2) Bulk regulations.
 - (a) Gross density:
 - [1] In the R-1 District, not more than two dwelling units per gross acre.
 - [2] In the R-2 District, not more than four dwelling units per gross acre.
 - [3] In the R-3 District, not more than six dwelling units per gross acre.
 - [4] In the R-4 District, not more than 14 dwelling units per gross acre.
 - [5] In a combination of residence districts, dwelling units may be permitted to be located without regard to district lines, provided the

total density does not exceed the allowable densities within such districts.

- (b) Gross density premiums. The maximum gross densities for residential planned developments may be increased up to a maximum of 25% in accordance with and when the development includes one or more of the following:
 - [1] Is adjacent to, or across a public or permanent private way from, a public open space which is not less than 10 acres in area, with a depth perpendicular to a lot line of the planned development of not less than 300 feet, not more than 10%.
 - [2] For the dedication of public recreational and educational sites recommended in the Comprehensive Plan, equal to the number of dwelling units that would otherwise have been permitted upon lands so dedicated.
 - [3] For the provision of unique design features which require unusually high development costs and which tend to achieve an especially attractive and stable development, as determined by the County Planning Commission.
 - [4] In the R-4 District, for the provision of permanent open space at grade, in addition to required yards, a percentage equal to two times the percentage of the site devoted to such use.
 - (c) Yards. Yard requirements may be waived, except along the perimeter of the development.
 - (d) Building height and floor area ratio. Building height requirements of the district are applicable to the entire planned development and not to specific uses which may be located within the planned development, except that the qualifications for a gross density premium shall increase the maximum floor area ratio by an equal percentage. For this purpose, the net site area shall be used in the computation.
- (3) Signs: in accordance with the regulations set forth in Article XIII.
 - (4) Off-street parking and loading: IN accordance with the regulations set forth in Article XII.
- F. Business planned developments. For planned developments located in one or more business districts, exceptions may be made in the regulations of such districts, as follows:
- (1) Use regulations. Uses listed as permitted and conditional uses in the residential and business districts are allowed.
 - (2) Bulk regulations.
 - (a) Gross density:
 - [1] In the B-1 District, not more than nine dwelling units per gross acre;

except that an efficiency unit shall be counted as 0.67 of a dwelling unit, and a lodging room as 0.5 of a dwelling unit.

- [2] In the B-2 District, not more than 17 dwelling units per gross acre; except that an efficiency unit shall be counted as 0.67 of a dwelling unit, and a lodging room as 0.5 of a dwelling unit.
- (b) Gross density premiums. The maximum gross densities for residential planned developments may be increased up to a maximum of 25%, in accordance with and when the development includes one or more of the following:
- [1] Is adjacent to, or across a public or permanent private way from, a public open space which is not less than 10 acres in area with a depth perpendicular to a lot line of the planned development of not less than 300 feet, not more than 10%.
 - [2] For the dedication of public recreational and educational sites recommended in the Comprehensive Plan, equal to the number of dwelling units that would otherwise have been permitted upon lands so dedicated.
 - [3] For the provision of unique design features which require unusually high development costs and which tend to achieve an especially attractive and stable development, as determined by the County Planning Commission.
 - [4] For the provision of permanent open space at grade, in addition to required yards, a percentage equal to two times the percentage of the site devoted to such use.
- (c) Yards. Yard requirements may be waived, except along the exterior boundaries of the development.
- (d) Floor area ratio. Floor area ratio requirements of the district are applicable to the entire planned development and not to specific uses which may be located within the planned development, except that qualifications for a gross density premium shall increase the maximum floor area ratio by an equal percentage. For this purpose, the net site area shall be used in the computation.
- (3) Signs: in accordance with the regulations set forth in Article XIII.
 - (4) Off-street parking and loading: in accordance with the regulations set forth in Article XII.
 - (5) Performance standards: in accordance with the standards of the district in which the development is located.
- G. Industrial planned developments. For planned developments located in one or more industrial districts, exceptions may be made in the regulations of such districts as follows:

- (1) Use regulations: uses listed as permitted and conditional uses in the commercial and manufacturing districts.
 - (2) Bulk regulations.
 - (a) Yards. Yard requirements may be waived, except along the exterior boundaries of the development.
 - (b) Floor area ratio. Floor area ratio requirements of the district are applicable to the entire planned development and not to specific uses which may be located within the planned development. For this purpose, the net site area shall be used in the computation.
 - (3) Signs: in accordance with the regulations set forth in Article XIII.
 - (4) Off-street parking and loading: in accordance with the regulations set forth in Article XII.
 - (5) Performance standards: in accordance with the requirements of the prevailing district.
- H. Special exceptions as to bulk. The County Board, after public notice and hearing, may determine and authorize special exceptions as to bulk from the regulations of this chapter in harmony with their purpose and intent, only in the specific instances hereinafter set forth, where the County Board makes findings of fact in accordance with the standards hereinafter prescribed and, further, finds that the special exceptions to bulk will not be contrary to the public interest.⁴⁸
- (1) Application for special exceptions as to bulk. An application for a special exception as to bulk shall be filed with the Zoning Administrator on a prescribed form. The application shall be accompanied by such plans and data as required by the Zoning Administrator and the County Board and shall include a statement that the proposed special exception as to bulk will conform to the standards set forth in this chapter. The Zoning Administrator shall forward to the County Board such application and all relevant data for those special exceptions as to bulk upon which the County Board is required to act.
 - (2) Conditions and guarantees. Prior to the granting of any special exception as to bulk, the County Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to protect the value, utilization and enjoyment of neighboring properties, and to secure compliance with the standards and requirements specified in this section. In cases in which a special exception as to bulk is granted, the County Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restrictions imposed shall constitute a violation of this chapter.
 - (3) Special exceptions as to bulk from the regulations of this chapter shall be in accordance with the standards established in this section, and may be granted

48. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

by the County Board only in the following instances and in no others:

- (a) To authorize the applicable minimum lot area requirements to be reduced by not more than 10% in the R-1 through the R-4 Districts.
- (b) To authorize a yard or setback requirement to be reduced by not more than 50% of the applicable regulations.
- (c) To authorize a floor area ratio factor to be increased by not more than 15% of the applicable regulations.

§ 400-94. Planning and Development Committee. [Added 1-10-1995 by Ord. No. 95-01-208]

The jurisdiction of the County Planning and Development Committee with respect to zoning shall be as follows:

- A. To receive from the office of the Zoning Administrator copies of all applications for amendments.
- B. To receive from the Zoning Administrator all applications for zoning certificates filed for conditional uses.
- C. To initiate, direct, and review, from time to time, a study of the provisions of the text and the map comprising this chapter, and to make reports of its recommendations to the County Board not less frequently than annually.

§ 400-95. Reapplications.

At least one year shall elapse between the date of an adverse decision and the reapplication or repetition for a variation, amendment or conditional use.

§ 400-96. Fees. [Amended 8-10-2011 by Res. No. 11-08-1821]

A fee payable to the County Treasurer by certified check shall accompany an application for an appeal, variation, amendment, conditional use, zoning certificate or occupancy permit in amounts set from time to time by the County Board.

ARTICLE XV
Violations and Penalties; Enforcement

§ 400-97. Penalty. [Amended 8-10-2011 by Res. No. 11-08-1821]

Except as set forth in §§ 400-113 and 400-118, any person, firm, or corporation who or which violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any provisions of this chapter shall be guilty of a petty offense and shall, upon conviction, be fined in an amount not to exceed \$500 for each offense. Each week the violation remains uncorrected shall constitute a separate offense.

§ 400-98. Enforcement.

The Zoning Administrator is hereby designated and authorized to enforce this chapter. However, it shall also be the duty of all officers, citizens, and employees of the County to assist the Zoning Administrator by reporting to him any new construction, reconstruction, improved land uses, or upon any seeming violation.

§ 400-99. Effective date.

This chapter shall be in full force and effect from and after May 1, 1971, and publication in pamphlet form.

§ 400-100. Severability.

- A. If any court of competent jurisdiction shall declare any provision of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in the ruling.
- B. If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular property, building or other structure, such ruling shall not affect the application of said provision to any other property, building or structure not specifically included in said ruling.

ARTICLE XVI

Development in Flood Hazard Areas

[Added 3-8-1988 by Ord. No. 88-03-120; amended 4-12-1988 by Ord. No. 88-04-122; 10-8-1996 by Ord. No. 96-10-218; 12-12-2001 by Ord. No. 01-10-259; 10-13-2010 by Ord. No. 10-10-1752; 8-10-2011 by Res. No. 11-08-1821; 1-15-2015 by Ord. No. 15-01-1249]

§ 400-101. Purpose.

This article is enacted pursuant to the police powers granted to Stephenson County by the County statutory authority in 55 ILCS 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

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

§ 400-102. Definitions.

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

BASE FLOOD — The flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the "one-hundred-year flood." The base flood elevation at any location is as defined in § 400-103 of this article.

BASE FLOOD ELEVATION (BFE) — The elevation in relation to mean sea level of the crest of the base flood.

BASEMENT — That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING — A walled and roofed structure, including gas or liquid storage tanks, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

CRITICAL FACILITY — Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

DEVELOPMENT —

- A. Any man-made change to real estate, including, but not necessarily limited to:
- (1) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
 - (2) Substantial improvement of an existing building;
 - (3) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;
 - (4) Installation of utilities, construction of roads, bridges, culverts or similar projects;
 - (5) Construction or erection of levees, dams walls or fences;
 - (6) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
 - (7) Storage of materials, including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.
- B. "Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA — The Federal Emergency Management Agency.

FLOOD — A general and temporary condition of partial or complete inundation of

normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD FRINGE — That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP — A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOOD INSURANCE STUDY — An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA) — These two terms are synonymous. Those lands within the jurisdiction of the County that is subject to inundation by the base flood. The floodplains of the County are generally identified on the Countywide Flood Insurance Rate Map of Stephenson County prepared by the Federal Emergency Management Agency and dated March 16, 2015. "Floodplain" also includes those areas of known flooding as identified by the community.

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

FLOODPROOFING CERTIFICATE — A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FLOOD PROTECTION ELEVATION (FPE) — The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

FLOODWAY — That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Pecatonica River, Yellow Creek, Richland Creek, Rock Run Creek and Brown Creek shall be as delineated on the Countywide Flood Insurance Rate Map of Stephenson County prepared by FEMA and dated March 16, 2015. The floodways for each of the remaining floodplains of Stephenson County shall be according to the best data available from federal, state, or other sources.

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

HISTORIC STRUCTURE — Any structure that is:

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

- D. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR — The Illinois Department of Natural Resources/Office of Water Resources.

IDNR/OWR JURISDICTIONAL STREAM — The Illinois Department of Natural Resources/Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (17 Ill Admin. Code 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in § 400-106 of this article.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of § 400-107 of this article.

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

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

NEW CONSTRUCTION — Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community, and includes any subsequent improvements of such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP — The National Flood Insurance Program.

RECREATIONAL VEHICLE or TRAVEL TRAILER — A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less in size;
- C. Designed to be self-propelled or permanently towable by a light-duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REPETITIVE LOSS — Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

SFHA — See the definition of "floodplain."

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

STRUCTURE — See "building."

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cumulative percentage of damage during the life of the building equals or exceeds 50% of the market value of the structure before the damage occurred, regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "repetitive loss" buildings (see definition).

SUBSTANTIAL IMPROVEMENT —

- A. Any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the building in which the cumulative percentage of improvements equals or exceeds 50% of the market value of the structure before the improvement or repair is started or increases the floor area by more than 20%.
- B. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.
- C. The term does not include:
 - (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - (2) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

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

§ 400-103. Base flood elevation.

This article's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data

and submit it to FEMA and IDNR/OWR for approval prior to any development of the site.

- A. The base flood elevation for the floodplains of the Pecatonica River, Yellow Creek, Richland Creek, Rock Run Creek, Indian Creek and Brown Creek shall be as delineated on the one-hundred-year flood profiles in the Countywide Flood Insurance Study of Stephenson County prepared by the Federal Emergency Management Agency and March 16, 2015.
- B. The base flood elevation for each floodplain delineated as an AH Zone or AO Zone shall be that elevation (or depth) delineated on the Countywide Flood Insurance Rate Map of Stephenson County.
- C. The base flood elevation for each of the remaining floodplains delineated as an A Zone on the Countywide Flood Insurance Rate Map of Stephenson County shall be according to the best data available from federal, state or local sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

§ 400-104. Duties of Director of Building and Zoning.

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

- A. Process development permits in accordance with § 400-105;
- B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 400-106;
- C. Ensure that the building protection requirements for all buildings subject to § 400-107 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- D. Assure that all subdivisions and annexations meet the requirements of § 400-108;
- E. Ensure that water supply and waste disposal systems meet the public health standards of § 400-109;
- F. If a variance is requested, ensure that the requirements of § 400-111 are met and maintain documentation of any variances granted;
- G. Inspect all development projects and take any and all penalty actions outlined in § 400-113 as a necessary to ensure compliance with this article;
- H. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

- K. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this article;
- L. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this article;
- M. Perform site inspections to ensure compliance with this article and make substantial damage determinations for structures within the floodplain; and
- N. Maintain the accuracy of floodplain maps, including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

§ 400-105. Development permit.

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

- A. The application for a development permit shall be accompanied by:
 - (1) Drawings of the site, drawn to scale showing property line dimensions;
 - (2) Existing grade elevations and all changes in grade resulting from excavation or filling;
 - (3) The location and dimensions of all buildings and additions to buildings;
 - (4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 400-107 of this article; and
 - (5) The cost of the project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- B. Upon receipt of an application for a development permit, the Director of Building and Zoning shall compare the elevation of the site to the base flood elevation. Any development located on land that is shown by survey elevation to be below the current base flood elevation is subject to the provisions of this article. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this article. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the provisions of this article.
 - (1) The Director of Building and Zoning shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance

Rate Map identification.

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

§ 400-106. Preventing increased flood heights and resulting damages.

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

- A. Except as provided in Subsection B, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
 - (1) Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;
 - (2) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;
 - (3) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;
 - (4) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit Number 5;
 - (5) Minor, nonobstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6;
 - (6) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit Number 7;
 - (7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8;
 - (8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9;
 - (9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10;
 - (10) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit Number 11;
 - (11) Bridge and culvert replacement structures and bridge widening meeting the

conditions of IDNR/OWR Statewide Permit Number 12;

(12) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit Number 13;

(13) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

B. Other development activities not listed in Subsection A may be permitted only if:

(1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or

(2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

§ 400-107. Protecting buildings.

A. In addition to the state permit and damage prevention requirements of § 400-106 of this article, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building or alteration or addition to an existing building valued at more than \$1,000 or 70 square feet.

(2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than 20% or equal or exceed the market value by 50%. Alteration shall be figured cumulatively during the life of the building substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. If substantially damaged, the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.)

(5) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year.

(6) Repetitive loss to an existing building as defined in § 400-102.

B. Residential or nonresidential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent land fill in accordance with the following:

- (a) The lowest floor (including basement) shall be at or above the flood protection elevation.
 - (b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least 10 feet beyond the foundation before sloping below the flood protection elevation.
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - (d) The fill shall be composed of rock or soil and not incorporated debris or refuse material.
 - (e) It shall not adversely affect the flow of surface drainage from or onto neighboring properties, and, when necessary, stormwater management techniques such as swales or basins shall be incorporated.
- (2) The building may be elevated on solid walls in accordance with the following:
- (a) The building or improvements shall be elevated on stilts, piles, walls, a crawl space, or other foundation that is permanently open to floodwaters.
 - (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
 - (c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade with a minimum of two openings. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation.
 - (d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - [1] All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 - [2] Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation, provided they are waterproofed.
 - [3] The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.
 - [4] In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

- (3) The building may be constructed with a crawl space located below the flood protection elevation, provided that the following conditions are met:
 - (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters; a minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade.
 - (c) The interior grade of the crawl space below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade.
 - (d) The interior height of the crawl space measured from the interior grade of the crawl space to the top of the foundation wall must not exceed four feet at any point.
 - (e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event.
 - (f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.
 - (g) Utility systems within the crawl space must be elevated above the flood protection elevation.
- C. Nonresidential buildings may be structurally dry floodproofed (in lieu of elevation), provided a licensed professional engineer or architect certifies that:
 - (1) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
 - (2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
 - (3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
 - (4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.
- D. Manufactured homes or travel trailers to be permanently installed on site shall be:
 - (1) Elevated to or above the flood protection elevation in accordance with Subsection B; and
 - (2) Anchored to resist flotation, collapse, or lateral movement by being tied down

in accordance with the rules and regulations for the Illinois Mobile Home Tiedown Act⁴⁹ issued pursuant to 77 Ill. Adm. Code 870.

- E. Travel trailers and recreational vehicles on site for more than 180 days per year shall meet the elevation requirements of Subsection D unless the following conditions are met:
- (1) The vehicle must be either self-propelled or towable by a light-duty truck.
 - (2) The hitch must remain on the vehicle at all times.
 - (3) The vehicle must not be attached to external structures such as decks and porches,
 - (4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
 - (5) The vehicle's largest horizontal projections must be no larger than 400 square feet.
 - (6) The vehicle's wheels must remain on axles and inflated.
 - (7) Air-conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.
 - (8) Propane tanks as well as electrical and sewage connections must be quick-disconnect.
 - (9) The vehicle must be licensed and titled as a recreational vehicle or park model and must either:
 - (a) Entirely be supported by jacks; or
 - (b) Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.
- F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted, provided the following conditions are met:
- (1) The garage or shed must be nonhabitable.
 - (2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
 - (3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
 - (4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.
 - (5) Below the base flood elevation, the garage or shed must be built of materials

49. Editor's Note: See 210 ILCS 120/1 et seq.

not susceptible to flood damage.

- (6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
- (7) The garage or shed must have at least one permanent opening on each wall not more than one foot above grade with one square inch of opening for every one square foot of floor area.
- (8) The garage or shed must be less than \$15,000 in market value or replacement cost, whichever is greater, or less than 576 square feet (24 feet by 24 feet).
- (9) The structure shall be anchored to resist flotation and overturning.
- (10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
- (11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

§ 400-108. Subdivision requirements.

- A. The Stephenson County Board shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.
- B. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of §§ 400-106 and 400-107 of this article. Any proposal for such development shall include the following data:
 - (1) The base flood elevation and the boundary of the floodplain. Where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
 - (2) The boundary of the floodway when applicable; and
 - (3) A signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).
- C. Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

§ 400-109. Public health and other standards.

- A. Public health standards must be met for all floodplain development. In addition to the requirements of §§ 400-106 and 400-107 of this article, the following standards apply:
 - (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other

hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or in a floodproofed building constructed according to the requirements of § 400-107 of this article.

- (2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 - (3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - (4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other aboveground openings located below the flood protection elevation shall be watertight.
 - (5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the five-hundred-year flood frequency elevation or three feet above the level of the one-hundred-year flood frequency elevation, whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.
- B. All other activities defined as "development" shall be designed so as not to alter flood flows or increase potential flood damages.

§ 400-110. Carrying capacity; notification of adjacent communities.

- A. For all projects involving channel modification, fill, or stream maintenance (including levees), the flood-carrying capacity of the watercourse shall be maintained.
- B. In addition, Stephenson County shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.

§ 400-111. Variances.

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

- A. No variance shall be granted unless the applicant demonstrates that all of the

following conditions are met:

- (1) The development activity cannot be located outside the floodplain.
 - (2) An exceptional hardship would result if the variance were not granted.
 - (3) The relief requested is the minimum necessary.
 - (4) There will be no additional threat to public health, safety or creation of a nuisance.
 - (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
 - (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP.
 - (7) All other state and federal permits have been obtained.
- B. The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of § 400-107 that would lessen the degree of protection to a building will:
- (1) Result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage;
 - (2) Increase the risk to life and property; and
 - (3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- C. Historic structures.
- (1) Variances to the building protection requirements of § 400-107 of this article which are requested in connection with reconstruction, repair, or alteration of an historic site or historic structure as defined in "historic structure," may be granted using criteria more permissive than the requirements of §§ 400-106 and 400-107 of this article, subject to the conditions that:
 - (a) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
 - (b) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.
- D. Agriculture. Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this article. In order to minimize flood damages during the one-hundred-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.
- (1) All agricultural structures considered for a variance from the floodplain management regulations of this article shall demonstrate that the varied

structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farmhouses, cannot be considered agricultural structures.

- (2) Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
- (3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with § 400-107 of this article.
- (4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with § 400-107 of this article. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that it is contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with § 400-107 of this article.
- (6) The NFIP requires that enclosure or foundation walls, subject to the one-hundred-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with § 400-107B this article.
- (7) The agricultural structures must comply with the floodplain management floodway provisions of § 400-106 this article. No variances may be issued for agricultural structures within any designated floodway.
- (8) Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

§ 400-112. Disclaimer of liability.

The degree of protection required by this article is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This article does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This article does not create liability on the part of Stephenson County or any officer or employee thereof for any flood damage that results from proper reliance on this article or any administrative decision made lawfully thereunder.

§ 400-113. Penalty.

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this article. Upon

due investigation, the Director of Building and Zoning may determine that a violation of the minimum standards of this article exists. The Director of Building and Zoning shall notify the owner in writing of such violation.

- A. If such owner fails after 10 days' notice to correct the violation:
- (1) The Stephenson County Board shall make application to the circuit court for an injunction requiring conformance with this article or make such other order as the court deems necessary to secure compliance with the ordinance.
 - (2) Any person who violates this article shall, upon conviction thereof, be fined not less than \$50 nor more than \$750 for each offense.
 - (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
 - (4) The Stephenson County Board shall record a notice of violation on the title of the property.
- B. The Director of Building and Zoning shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.
- C. The Director of Building and Zoning is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.
- D. No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals.
- (1) Written notice of such hearing shall be served on the permittee and shall state:
 - (a) The grounds for the complaint and reasons for suspension or revocation; and
 - (b) The time and place of the hearing.
 - (2) At such hearing, the permittee shall be given an opportunity to present evidence on his or her behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.
- E. Nothing herein shall prevent the Stephenson County Board from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

§ 400-114. Abrogation and greater restrictions.

This article repeals and replaces other ordinances adopted by the Stephenson County Board to fulfill the requirements of the National Flood Insurance Program including the ordinance adopted on March 3, 2011. However, this article does not repeal the original resolution or ordinance adopted to achieve eligibility in the program; nor does this article

repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this article and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 400-114.1. Severability.

The provisions and sections of this article shall be deemed separable and the invalidity of any portion of this article shall not affect the validity of the remainder.

§ 400-114.2. When effective.

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

ARTICLE XVII

Fair Housing**[Added 8-12-2009 by Ord. No. 09-08-1676]****§ 400-115. Policy.**

- A. In furthering the policy of the State of Illinois as expressed in its Constitution and other laws, in order that the safety and general welfare, peace and health of all the inhabitants of Stephenson County may be ensured, it is hereby declared the policy of Stephenson County, Illinois, to assure equal opportunity to all residents to live in decent, sanitary, healthful, standard living quarters, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability.
- B. It is the policy of Stephenson County, Illinois, that no owner, lessee, sublessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, or lease (or otherwise control) any housing accommodation and/or real property subject to and/or governed by this chapter, or any agent of these, shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.
- C. Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

§ 400-116. Definitions.

Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this section and as used in this article:

DECENT, SANITARY, HEALTHFUL STANDARDS LIVING QUARTERS — Housing which is in sound, clean, and weathertight condition in conformance with applicable local, state, and national codes.

DISCRIMINATE or DISCRIMINATION — Any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

FINANCIAL INSTITUTION — Any person, institution or business entity of any kind who or which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

HOUSING ACCOMMODATION — Includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so

used, designed or intended for such use.

OWNER — Any person or persons who hold legal or equitable title to, or own any beneficial interest in, any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in, any real estate cooperative which owns any real property and/or housing accommodations.

REAL ESTATE BROKER — Any person, partnership, association, corporation and/or agent thereof who or which, for a fee or other valuable consideration, offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

REAL PROPERTY — Any real estate, vacant land, building, structure or housing accommodations subject to and/or governed by this chapter.

§ 400-117. Prohibited acts.

- A. It shall be unlawful for any owner of real estate, lessee, sublessee, real estate broker or salesman, financial institution or employee of the financial institution, or advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.
- B. In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property subject to and/or governed by this chapter:
- (1) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property or in furnishing of any facilities or services in connection therewith.
 - (2) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses, directly or indirectly, any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.
 - (3) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.
 - (4) To solicit for sale, lease, or listing for the sale or lease of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

- (5) To distribute or cause to be distributed written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.
 - (6) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.
 - (7) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.
 - (8) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.
- C. In addition to the foregoing, it shall also be unlawful for an owner:
- (1) To solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.
 - (2) To refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

§ 400-118. Penalty.⁵⁰

Any person convicted of violating any of the provisions of this article shall be punished as set forth in § 400-97 of this chapter. This section shall in no way abrogate or impair the right of Stephenson County Illinois, to specifically enforce, by any legal means, any of the provisions of this article.

50. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. IV).

