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**Warren County - Zoning Code**

**CHAPTER 150: ZONING CODE**

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**GENERAL PROVISIONS****§ 150.001 PURPOSE.****(A) Agricultural preservation findings.**

(1) The County Board finds that the use of land for agricultural purposes is vital for the economic growth and the public health, safety and welfare of Warren County;

(2) The County Board finds that the development of non-farm dwellings and subdivisions in agricultural areas can greatly diminish the land base for farming in the county;

(3) The County Board finds that the natural resources of the county are both finite and fragile, and that the absence of wise use and consistent land management practices will lead such resources to be threatened by irreversible damage or loss;

(4) The County Board finds that in order to preserve the agricultural economic base in Warren County and to preserve the open space lifestyle enjoyed by county residents, urban growth must be managed to curb development and subdivision of agricultural lands within the county;

(5) The County Board finds that the regulation of the type of land uses that may occur within or adjacent to agricultural areas, including the density of development, and the restriction of future development on agricultural lands of non-farm dwellings and urban uses are necessary in order to preserve the farmlands and agricultural economic base of Warren County, as well as urban areas surrounding the county; and

(6) The Counties Code (ILCS Ch. 55, Act 5, § 5-12001) authorizes the County Board to adopt zoning ordinances that ensure that development on land is compatible with public health, safety, morals, comfort and general welfare of citizens of the county; that preserve valuable land for agricultural use where other land may be developed for urban use; that prohibit uses of land which are destructive to the economy or are otherwise inconsistent with the powers

granted in that section; and that prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed under that section.

**(B) Purposes of zoning for agricultural preservation.**

(1) *To conserve and protect farms and other agricultural uses.* The conversion from farmland into urban land is, in part, inevitable. The purpose of zoning land for agricultural preservation is so that prime and unique farmland may be converted to urban use last. Often, when farmland is subdivided and converted to non-farm use, the best lands are taken first, leaving lands that are less productive to maintain the local farming economy. Factors included in deciding which farmland is prime and unique are the land's topography, its ability to absorb water without eroding, soil composition, soil depth and texture, and its ability to grow unique crops such as fruits and vegetables. Prime and unique farmlands are individually created by the environment; once they are gone they can not be reproduced. Saving these lands is urgent.

(2) *To protect the community economy from premature disinvestment.* Converting highly productive and unique lands to urban use burdens the community by stunting the growth of economy. Frequently, farmers sell their property to developers with the hope that they will make a large profit on the sale of their land. Unfortunately, a high return on the sale of farmland is rarely realized. Once such farmland is sold and subdivided, the economic value it adds from commodity production is taken from the community. By establishing agricultural preservation standards for non-farm uses, this problem can be reduced.

(3) *To discourage urban sprawl.* Land development is inevitable, but it should be anticipated and properly planned for. When farmlands are subdivided and developed in a nonuniform manner, the cost is expensive to the community. Services such as public utilities are needed in areas that are a great distance away. In turn, farmland is systematically destroyed, and the existing urban area is weakened. New non-farm residents demand other municipal

services, such as trash pick-up, police protection and street lighting. The results are unnecessarily high public service costs and increased property taxes. Small lot or residential subdivisions where public facilities such as water, sewage disposal, and governmental services such as police and fire protection are not available or could not reasonably be made available should be discouraged to avoid these problems.

(4) *Prevent urban and agricultural land use conflicts.* Often, urban dwellers move into farmland districts in search of a quiet atmosphere, only to find that the agricultural industry is incompatible with their expectations. Farming involves the use of noisy machinery. Large concentrations of animals within a given area may omit smells not typical of urban environments. Dust from machinery also may not be agreeable. In addition, farmers may face problems of vandalism to crops from higher concentrations of people, and pets may frighten livestock or destroy crops. Controlling the number of urban dwellers who move into farmland areas may be achieved by establishing density, setback and performance standards.

(5) *Encourage the clustering of non-farm, single-family dwellings together in areas other than prime farmland in order to preserve prime and unique farmland and natural amenities.* When non-farm dwellings are built in clusters, this development practice helps preserve the continuity of farmland in larger tracts, and is more cost efficient in bringing utilities to groups rather than individuals.

(C) *Establishing standards for non-farm uses.*

(1) *Permitted non-farm uses.* The following non-farm uses shall be permitted on tracts of land within the A-1 Agricultural District.

(a) Non-farm dwellings, at a density not greater than one dwelling per 35 acres with 33 acres/dwelling unit set aside for open space, in which a single residential dwelling unit or multiple single family residential dwelling units are clustered;

(b) Accessory uses such as private garages, playhouses, swimming pools and storage buildings appurtenant to the non-farm single-family dwellings, landscaping and screening, and necessary fencing, including tree lines;

(c) Clustered development units shall have suitable access, adequate drainage and roadway facilities, utilities and water.

(d) Clustered development shall not be located on prime or unique farmland, as determined by a soil study submitted with a rezoning application, where suitable and equivalent non-prime farmland exists on the property. The availability of water rights, suitability for utilities and access from adjacent roads shall be considered in determining relative suitability;

(e) Barns and other farm related buildings converted for human habitation shall constitute dwelling units within the non-farm residential cluster.

(2) *Uses permitted by special use exception permit.* The following uses shall be permitted only where a special use exception permit has been approved in accordance with the Warren County Code.

(a) Mining operations, including the extraction of natural gases, and industrial operations accessory to and integral with mining operations, provided that such operations are designed and operated in accordance with all requirements of federal and state environmental regulations and developed in conformance with county setbacks and performance standards and conducted without interference with adjacent farming operations;

(b) Oil wells; sanitary landfills; cemeteries; railroad switching, storage, freight yard or sidings; public schools, parochial schools and churches; airports, heliports; artificial lakes one or more acres; billboards or signboards; crematories or cemeteries; fire stations; greenhouses, commercial; hospitals or sanatoriums; kindergartens or day nurseries; outdoor theaters; outdoor commercial recreation enterprises; power transmission lines; practice golf-driving ranges; private recreational

developments; produce or stockyard terminals, wholesale; public or employee off-street parking areas; public park or public recreational facilities; public utility substations or exchanges, including telephone exchanges; radio or television towers; railroad rights-of-way and uses essential to railroad operations; riding stables; service stations; storage and distribution facilities, inflammable liquids and gases, chemicals and liquid fertilizers; and trailer (mobile home) parks or courts.

1. Special uses listed in division (b) shall be developed in conformance with county setback and performance standards and applicable federal and state regulations.

2. Special uses listed in division (b) shall be located on non-prime and non-unique farmland wherever possible.

(c) Commercial or corporate hog farms, animal confinement, feedlots, livestock management facilities (as defined in ILCS Ch. 510, Act 77, § 1 *et seq.*), poultry houses, commercial slaughterhouses and processing plants involved in the raising, processing and marketing of agricultural products raised by more than one farmer. Special uses listed in this division (c) shall be required to be setback from residences, Residential Districts, public libraries, schools, churches, waterways, streams and drainage channels and environmentally sensitive areas in conformance with ILCS Ch. 510, Act 77, § 1 *et seq.*

#### § 150.002 RULES OF CONSTRUCTION.

The following rules of construction shall apply to the text.

(A) The particular shall control the general.

(B) In case of any difference of meaning or implication between the text and any caption or illustration, the text shall control.

(C) The word "shall" is mandatory and not discretionary. The word "may" is permissive.

(D) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates the contrary.

(E) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," "occupied for."

#### § 150.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY BUILDING OR USE.** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. A mobile home should not be considered permissible as an accessory building. An accessory use includes, but is not limited to the following:

(1) A children's playhouse, garden house and private greenhouse.

(2) A civil defense shelter serving not more than two families.

(3) A garage, shed or building for domestic storage.

(4) Incinerators incidental to residential use.

(5) 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.

(6) A nonpaying guest house or rooms for guests within an **ACCESSORY BUILDING** provided such facilities are used for the occasional housing of guests of occupants of the principal building and not for permanent occupancy by others as housekeeping units.

(7) Off-street motor vehicle parking areas, and loading and unloading facilities.

**AGRI-BUSINESS.** Any agricultural business or activity described in the definition of "agriculture".

**AGRICULTURE.** Agricultural purposes include, without limitation, the art or science of cultivating the ground, including harvesting of crops, grains and seed crops; the science and art of growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, other farm seeds; tillage; husbandry; farming, production, keeping, or maintenance of plants and animals useful to man, including but not limited to forages and sod crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats, bees or any mutations or hybrids thereof, including the breeding, feeding and grazing of any or all such animals; bees and apiary products; fur-bearing animals; trees and forest products; fruits of all kinds, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program including to a variable extent, the preparation of these products for man's use.

**AGRICULTURAL PURPOSES.** Include residential dwellings, including mobile homes, that are occupied by a person or persons involved in agriculture production, as defined herein, on the land on which the dwelling unit is located, and accessory buildings and/or uses associated with the full-time business of farming. This definition does not include industrial operations such as slaughterhouse wherein agricultural products primarily by others are stored or processed.

**AIRPORT.** Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

**ALLEY.** A narrow service way providing a secondary public means of access to abutting properties, and not more than 20 feet wide.

**ALTERATIONS.** As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement,

whether by extending on a side or by increasing in height or the moving from one location or position to another or by change in use from that of one district classification to another.

**ALTERATIONS, STRUCTURAL.** Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**ANIMAL HOSPITAL.** Any building or portions thereof, designated or used for the care, observation or treatment of domestic animals.

**ANIMAL UNIT.** As defined by and pertaining to the *Livestock Management Facilities Act* ILCS Ch. 510, Act 77, § 1 *et seq.* meaning a unit of measurement for any animal feeding operation based on the calculation factor established in Section 10.10 of the referenced statute.

**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, and which contains complete kitchen, bath and toilet facilities, permanently installed.

**APARTMENT HOUSE.** A building arranged, intended or designed to be occupied by three or more families living independently of each other.

**AREA, BUILDING.** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

**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 overall 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 WRECKING YARD.** Any area of land where two or more vehicles, not in running condition, or parts thereof, are stored in the open and

not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.

**BASEMENT.** A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement should be counted as a story for the purposes of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

**BILLBOARD OR SIGNBOARD.** Any structure, or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is, or intended to be, displayed for advertising purposes, other than the name and occupation of the user of, or the nature of, the business conducted on such premises, or the products primarily sold or manufactured thereon. This definition should not be held to include a real estate sign advertising for sale or rent the property upon which it stands.

**BLOCK.** That property abutting on one side of a street between the two nearest intersecting streets or other natural barriers.

**BOARD.** The duly appointed Board of Appeals as established in § 150.151 of this chapter.

**BOARD OF APPEALS.** The duly appointed Board of Appeals as established in § 150.151 of this chapter.

**BOARDING HOUSE.** A building or premises where meals are served for compensation for five or more persons, but not exceeding 12 persons. An establishment where meals are served for compensation for more than 12 persons should be deemed a restaurant.

**BUILDING.** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, each portion of such building should be considered a separate structure.

**BUILDABLE AREA.** The space remaining on a lot after the minimum setback and other requirements of this chapter are complied with.

**BUILDING AREA.** The maximum horizontal projected area of a building and its accessory buildings, excluding open steps, terraces and cornices projecting not more than 30 inches.

**BUILDING, FRONT LINE OF.** The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

**BUILDING HEIGHT.** The vertical distance measured from the average elevation of the proposed existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING INSPECTOR.** The duly appointed or employed officer whose duty is to enforce the provisions of any zoning ordinance established by the county as established in § 150.150 of this chapter.

**BUILDING, SETBACK.** A line parallel to the street line at a distance regulated by a front yard requirement as herein established.

**CELLAR.** A story having more than one-half of its height below grade.

**CLUSTERED DEVELOPMENT.** Two to four non-farm dwelling units developed at the rate of one dwelling unit per 40 acres with no more than four dwelling units located within 160 acres owned by the same person. Clustered development includes up to four units clustered in a maximum lot size of one acre per dwelling unit within a total of 160 contiguous acres with a minimum 39 acres of land preserved for agricultural purposes per 40-acre parcel.

**COMMISSION.** The duly appointed County or Regional Planning Commission.

**COMPREHENSIVE PLAN.** The complete plan, or any of its parts, for the development of the county,

or any community covered by the regulations specified herein and, prepared by the corresponding Planning Commission and adopted by the governing body, in accordance with the authority conferred by Division 12 of the Illinois Municipal Code (ILCS Ch. 65, Act 5) as amended.

**COUNTY.** The County of Warren, State of Illinois.

**COUNTY BOARD.** The duly elected governing board of the county.

**COUNTY CLERK.** The Clerk of Warren County, Illinois.

**COUNTY ENGINEER.** The Highway Superintendent or Engineer of Warren County, Illinois.

**COVERAGE.** That percentage of the plot or lot area covered by the building area.

**DISINVESTMENT.** Consumption of capital, as by uncompensated or under-compensated deterioration of assets or using up of stored inventory.

**DISTRICT.** A section of the county for which uniform regulations governing the use, height, area, and intensity of use by buildings and land, and open spaces about buildings, are herein established.

**DWELLING or RESIDENCE.** A building or modular home, but not a trailer (mobile home), designed or used exclusively as the living quarters for one or more families.

**DWELLING, GROUP.** A group of two or more one-family, two-family or multiple dwellings occupying a lot in one ownership and having any yard in common.

**DWELLING, MULTI-FAMILY.** A dwelling or group of dwellings on one plot containing separate living units for three or more families, but which may have joint services or facilities or both.

**DWELLING, ONE-FAMILY.** A detached building designed for or occupied exclusively by one family.

**DWELLING, ROW.** A dwelling, the walls on two sides of which are in common with the walls of adjoining dwellings and are party or lot line walls.

**DWELLING, TWO-FAMILY.** A building designed for or occupied exclusively by two families living independently of each other. May also be referred to as a duplex.

**DWELLING UNIT.** A building or portion thereof providing complete housekeeping facilities for one family.

**ENVIRONMENTALLY-SENSITIVE AREAS.** An area with one or more of the following environmental characteristics:

- (1) Stream corridor;
- (2) Estuary;
- (3) Mature stand of native vegetation;
- (4) Aquifer recharge and discharge areas;
- (5) Wetlands and wetland transitions;
- (6) Habitats of endangered species;
- (7) Forest areas; and
- (8) Areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance or character.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals,



hydrants and other similar equipment and accessories in connection therewith; telecommunications facility including antenna farms and buildings necessary to the operation of the facility; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**FAMILY.** One or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests.

**FARM.** The land and buildings used in agricultural production including farm products. Refer also to § 150.031 hereof.

**FARM BUILDING.** Any building or accessory structure which is used in farming operation, including, without limitation, a barn, a granary, a silo, shop, farm implement storage building, milk house, crop dusting/spraying airplane hanger, trailer house, or equipment maintenance facility.

**FARM DWELLING AREA.** An area surrounding a group of buildings of which the main farm building is a dwelling for occupancy by a single family and associated outbuildings or accessory buildings are for farm use in one area continuous to the main farm dwelling; however, the area must be in conjunction with the occupation of farming.

**FARM RESIDENCE OR DWELLING.** Any residence on a farm owned or occupied by the farm owners, operators, tenants, or seasonal or year-round hired workers.

**FEEDLOT.** A confined area or structure used for feeding, breeding, or holding livestock for eventual sale, but not including barns, pens or other structures used in a dairy farm operation.

**FLOOD PLAIN.** Lands which are low-lying, difficult to drain, subject to flood, or are natural drainageways.

**FLOOR AREA.** The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

(1) In particular, the **FLOOR AREA** of a building or buildings should include:

- (a) Basement space.
- (b) Elevator shafts and stairwells at each floor.
- (c) Floor space for mechanical equipment, with structural headroom of seven feet, six inches or more.
- (d) Penthouses.
- (e) Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet, six inches or more.
- (f) Interior balconies and mezzanines.
- (g) Enclosed porches.
- (h) Accessory uses, not including space for accessory off-street parking.

(2) However, the **FLOOR AREA** of a building shall not include:

- (a) Cellar space, except that cellar space used for retailing should be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- (b) Elevator and stair bulkheads, accessory water tanks and cooling towers.
- (c) Floor space used for mechanical equipment, with structural headroom of less than seven feet, six inches.
- (d) Attic space, whether or not a floor has actually been laid, provided structural headroom of less than seven feet, six inches.

- (e) Uncovered steps.
- (f) Terraces, breezeways and open spaces.
- (g) Accessory off-street parking spaces.
- (h) Accessory off-street loading berths up to 200% of the amount required by §§ 150.115 through 150.119.

**FLOOR AREA RATIO.** The gross floor area of all buildings or structures on a lot divided by the total lot area (FAR = Total Building Floor Area/Total Lot Area).

**FRONTAGE.** All the property abutting on one side of a road or street between two intersecting roads (crossing or terminating) or if the road or street is dead ended, then all the property abutting on one side between an intersecting road or street and the dead end of the road or street.

**GARAGE, PRIVATE.** An accessory building, housing not to exceed four motor driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

**GARAGE, PUBLIC.** Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

**GOVERNING BODY.** The duly elected governing board of the governmental unit having specific jurisdiction; the County Board or the City or Village Board, whichever has jurisdiction.

**HOME OCCUPATION.** An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate and in connection therewith there is not involved the keeping of a stock in trade. The office of a physician, surgeon, dentist or

other professional person, including an instructor in violin, piano or other individual musical instrument limited to a single pupil at a time who offers skilled services to clients, and is not professionally engaged in the purchase or sale of economic goods, should be deemed to be **HOME OCCUPATIONS** and the occupations of dressmaker, milliner or seamstress, each with not more than one paid assistant should be deemed to be **HOME OCCUPATIONS**. Occupations of beauty parlors, barber shops, insurance offices and real estate offices should be deemed as home occupations provided the owner of such is the sole operator of such occupation. Dancing instruction, band instrument instruction in groups, tourist homes, convalescent homes, mortuary establishments and stores, trades or businesses of any kind not herein excepted should not be deemed to be **HOME OCCUPATIONS**.

**HORTICULTURE.** The use of land for the growing or production of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

**HOSPITAL.** Unless otherwise specified, the term **HOSPITAL** should be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home or any other place for the diagnosis, treatment or other care of ailments, and should be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

**JUNK YARD.** An open area or fenced enclosure where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.

**KENNEL.** Any structure or premises where three or more dogs over four months of age are kept.

**LAND USE PLAN.** The comprehensive long-range plan for the desirable use of land as officially adopted and as amended from time to time by the governing body; the purpose of such plan being,

among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing county needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as roads, parks, schools and other public buildings or public uses.

**LIVESTOCK MANAGEMENT FACILITY.** Any animal feeding operation, livestock shelter, or on-farm milking and accompanying milk-handling area. Two or more livestock management facilities under common ownership where the facilities are not separated by a minimum distance of  $\frac{1}{4}$  mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. A livestock management facility at an educational institution, livestock pasture operations where animals are housed on a temporary basis such as county and state fairs, livestock shows, race tracks, and horse breeding and foaling farms, and market holding facilities are not subject to the *Livestock Management Facilities Act*, ILCS Ch. 510, Act 77, §§ 1 et seq.

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

**LOT.** A parcel, tract or area of land accessible by means of a road or street. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder, or it may include parts of or a combination of such parcels when adjacent to one another and used as one.

**LOT OF RECORD.** A lot which is part of a subdivision, addition or survey, a plat which is recorded or a parcel of land described by metes and bounds consisting of five acres or less, the plat or description of such parcel of land having been recorded in the office of the Recorder of Deeds of the county prior to the effective date of any new zoning ordinance.

**LIVESTOCK.** Any horses, sheep, cattle or other animals raised or kept on a farm or ranch.

**LOT, CORNER.** A lot at the junction of and having frontage on two or more intersecting streets or roads.

**LOT COVERAGE.** The percentage of the lot area covered by the building area.

**LOT, DEPTH OF.** The mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.

**LOT, INTERIOR.** A lot other than a corner lot or through lot.

**LOT LINE, FRONT.** In the case of an interior lot, a line separating the lot from the road or street; and in the case of a corner lot a line separating the narrowest frontage of the lot from the street.

**LOT, THROUGH.** A lot having frontage on two parallel or approximately parallel streets and which is not a corner lot.

**LOT WIDTH.** The dimension of a lot, measured between side lot lines on the building line.

**MOBILE HOME.** A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. For the purposes of this ordinance, if a structure has a title, it is considered a mobile home.

**MODULAR HOME.** A factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation.

**NONCONFORMING USE.** A building or use of land that does not conform to the regulations for the district in which it is situated.

**NON-FARM RESIDENCE.** A single-family detached residential dwelling located on land not used for agricultural purposes or which dwelling is occupied by a person or persons not engaged in agriculture and that is not a farm residence.

**NON-PRIME FARMLAND AND NON-UNIQUE FARMLAND.** Land which does not contain any of the characteristics of prime and unique farmland.

**OUTDOOR RECREATION AREAS.** Lands which may be designated as outdoor recreation areas include:

(1) Parks and playgrounds, including recreational sporting facilities such as baseball diamonds, soccer and football fields, and other facilities that promote the health and well-being of the citizens of Warren County;

(2) Nature preserves that have been set aside for their natural beauty or educational or scientific value;

(3) Areas in which hunting is allowed, including hunting and shooting clubs which meet the criteria for federal and state safety and environmental regulations;

(4) Areas surrounding natural and man-made reservoirs and lakes that have been designated for recreational use.

**PARKING LOT.** Any place, lot, parcel or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to or in conjunction with a dwelling, or other usage permissible in dwelling districts and located on the same tract.

**PARKING SPACE.** An off-street space available for the parking of one motor vehicle, and having an area of not less than 180 square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

**PLANNED UNIT DEVELOPMENT (PUD).** An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasipublic, commercial or industrial areas in such ranges of ratios

of nonresidential uses to residential uses as specified in these regulations.

**PLANNING COMMISSION.** The duly appointed County or Regional Planning Commission or the Planning Commission of any community covered by the regulations of this chapter.

**PRIME FARMLAND.** General criteria: Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and also is available for these uses (the land could be crop land, pasture land, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to produce, economically, sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. Farmland that is identified in the *Soils Survey of Warren County, Illinois* prepared by the United States Department of Agriculture issued in 1998 as amended from time to time is presumed to be **PRIME FARMLAND**.

**SERVICE STATION.** A building, buildings, premises or portions thereof which are used or arranged, designed, or intended to be used for the retail sale of gasoline or other motor vehicle, motorboat or aircraft fuels.

**SPECIAL USE EXCEPTION PERMIT.** A permit which is granted by the Board of Appeals, which allows the landowner to make some specialized use of his or her property which is otherwise consistent with state law.

**STABLE.** Any building, structure or portion thereof which is used in whole or in part for the shelter or care of horses, cattle or other similar animals, either permanently or transiently.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between any floor and the ceiling next above it.

**STREET or ROAD.** A public or private way which affords the principal means of access to abutting properties.

**STREET OR ROAD GRADE.** The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grades of the street shall be taken as the street grade.

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

**TRAILER (MOBILE HOME).** Any vehicle or structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings and which is, has been, or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term **TRAILER** shall include camp car and house car.

**TRAILER (MOBILE HOME) COURT.** An area of land divided into two or more lots or parking berths platted and laid out to provide sites for trailers permanently affixed to the land. A trailer shall be deemed to be permanently affixed to the land when its wheels or other transporting device have been removed there from or otherwise fixed so as to prevent ready removal or ready mobility of such trailer.

**TRAILER (MOBILE HOME) PARK.** An area of land containing two or more trailers or providing space where two or more trailers are harbored or parked or intended to be harbored or parked without being permanently affixed to the land either free of charge or for remuneration purposes, and shall include any building, structure, tent, vehicle or enclosure, used or intended for use as a part of the equipment of such park.

**UNIQUE FARMLAND.** General criteria: Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce, sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit, and vegetables.

**URBAN SPRAWL.** The irregular spread or development of urban areas.

**USE.** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**YARD.** A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided.

**YARD, FRONT.** A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the front lot line and the building line.

**YARD, REAR.** A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30% of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

**YARD, SIDE.** A yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the principal building.

**ZONING DISTRICT MAPS, COUNTY.** A map, or maps, entitled Warren County Zoning District Map, showing the boundaries of the county zoning districts for the entire area of the county outside the limits of the cities, villages and incorporated towns therein, and dated January 5, 1998 along with those showing the boundaries of each township dated August 7, 1997 and any amendments thereto.

**§ 150.004 PUBLIC HEARINGS.**

All public hearings pursuant to this chapter shall be coordinated in accordance with the provisions of the Illinois Open Meetings Law, ILCS Ch. 5, Act 120, §§ 1.01 et seq.

**§ 150.005 CONFLICTING ORDINANCES REPEALED.**

All conflicting ordinances, all amendments thereto, and any ordinance or parts of ordinances in conflict shall be repealed. Specifically, Ordinance 17-72-73 is hereby repealed.

**ESTABLISHMENT OF DISTRICTS AND REGULATIONS**

**§ 150.015 ESTABLISHMENT OF USE DISTRICTS AND ZONING MAPS.**

(A) *Classification and division into districts.* The county shall be classified and divided into several districts for all that area outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances and for such cities, villages and incorporated towns within the county which do not have in effect and do not hereafter adopt municipal zoning ordinances. These districts shall be designated as follows:

**Agricultural District**

A-1 Agricultural District

**Residential Districts**

- R-1 One-Family Dwelling District
- R-2 One-Family Dwelling District
- R-3 One-Family Dwelling District
- R-4 One-Family Dwelling District
- R-5 Multiple-Family Dwelling District
- R-6 Mobile Home Dwelling District

**Business Districts**

- B-1 Neighborhood Business District
- B-2 Central Business District
- B-3 Highway Business District

**Industrial Districts**

- I-1 Light Industrial District
- I-2 General Industrial District

**Special Districts**

- S-1 None
- S-2 None
- S-3 Airport District
- S-4 Commercial-Recreation District

(B) *Zoning district maps.* The location and boundaries of the districts established by this chapter are shown on the Warren County Zoning District Map which is adopted and incorporated as a part of this chapter. The zoning map, and all amendments thereto, are as much a part of this chapter as if fully set forth and described herein. Such map shall be kept in the office of the Zoning Administrator.

(C) *Minimum size of zoning districts.* No zoning district established by this code shall be changed or new district established after this code is in effect unless the area being considered for change is of the following minimum size:

A-1	Agricultural District	no minimum
R-1	One-Family Dwelling District	15 acres
R-2	One-Family Dwelling District	10 acres
R-3	One-Family Dwelling District	2 acres
R-4	One-Family Dwelling District	1 acre
R-5	Multiple-Family Dwelling District	1 acre
R-6	Mobile Home Dwelling District	1 acre
B-1	Neighborhood Business District	1 acre

B-2	Central Business District	5 acres
B-3	Highway Business District	5 acres
I-1	Light Industrial District	10 acres
I-2	General Industrial District	20 acres
S-3	Airport District	no minimum
S-4	Commercial-Recreation District	no minimum

(D) *Classification of annexed land.* All land annexed by any city, village or incorporated town which does not have in effect a municipal zoning ordinance at the time of such annexation shall be classified the same district classification as designated on the County Zoning District Map until such classification is changed by amendment to this zoning code and its appropriate maps.

**§ 150.016 INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the County Zoning District Map, the following rules shall apply.

(A) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

(B) Where district boundaries are so indicated that they approximately follow the lot lines, township lines, section lines, half section lines, quarter section lines and one-eighth section lines, such lines shall be construed to be said boundaries.

(C) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning district maps. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning district maps.

(D) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

(E) Where the boundary of any zoning district follows a stream, lake or other body of water, the boundary district line could be the same as the jurisdictional limit of Warren County, unless otherwise indicated as agreed between the county and the incorporated municipality or adjoining county involved.

**§ 150.017 VACATED AREAS.**

Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, or similar area shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thence forth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area.

**§ 150.018 GENERAL REGULATIONS.**

(A) The provisions of this zoning code shall apply to the entire County of Warren outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances and to such cities, villages and incorporated towns within Warren County which do not have in effect and do not hereafter adopt municipal zoning ordinances.

(B) Nothing contained in these regulations shall impose restrictions with respect to land used or to be used for agricultural purposes or with respect to the erection, maintenance, repair, alterations, remodeling or extension of buildings or structures used or to be

used for agricultural purposes upon such land except such buildings or structures for agricultural purposes shall conform to building or setback lines, and a permit with respect to land used for agricultural purposes and buildings thereon shall be required but without charge therefor; nor shall these regulations be deemed to specify or regulate the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility as defined in the act entitled *An Act Concerning Public Utilities*, ILCS Ch. 220, Act 5, § 1-101 *et seq.*

(C) Except as hereinafter provided:

(1) No building or land shall, after this zoning code is passed, be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

(2) No building shall, after this zoning code is passed, be erected or altered:

(a) To exceed the height,

(b) To accommodate or house a greater number of families,

(c) To occupy a greater percentage of lot area, or

(d) To have a narrower or smaller rear yard, front yard, side yard, inner or outer court than is specified herein for the district in which such building is located.

(3) No part of a yard or other open space about any building required for the purpose of complying with the provisions of the standards in this chapter shall be included as a part of a yard or other open space similarly required for another building.

(4) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided in this zoning code.

(5) No parcel of land described by metes and bounds or any lot shall hereafter be created which does not conform and meet the requirements of this zoning code.

(6) No parcel may be subdivided, creating a nonconforming parcel.  
Penalty, see § 150.999

### A-1 AGRICULTURAL DISTRICT

#### § 150.025 PURPOSE.

The purpose of the provisions for the A-1 Agricultural District is to accomplish the following:

(A) To ensure that lands and uses engaged in agriculture and agri-business, as defined in § 150.003 of this chapter, are preserved and protected;

(B) To ensure that certain agri-business and non-farm related uses do not imperil the public health, safety, morals, comfort, and general welfare, conserve the values of abutting property and property throughout the county, and lessen or avoid: congestion in the public streets and highways; hazards to persons; damage to property resulting from the accumulation and runoff of animal waste products and mine tailings; and runoff of storm water or flood waters;

(C) To ensure that the county's plan and adopted ordinances, resolutions and policies regarding the preservation of prime and unique farmland are upheld; and

(D) To ensure conformance with the *State of Illinois Farmland Preservation Act*, ILCS Ch. 505, Act 75, § 1 *et seq.*

#### § 150.026 PERMITTED USES.

The following uses shall be permitted by right and shall not be regulated by the county except for setbacks and building line placement, addressed in



§ 150.027, the purpose of which shall be to reduce negative impacts of certain farm uses and activities upon residential uses, waterways, streams or drainage channels and environmentally-sensitive areas.

(A) Farms and uses associated with farm activities, as defined in § 150.003 of this chapter, including, without limitation, commercial agriculture, horticulture and animal husbandry, hog farms, feed lots, poultry production, dairies, and farm buildings necessary for the maintenance and continuing use of farm activities including slaughterhouses and processing plants providing these facilities are for the sole purpose of processing the farmer's agricultural products for the farmer's use or the market, and farm drainage and irrigation systems. For purposes of this chapter, farms include the following:

(1) Parcels in excess of 35 acres shall be presumed to be a farm if used for agricultural purposes;

(2) Parcels that are ten to 35 acres in size may be determined to be a farm by the Zoning Official if the applicant demonstrates that there is significant agricultural use of the property; and

(3) Parcels that are less than ten acres are presumed not to be a farm unless the applicant provides overwhelming evidence to the Zoning Official that the property is being used as a farm determined in accordance with § 150.031.

(B) Accessory uses to farms such as barns, silos, hangars for crop dusting/spraying airplanes, fences and similar enclosures, grange hall, grain elevator, sheds, livestock lean-tos and similar uses;

(C) Sale of nursery and greenhouse products where production or growth of products occurs on the farm premises;

(D) Farm residences, as defined in § 150.003;

(E) Accessory uses such as private garages, playhouses, swimming pools and storage buildings appurtenant to farm residences;

(F) Home occupations as defined in § 150.003;

(G) Non-farm residences in conformance with § 150.027(B) and as defined in § 150.003;

(H) Lakes and farm ponds;

(I) Buildings occupied by or used for churches, Sunday schools, parish houses, public and parochial schools;

(J) Essential services, as defined in § 150.003;

(K) Railroad rights-of-way, not including switching, storage, freight yard or sidings;

(L) Open air parks, playgrounds and outdoor recreation areas;

(M) Country clubs, golf courses, swimming clubs and similar recreational uses;

(N) Billboards and signs;

(O) Training barns for care and training of horses for show;

(P) Digested sewage sludge used as liquid fertilizer for farmer's land including holding pit, pump house, and related controls to store sewage sludge;

(Q) Game breeding and hunting reserve; and

(R) Temporary buildings and uses for construction purposes for a period not longer than one year.

#### **§ 150.027 SETBACKS AND MAXIMUM/MINIMUM LOT SIZES FOR PERMITTED USES.**

The table below indicates the setbacks required for certain permitted uses to prevent potential incompatibilities and nuisances that may imperil the public health. Maximum and minimum lot sizes may be applied to non-farm uses to prevent the premature

## Warren County - Zoning Code

conversion of agricultural land to non-agricultural purposes. The Zoning Official may adjust the setbacks and maximum/minimum lot sizes based upon the existing conditions of the tract and surrounding tracts.

(A) *Table of permitted uses, maximum/minimum lot sizes based on existing conditions of the tract and surrounding tracts.*

<b>Permitted Use</b>	<b>Maximum/Minimum Lot Size for Non-Agricultural Uses</b>	<b>Required Setback of Building from Non-Farm Residence, Residential District, Churches, Schools and Rights-of-Way</b>	<b>Required Setback from Waterways, Streams or Drainage Channels/Environmentally Sensitive Areas</b>
1. Buildings and structures for farmers operations including hog farming, feed lots, poultry production, dairies and including farm buildings necessary for the maintenance and continuing use of farm activities	n/a	For animal confinement and feed lots, a minimum distance from lot line of any lot or tract occupied by a residence, church or school, Residential District shall conform with ILCS Ch. 510, Act 77, § 1 <i>et seq.</i> ; other: minimum 150 feet from centerline of state or county right-of-way and 200 feet from federal right-of-way	For animal confinement and feed lots - conform with ILCS Ch. 510, Act 77, § 1 <i>et seq.</i>
2. Grain elevator, grange hall, crop dusting/spraying, airplane hangar	n/a	400 feet from any lot occupied by a residence, church or school; 150 feet from centerline of state or county right-of-way and 200 feet from federal right-of-way	150 feet
3. Sale of nursery and greenhouse products	n/a	100 feet from edge of right-of-way and abutting residences	150 feet
4. Non-farm residence	One dwelling unit/160-acre tract located on a lot a minimum size of 3 acres to a maximum size of 5 acres; up to 4 dwelling units may be clustered on 160 acres of contiguous land <sup>1</sup>	100 feet from edge of federal or state highway right-of-way or roadway and 60 feet from the centerline of a county or township road or highway right-of-way	150 feet from any waterways, streams or drainage channels, wetland, or similar environmentally sensitive area

<i>Permitted Use</i>	<i>Maximum/Minimum Lot Size for Non-Agricultural Uses</i>	<i>Required Setback of Building from Non-Farm Residence, Residential District, Churches, Schools and Rights-of-Way</i>	<i>Required Setback from Waterways, Streams or Drainage Channels/Environmentally Sensitive Areas</i>
5. Churches, Sunday schools, public/parochial schools	Maximum 20-acre lot; minimum 5-acre lot	100 feet from edge of right-of-way and abutting residences	150 feet from any waterways, streams or drainage channels, wetland, or similar environmentally sensitive area
6. Communications towers and antennas including antenna farms	n/a	A distance equal to the height of the tower or antenna in all directions except for a right-of-way which is 100 feet from edge of federal or state highway right-of-way or roadway and 60 feet from the centerline of a county or township road or highway right-of-way	A distance equal to the height of the tower or antenna
7. Parks, playgrounds, outdoor recreation areas	Maximum 35-acre lot; minimum 10-acre lot	150 feet from abutting residences; 100 feet from edge of right-of-way	Parking lots and impervious surfaces setback 150 feet
8. Country clubs, golf courses, similar uses	Maximum 200-acre lot; minimum 75-acre lot	Any building shall be 100 feet from edge of right-of-way and 200 feet from abutting residences	Parking lots and any buildings, setback 150 feet, golf cart paths excepted
9. Billboards, signs	Maximum ¼-acre lot	400 feet from residence, Residential District, church or school; 100 feet from federal or state highway right-of-way; 75 feet from center line of any other public right-of-way; 500 feet from controlled access route entrance/exit	300 feet from wetlands and wildlife habitats
<sup>1</sup> See divisions (B) and (C) of this section regarding development of non-farm residential dwelling units			

(B) Rules governing density of non-farm residential development within A-1 District.

(1) Density of non-farm dwellings. Non-farm dwellings shall be permitted, at a density of not more than one dwelling unit per 40 acres of contiguous land.

(2) Density.

(a) Maximum number of non-farm dwelling units. Not more than four dwelling units may be constructed on any 160 acres of contiguous land within the A-1 District.

(b) The non-farm residence shall be built on a lot which size shall be a minimum of three acres and shall not exceed five acres.

(c) The remaining land shall be preserved by an agricultural preservation easement for agricultural purposes by covenant between the applicant and the county.

(3) *Agricultural preservation easement required.* The applicant for the non-farm dwelling unit shall execute an agricultural preservation easement restricting the remaining contiguous acreage, after subdivision of the residential lot, from further residential development. The easement shall include the county as a party to it.

(4) *Map required.* The easement shall include a map that shows the entire tract, the lot split off for the non-farm residential dwelling, and the agricultural preservation easement boundaries.

(5) *Termination of the easement.* The easement shall provide for termination in the event that more than 50% of the property in the A-1 District is rezoned to a district that does not have as its primary purpose the preservation of agricultural land, or in the event of annexation of the property to a municipality that has adopted zoning controls. The easement shall contain provisions for the vacation of the easement.

(C) *Cluster development.* Non-farm residential dwellings may be clustered subject to the following conditions:

(1) *Clustering of non-farm residential dwellings on prime farmland.* Where clustered development is to be located on prime farmland, a maximum of four dwelling units, including existing dwelling units, may be clustered for each 160 acres of contiguous land. The maximum lot size permitted shall be one acre. There shall be no more than four dwelling units per cluster per 160 acres of contiguous land.

(2) *Clustering of non-farm residential dwellings on non-prime farmland.* Where clustered development is to be located on non-prime farmland, the number of dwelling units, including existing

dwelling units, shall not exceed a ratio of one dwelling unit per 40 contiguous acres. There shall be no more than four dwelling units per cluster. No minimum or maximum lot size requirement applies provided that any county land area requirements for water supply and sewage disposal systems are met.

(3) *Access, drainage, utilities.* Clustered dwelling units shall have suitable access, adequate drainage and roadway facilities, utilities and potable water.

(4) *Suitability.* Clustered development shall not be located on prime farmland, where suitable and equivalent non-prime farmland exists on the property. The availability of water, location of utilities and access for development shall be taken into consideration in determining relative suitability. In determining whether land within the A-1 District is prime farmland, the county may rely upon maps delineating prime farmland areas, or it may require investigation of site by state or federal agencies.

(5) *Agricultural preservation easement.* For each dwelling unit approved in a clustered development, the owner of the land on which the units are clustered shall execute an agricultural preservation easement restricting at least 39 of the 40-acre clustered lot if four lots are created out of 160 contiguous acres of the property from further residential development, in conformance with § 150.027(B)(3), (4) and (5) of this section.

#### § 150.028 SPECIAL EXCEPTION USES.

The following land uses may be allowed in the A-1 District provided a special use exception permit is obtained in conformance with § 150.028 of this chapter.

(A) Mining, loading of clay, sand or gravel, including equipment, buildings, structures for washing, crushing, screening, mixing or storage subject to the required setbacks and performance standards set forth in the tables below. The operator of an open pit mine shall not be required to obtain a special use exception permit for any tract or tracts of land used for open cut mining that existed prior to the

adoption of this chapter provided the mine has a valid permit issued by the Department of Conservation pursuant to the provisions of the *Open Cut Land Reclamation Act* and the tracts of land shall be considered an existing special use that is conforming. For open mines that are established after the adoption of this chapter, a special use exception permit shall be required and its approval shall be contingent upon the applicant obtaining a permit from the Department of Conservation in conformance with this Act.

- (B) Oil wells, storage of crude oil;
- (C) Sanitary landfills, provided that no such landfill shall be operated within 1320 feet of any residence, Residential District, church, school or environmentally sensitive area including waterways, streams, drainage channels;
- (D) Cemeteries;
- (E) Railroad switching, storage, freight yard or sidings;
- (F) Public libraries, public schools, parochial schools, churches and parish houses;
- (G) Airports, heliports;
- (H) Artificial lakes one or more acres;
- (I) Billboards or signboards;
- (J) Crematories or cemeteries;
- (K) Fire stations;
- (L) Greenhouses, commercial;
- (M) Hospitals or sanatoriums;
- (N) Kindergartens or day nurseries;
- (O) Outdoor theaters;
- (P) Outdoor commercial recreation enterprises;
- (Q) Power transmission lines;

- (R) Practice golf-driving ranges;
- (S) Private recreational development;
- (T) Produce or stockyard terminal, wholesale;
- (U) Public or employee off-street parking areas;
- (V) Public parks or public recreational facilities;
- (W) Public utility substation or exchange, including telephone exchange;
- (X) Radio or television tower;
- (Y) Railroad right-of-way and uses essential to railroad operations;
- (Z) Riding stable;
- (AA) Service station;
- (BB) Storage and distribution facilities, inflammable liquids and gases, chemicals and liquid fertilizers
- (CC) Trailer (mobile home) parks or courts.

**§ 150.029 PERFORMANCE STANDARDS FOR SPECIAL USE EXCEPTIONS.**

All special uses permitted in the A-1 District shall be constructed and operated in conformance with the provisions set forth in the table below.

<i>Activity or Land Use</i>	<i>Distance Between Activity, Structure or Land Use and Lot Line of Residence</i>	<i>Distance Between Activity, Structure or Land Use and Boundary of Residential District</i>	<i>Distance from Watercourse/ Environmentally Sensitive Area</i>
Railroad switching, storage, freight yard or sidings	1320 feet	1320 feet	1320 feet
Mines	500 feet*	1320 feet*	1320 feet*
Landfills	1320 feet	1320 feet	1320 feet
Cemeteries	200 feet	200 feet	500 feet
<p>* The Board of Appeals may reduce the required setback provided the applicant shows, on the site plan, a landscape buffer that forms a 6-foot tall, opaque screen of evergreens planted on a turf covered 6-foot tall berm which shall provide an effective visual, noise and dust screen and system of preventing storm water runoff onto abutting property and into waterways, streams or drainage channels. The minimum distance between a mine shaft or pit from a residence shall be not less than 200 feet and from a Residential District, 500 feet.</p>			

(B) *Landscaping and screening and parking, loading and storage for certain special use exceptions.* All special use exceptions shall be in conformance with §§ 150.100, 150.101 and 150.115 through 150.119 of this chapter regarding landscaping and screening and parking, loading and storage.

**§ 150.030 SIGN STANDARDS FOR USES LOCATED IN A-1 DISTRICT.**

(A) *Setbacks for signs and billboards.*

<i>Sign Type</i>	<i>Distance from Residential District</i>	<i>Distance from federal/state ROW</i>	<i>Distance from other public ROW</i>	<i>Maximum Number of Signs</i>	<i>Maximum Size in Square Feet**</i>	<i>Maximum Height</i>
Billboard or sign board *	400 feet	100 feet from ROW; 500 feet from controlled access exit/entrance	75 feet from centerline	1 per lot	700	30 feet

<i>Sign Type</i>	<i>Distance from Residential District</i>	<i>Distance from federal/state ROW</i>	<i>Distance from other public ROW</i>	<i>Maximum Number of Signs</i>	<i>Maximum Size in Square Feet**</i>	<i>Maximum Height</i>
Sign accessory to roadside stand	n/a	30 feet	30 feet	2 per lot	40	< 15 feet
Real Estate	n/a	30 feet	30 feet	2 per lot	40	< 15 feet
Small announcement, professional signs	n/a	20 feet	20 feet	1 per lot	4	< 8 feet
Large announcement, bulletin board signs	n/a	20 feet	20 feet	1 per lot	12	< 10 feet
Sign appertaining to non-conforming use	n/a	20 feet	20 feet	1 per lot	50	on side of building or 15 feet
<p>* A distance of 500 feet shall be maintained between billboards or sign boards located on the same side of the right-of-way</p> <p>** Maximum square footage per side for sign faces</p>						

(B) *Illumination.* Signs may be illuminated but the source of illumination shall be shielded to prevent direct light from being cast upon adjacent rights-of-way, residences and Residential Districts.

(C) *Maintenance and abandonment of signs.* Signs shall be maintained in good condition. Paint shall not be allowed to peel or chip; upright supports shall be maintained in safe structural condition; and broken or cracked sign faces shall be replaced. Signs which advertise a business or activity that is no longer active shall be removed within six months of the abandonment of use or activity. Abandoned billboards

and sign boards shall be covered or shall be painted white.

**§ 150.031 EVIDENCE OF FARM STATUS.**

Evidence for determining whether a parcel is a farm shall be based on the type of agricultural activities occurring, the proportion of the property used to raise farm products and a demonstration that gross receipts from sale of farm products exceed 50% of the median household income for the county in the most recent decennial census.

**RESIDENTIAL DISTRICTS**

**§ 150.040 R-1 ONE-FAMILY DWELLING DISTRICT.**

Within the R-1 One-Family Dwelling District, the following regulations shall apply:

**(A) Permitted uses.**

- (1) One-family detached dwelling.
- (2) Farming, truck gardening and nurseries.
- (3) Home occupations, as defined in § 150.003 of this chapter.
- (4) Public school, elementary and high, or private school having a curriculum similar to that ordinarily given in a public elementary school or public high school including religious instruction in parochial schools.
- (5) Churches and similar places of worship.
- (6) Convents, monasteries, rectories or parish houses to be occupied by not more than ten persons.
- (7) Temporary buildings and uses for construction purposes for a period not to exceed one year.
- (8) Accessory use or building, as defined in § 150.003 of this chapter, and as regulated by § 150.101 of this chapter.
- (9) Library.
- (10) Off-street parking facilities, as required or permitted by §§ 150.115 through 150.119 of this chapter.
- (11) Private swimming pools appurtenant to a one-family dwelling on the same lot when the swimming pool or the property on which it is located is adequately fenced to prevent access of small

children and meets all applicable health and sanitary requirements.

**(12) Signs, defined as follows:**

- (a) Signs or sign boards not exceeding eight square feet in area each, appertaining to the sale or lease of the premises or trespassing thereon.
- (b) A name plate, not exceeding one square foot in area.
- (c) A sign or bulletin board not exceeding 20 square feet in area erected upon the premises of a church or other institution for the purpose of displaying the name and activities or services provided.

**(B) Height.** The maximum height of buildings permitted shall be as follows:

- (1) One-family detached dwellings - 30 feet, and not over 2½ stories, except as provided in § 150.101 of this chapter.
- (2) Churches and similar places of worship - 75 feet for towers or steeples and not more than 45 feet for the principal building.

**(C) Lot size.**

- (1) Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than one acre and a width at the established building line of not less than 150 feet, except as provided in § 150.101, and that any use permitted in this district may be on a lot of record of less than one acre in size.
- (2) Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than one acre, and a width at the building line of not less than 150 feet.
- (3) Public and private schools - same regulations shall apply as required or permitted in the A-1 Agricultural District.



(D) *Yard areas.* No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structures or enlargement:

(1) *Front yard.* Each lot upon which a dwelling is constructed shall have a front yard of not less than 75 feet along federal and state rights-of-way; 50 feet along all others. Where a lot has double frontage, the required front yard shall be provided on both streets.

(2) *Side yard.* On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than 5 feet. The combined total of side yards for corner lots shall not be less than 10 feet. On lots, upon which a church or similar place of worship is constructed or extension made to an existing church or similar place of worship, there shall be a side yard of not less than ten feet on each side of the main structure and combined total of side yards of not less than 40 feet.

(3) *Rear yard.* Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than 20% of the depth of the lot.

(E) *Percentage of lot coverage.* All buildings including accessory buildings shall not cover more than 30% of the area of the lot.

(F) *Off-street parking facilities.* Off-street parking facilities shall be provided as required or permitted in §§ 150.115 through 150.119 of this chapter.

Penalty, see § 150.999

#### § 150.041 R-2 ONE-FAMILY DWELLING DISTRICT.

Within the R-2 One-Family Dwelling District, the following regulations shall apply:

(A) *Permitted uses.* Any use permitted in the R-1 One-Family Dwelling District, except nurseries.

(B) *Height.* The same regulations shall apply as required or permitted in the R-1 One-Family Dwelling District.

(C) *Lot size.*

(1) Every one-family detached dwelling, convent, monastery, rectory or parish house 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 100 feet, except as provided in § 150.101, and any use permitted in this district may be on a lot of record of less than 15,000 square feet, and a width at the established building line of not less than 100 feet, except as provided in § 150.101 of this chapter and any use permitted in this district may be on a lot of record of less than 15,000 feet in size.

(2) Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than one acre and a width at the building line of not less than 150 feet.

(3) For public and private schools, the same regulations shall apply as required or permitted in the A-1 Agricultural District.

(D) *Yard areas.* No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

(1) *Front yard.* Each lot upon which a dwelling is constructed shall have a front yard of not less than 75 feet along all federal and state rights-of-way; along all others 40 feet.

(2) *Side yard.* On each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than ten feet. The combined total of the side yards for interior lots shall not be less than five feet and the combined total of side yards for corner lots shall not be less than 10 feet. The side yard on each side of a building on a lot of record which is less than 40 feet in width shall have a width of not less than seven feet. On lots upon which a church or similar place of worship is constructed or extension made to an existing church or similar place of

worship, there shall be a side yard of not less than 25 feet on each side of the main structure and a combined total of side yards of not less than 50 feet.

(3) *Rear yard.* Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than 35 feet, or 20% of the depth of the lot, whichever amount is larger, but it need not exceed 50 feet.

(E) *Percentage of lot coverage.* All buildings including accessory buildings shall not cover more than 30% of the area of the lot.

(F) *Off-street parking facilities.* Off-street parking facilities shall be provided as required or permitted in §§ 150.115 through 150.119 of this chapter.

Penalty, see § 150.999

#### § 150.042 R-3 ONE-FAMILY DWELLING DISTRICT.

Within the R-3 One-Family Dwelling District, the following regulations shall apply:

(A) *Permitted uses.* Any use permitted in the R-2 One-Family Dwelling District.

(B) *Height.* The same regulations shall apply as required or permitted in the R-1 One-Family Dwelling District.

(C) *Lot size.*

(1) Every one-family detached dwelling, convent, monastery, rectory or parish house hereafter erected shall be on a lot having an area of not less than 10,500 square feet, and a width at the established building line of not less than 80 feet, except as provided in § 150.101, of this chapter and that any use permitted in this district may be on a lot of record of less than 10,500 feet in size.

(2) Churches and similar places of worship hereafter erected or structurally altered shall be on a

lot having an area of not less than ½ acre and a width at the building line of not less than 85 feet.

(3) Public and private schools - same regulations shall apply as required or permitted in the A-1 Agricultural District.

(D) *Yard area.* No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

(1) *Front yard.* Each lot upon which a dwelling is constructed shall have a front yard of not less than 75 feet along all federal and state rights-of-way; along all others 30 feet.

(2) *Side yard.* On each lot upon which a dwelling is constructed, there should be a side yard on each side of not less than eight feet. The combined total of the side yards for interior lots shall not be less than five feet and the combined total of side yards for corner lots shall not be less than 10 feet. The side yard on each side of a building on a lot of record which is less than 30 feet in width, shall have a width of not less than seven feet. On lots which a church or similar place of worship is constructed upon or extension made to an existing church or similar place of worship, there shall be a side yard of not less than 15 feet on each side of the main structure and a combined total of side yards of not less than 50 feet.

(3) *Rear yard.* Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than 35 feet, or 20% of the depth of the lot, whichever amount is larger, but it need not exceed 50 feet.

(E) *Percentage of lot coverage.* All buildings, including accessory buildings, shall not cover more than 30% of the area of the lot.

(F) *Off-street parking facilities.* Off-street parking facilities shall be provided as required or permitted in §§ 150.115 through 150.119 of this chapter.

Penalty, see § 150.999

**§ 150.043 R-4 ONE-FAMILY DWELLING DISTRICT.**

Within the R-4 One-Family Dwelling District, the following regulations shall apply:

(A) *Permitted uses.* Any use permitted in the R-2 One-Family Dwelling District is permitted.

(B) *Height.* The same regulations shall apply as required or permitted in the R-1 One-Family Dwelling District.

(C) *Lot size.*

(1) Every one-family detached dwelling, convent, monastery, rectory or parish house 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 60 feet, except as provided in § 150.101, of this chapter, and that any use permitted in this district may be on a lot of record of less than 7,500 feet in size.

(2) Churches and similar places of worship hereafter erected or structurally altered shall be on a lot having an area of not less than ½ acre and a width at the building line of not less than 85 feet.

(3) Public and private schools - same regulations shall apply as required or permitted in the A-1 Agricultural District.

(D) *Yard areas.* No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

(1) *Front yard.* Each lot upon which a dwelling is constructed shall have a front yard of not less than 25 feet.

(2) *Side yard.* For each lot upon which a dwelling is constructed, there shall be a side yard on each side of not less than six feet. The combined total of the side yards for interior lots shall not be less than five feet and the combined total of side yards for corner lots shall not be less than 10 feet. The side yard on each side of a building on a lot of record which is

less than 25 feet in width, shall have a width of not less than six feet. On lots upon which a church or similar place of worship is constructed or extension made to an existing church or similar place of worship, there shall be a side yard of not less than 15 feet on each side of the main structure and a combined total of side yards of not less than 50 feet.

(3) *Rear yard.* Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than 20 feet, or 20% of depth of lot, whichever is larger, but it need not exceed 35 feet.

(E) *Percentage of lot coverage.* All buildings including accessory buildings shall not cover more than 30% of the area of the lot.

(F) *Parking facilities.* Parking facilities shall be provided as required or permitted in §§ 150.115 through 150.119 of this chapter. Penalty, see § 150.999

**§ 150.044 R-5 MULTIPLE-FAMILY DWELLING DISTRICT.**

Within the R-5 Multiple-Family Dwelling District, the following shall apply:

(A) *Permitted uses.*

(1) Any use permitted in the R-2 One-Family Dwelling District.

(2) Two-family dwellings and multiple dwellings not to exceed nine dwelling units or apartments per structure.

(3) One-family row dwellings with not more than eight dwelling units in one building.

(4) Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service, customarily carried on as a business.

(5) Boarding or lodging house.

(6) Any uses permitted through the application of subsequent sections of this chapter.

(B) *Height.* The same regulations shall apply as permitted in the R-1 One-Family Dwelling District, except that multiple-family dwellings should be not more than three stories or 35 feet in height and except as permitted in § 150.101, of this chapter.

(C) *Lot size.*

(1) *One-family dwellings, private clubs, fraternities, sororities and lodges, boarding or lodging house and any building for other non-dwelling uses.* The same regulations shall apply as permitted in the R-2 District, except that the lot size shall be 5,000 square feet.

(2) *Two-family dwellings.* Every two-family dwelling hereafter erected or structurally altered shall be on a lot having an area of not less than 7,500 square feet per dwelling unit, and a width at the building line of no less than 40 feet, except as provided in § 150.101, of this chapter.

(3) *Multiple-family dwellings and row houses.* Every building hereafter erected or structurally altered as a multiple-family dwelling or as a row house shall provide a lot area or dwelling unit of not less than 1,350 square feet and a width at the building line of not less than 50 feet, except as provided in § 150.101 of this chapter.

(4) Where a lot of record has less area or width than herein required for two-family dwellings, multiple-family dwellings or row houses, such lot may be used for one-family dwelling purposes or for any of the other non-dwelling uses permitted by this section.

(5) *Churches and similar places of worship, public and private schools.* The same regulations shall apply as required in the R-2 District.

(D) *Yard areas.*

(1) *Front yard.* The same regulations shall apply as required in the R-2 District.

(2) *Side yard.*

(a) *One-family detached dwellings.* The same regulations shall apply as required in the

R-2 District.

(b) *Two-family dwellings.* The same regulations shall apply as required for one-family detached dwellings.

(c) *Multiple-family dwellings and row houses.* The same regulations shall apply as required for one-family detached dwellings.

(3) *Rear yard.* Every lot or parcel of land upon which a building is constructed shall have a rear yard of not less than 25 feet.

(E) *Percentage of lot coverage.* All buildings including accessory buildings shall not cover more than 40% of the area of the lot.

(F) *Off-street parking and loading facilities.* Off-street parking and loading facilities shall be provided as permitted in §§ 150.115 through 150.119 of this chapter.

Penalty, see § 150.999

### § 150.045 R-6 MOBILE HOME DWELLING DISTRICT.

Within the R-6 Mobile Home Dwelling District, the following regulations shall apply to the indicated permitted uses.

(A) One-family detached dwellings, provided each shall meet the provisions outlined below in divisions (B)(1) through (B)(5).

(B) Any mobile home (trailer) to be used as a one-family dwelling placed on a lot on a permanent foundation, permanently anchored to the ground for more than a period of 60 days, provided each shall meet the following regulations:

(1) *Height.* The same regulations shall apply as permitted in the R-1 One-Family Dwelling District.

(2) *Lot size.* Every one-family dwelling or mobile home (trailer) hereinafter located shall have a lot area of not less than 6,000 square feet and a width

at the building line of not less than 50 feet.

(3) *Yard area.*

(a) Each lot upon which a dwelling or mobile home dwelling is located shall have a front yard of not less than 25 feet.

(b) On each lot upon which a dwelling or mobile home dwelling is located, there shall be a side yard on each side of not less than five feet. The combined total of the side yards for interior lots shall not be less than 15 feet and the combined total of the side yards for corner lots shall not be less than 20 feet. The side yard on each side of the mobile home on a lot of record which is less than 40 feet in width shall have a width of not less than five feet.

(4) *Percentage of lot coverage.* All dwellings or mobile homes including accessory buildings shall not cover more than 30% of the area of the lot.

(5) *Parking facilities.*

(a) *Mobile homes.* Parking facilities for mobile home dwellings shall be provided as required through the application of the mobile home ordinance of Warren County to be hereinafter adopted.

(b) *One-family detached dwelling.* Parking facilities shall be provided as required or permitted in §§ 150.115 through 150.119 of this chapter.

(C) Mobile home trailers limited to use as one-family dwelling within a designated mobile home trailer park and subject to the application of the mobile home ordinance of Warren County to be hereinafter enacted.

(1) *Manager or custodian's dwelling.* A one-family detached dwelling for the occupancy by the manager or custodian of any mobile home trailer park.

(2) *Height.* The regulations as specified through the application of the mobile home ordinance.

(3) *Lot size.* The regulations as specified through the application of the mobile home ordinance.

(4) *Yard areas.* The regulations as specified through the application of the mobile home ordinance.

(5) *Percentage of lot coverage.* The regulations as specified through the mobile home ordinance.

(6) *Off-street parking facilities.* Off-street parking facilities shall be provided as specified in the mobile home ordinance.  
Penalty, see § 150.999

## **BUSINESS DISTRICTS**

### **§ 150.055 B-1 NEIGHBORHOOD BUSINESS DISTRICT.**

Within the B-1 Neighborhood Business District, the following regulations shall apply:

(A) *Permitted uses.*

(1) Any use permitted in R-2 One-Family Dwelling, except single-family dwellings.

(2) Art, book, school supply, and stationery stores.

(3) Bakery shops, including the baking and processing of food products when prepared for retail use on the premises only.

(4) Barber shop, beauty parlor, massage, or similar personal service shops.

(5) Candy and ice cream store.

(6) Convenience food store.

(7) Drugstores.

(8) Dyeing, dry cleaning, and laundry works having a boiler with a steam generating capacity no greater than 1,500 pounds of steam per hour, having no more than ten employees employed at any one time on the premises, having a portion of the premises devoted to the pick-up and delivery to customers of items to be dyed, dry cleaned, or laundered and which does not operate before the hour of 7:00 in the morning nor after the hour of 9:00 in the evening and which utilizes only underwriter approved nonflammable solutions and materials in its operations.

(9) Florist shop and conservatory for retail trade on premises only.

(10) Food and fruit stores.

(11) Gift stores.

(12) Launderette, laundromat, or similar self-service laundry or self-service dry cleaning establishment.

(13) Meat markets.

(14) News stands.

(15) Restaurant, tea room, café when establishment is not of the drive-in type where food is served to customers remaining in motor vehicle.

(16) Service stations, excluding any such operation which may include the repair or servicing of motor vehicles, except as defined under "Automobile Repair, Minor" in § 150.003.

(17) Taverns.

(18) Tobacco stores.

(19) Any other similar type retail stores not specifically permitted herein when authorized by the governing body after receipt of review and recommendations from the Planning Commission.

(20) All activities, except for automobile off-street parking facilities and service stations as permitted or required in this B-1 District, shall be

conducted wholly within an enclosed building.

(21) Any accessory use or building customarily incidental to the above-permitted uses and as regulated by subsequent sections of this chapter.

(B) *Height.* No building or structure shall exceed 2½ stories or 35 feet in height except as permitted in § 150.101 of this chapter.

(C) *Yard areas.* No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.

(1) *Front yard.* A front yard of 25 feet shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in an R District, all of which front upon the same street between two intersecting streets, there shall be established the same front yard setback for all the frontage as has been established in the abutting R District.

(2) *Side yard.* No side yard is required, except for a corner lot which abuts upon an R District, or upon an alley separating this district from an R District. There shall then be provided a side yard equal to one-half the front yard required in the abutting R District, but in no case, more than 20 feet. The same setback shall apply also if business buildings front the intersecting street, commonly referred to as the side street.

(3) *Rear yard.* There shall be a rear yard of not less than 25 feet; provided, however, that a one-story accessory building may be located thereon, except for five feet adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof as provided in §§ 150.115 through 150.119 of this chapter.

(D) *Off-street parking and loading facilities.* Off-street parking and loading facilities shall be provided as required in §§ 150.115 through 150.119 of this chapter.  
Penalty, see § 150.999

**§ 150.056 B-2 CENTRAL BUSINESS DISTRICT.**

Within the B-2 Central Business District, the following regulations shall apply:

*(A) Permitted uses.*

- (1) Any use permitted in B-1 Neighborhood Business District.
- (2) Amusement establishments - bowling alleys, dance halls, and other similar places of recreation when conducted wholly within a completely enclosed building.
- (3) Auto accessory store - where there is no driveway entrance across the sidewalk into the main building.
- (4) Bakery shop, including the baking and processing of food products when prepared for retail use on the premises only.
- (5) Banks, financial institutions, savings and loan associations.
- (6) Bicycle repair, sales and rental.
- (7) Blueprinting and photostating establishments.
- (8) Bus passenger terminal.
- (9) Camera and photographic supply shops for retail sales.
- (10) Clubs and fraternal organizations, catering establishments.
- (11) Custom dressmaking, millinery, tailoring or shoe repair when conducted for retail sales on the premises only.
- (12) Department stores.
- (13) Dry cleaning and pressing establishments, when employing facilities for the cleaning and pressing of dry goods received on the premises from retail trade only and not including any wholesale cleaning or pressing business, and when using carbon tetrachloride, perchlorethylene, or other similar nonflammable solvents approved by the Fire Department.
- (14) Dry goods store, haberdashery, and wearing apparel stores.
- (15) Electrical appliance store and repair, but not including appliance assembly or manufacturing.
- (16) Frozen food lockers.
- (17) Funeral homes and mortuaries.
- (18) Furniture store and upholstery.
- (19) Furrier, when conducted for retail trade on the premises only.
- (20) Garden supplies and seed stores.
- (21) Gift shops.
- (22) Hardware stores.
- (23) Hobby stores.
- (24) Hotels, including dining and meeting rooms, when business uses occupy the street frontage except for an entranceway to the hotel lobby.
- (25) Household appliance store and repair shops.
- (26) Interior decorating shops, including upholstery and making of draperies, slipcovers, and other similar articles, when conducted as part of the retail operations and secondary to the main use.
- (27) Jewelry store and watch repair.
- (28) Leather goods and luggage store.
- (29) Liquor store, package goods only.
- (30) Medical clinics.
- (31) Messenger or telegraph service station.

- (32) Offices, business and professional.
- (33) Off-street parking facilities in an open lot or a covered building.
- (34) Paint and wallpaper store.
- (35) Photography studio, art gallery or studio, including the developing of film and pictures when conducted as part of the retail business on the premises.
- (36) Plumbing showroom, without shop or repair facilities.
- (37) Post office.
- (38) Public utility collection offices.
- (39) Service stations, public garages, and other motor vehicle services provided no major repair work is performed out of doors; provided all pumps, underground storage tanks, lubricating, and other devices are located at least 30 feet from any street right-of-way; provided all fuel, oil, or similar substances are stored inside or underground, and provided all automobile parts, dismantled vehicles, and similar articles are stored within a building.
- (40) Shoe store.
- (41) Sporting goods store.
- (42) Tailor shop.
- (43) Taverns.
- (44) Theaters, indoor.
- (45) Typewriter and office equipment sales and services.
- (46) Variety store.
- (47) Wearing apparel shop.
- (48) Any other similar type retail store not specifically listed herein, when authorized by the governing body after receipt of review and

recommendations from the Planning Commission.

(49) Any other similar type public service establishment.

(50) Any other similar type wholesale and storage establishment.

(B) *Condition of use.* All activities, except for automobile off-street parking, which are permitted or required in this B-2 District, shall be conducted wholly within an enclosed building.

(C) *Height of building.* The height of all buildings or structures shall be no more than three stories or 35 feet in height except as permitted in § 150.101 of this chapter.

(D) *Yard areas.* No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.

(1) *Front yard.* No front yard shall be required when all frontage between two intersecting streets lies within this district. However, when lots within this district are adjacent to and adjoining lots in an R District, all of which front upon the same street between two intersecting streets, there shall be established the same front yard setback for all of the frontage as has been established in the abutting R District.

Exception: When existing buildings located in this district have already established a building line at the street line at a depth less than required above, then all new buildings may conform to the same building line, except for the 50 feet of the B-2 District frontage adjacent to the R District, whereupon there shall be provided a front setback of not less than ten feet.

(2) *Side yard.* No side yard is required except for a corner lot which abuts upon an R District, or upon an alley separating this district from an R District. There shall then be provided a side yard equal to one-half the front yard required on the abutting R District but in no case more than ten feet. The same setback shall apply also if business buildings



front the intersecting street, commonly referred to as the side streets.

(3) *Rear yard.* There shall be a rear yard of not less than 20 feet; provided, however, that a one-story accessory building may be relocated thereon, except for the five feet adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof as provided in §§ 150.115 through 150.119 of this chapter.

(E) *Off-street parking and loading.* Off-street parking and loading facilities shall be provided as required in §§ 150.115 through 150.119 of this chapter.

Penalty, see § 150.999

#### § 150.057 B-3 HIGHWAY BUSINESS DISTRICT.

Within the B-3 Highway Business District, the following regulations shall apply:

(A) *Permitted uses.*

- (1) Air conditioning and heating sales and service.
- (2) Automobile motor repair, sales and service shop, including automobile body repair and rebuilding, and painting of automobiles.
- (3) Automobile washing, including the use of mechanical conveyors, blowers, and steam cleaning.
- (4) Battery and tire service stations.
- (5) Beverage, non-alcoholic, bottling and distribution.
- (6) Boat display, sales and service.
- (7) Farm implement display, sales and service.
- (8) Feed and seed store.

(9) Kennel.

(10) Mobile home and travel trailer site, provided no mobile home or travel trailer shall remain for more than 24 hours.

(11) Motel.

(12) Plumbing, heating, and roofing supply shops where conducted wholly within a building.

(13) Package liquor store.

(14) Pet shop or animal hospital when conducted wholly within an enclosed building.

(15) Recreation places, including bowling alley, dance halls, gymnasium, skating rink, archery range, miniature golf course, or other similar places of amusement or entertainment when operated for pecuniary profit.

(16) Restaurant, non-drive-in, drive-in car service.

(17) Taverns.

(18) Trailer sales or rental (house trailers) on an open lot or within a building.

(19) Uses customarily incidental to any of the above uses and accessory buildings when located on the same premises.

(20) Any other similar type retail use not specifically listed herein, when authorized by the governing body after receipt of review and recommendations from the Planning Commission.

(B) *Height.* No building or structure shall exceed three stories or 35 feet in height except as permitted in §§ 150.115 through 150.119 of this chapter.

(C) *Lot size.* Every building 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, except as provided in subsequent sections of this chapter.

(D) *Yard areas.* No building or structure shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building.

(1) *Front yard.* Each lot upon which a building is constructed shall have a front yard of not less than 75 feet along all federal and state rights-of-way; along all others, 50 feet.

(2) *Side yard.* No side yard is required, except for a lot which abuts upon an R District, or upon an alley separating this district from an R District. There shall then be provided a side yard equal to one-half the front yard required in the abutting R District, but in no case less than 20 feet.

(3) *Rear yard.* There shall be a rear yard of not less than 20 feet; provided however, that a one-story accessory building may be located thereon, except for the five feet adjacent and parallel to the rear lot line or alley line, for the storage of motor vehicles and the unloading and loading of vehicles under roof.

(E) *Buffer area.* On lots abutting an R District there shall be provided a 20-foot wide planting strip extending the length of the lot adjoining the R District planted with trees and shrubs to provide a dense screen at maturity.

(F) *Off-street parking and loading facilities.* Off-street parking and loading facilities shall be provided as required in §§ 150.115 through 150.119 of this chapter.  
Penalty, see § 150.999

### **INDUSTRIAL DISTRICTS**

#### **§ 150.070 I-1 LIGHT INDUSTRIAL DISTRICT.**

Within the I-1 Industrial District the following regulations shall apply:

(A) *Permitted uses.* A light industrial use is one which creates a minimum amount of nuisance outside the plant; is conducted entirely within enclosed

buildings, does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose other than transporting goods between buildings; provides for enclosed loading and unloading berths; and which is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noises or vibrations beyond the confines of the building.

- (1) Any agricultural use.
- (2) Auto salvage yards.
- (3) Wholesale businesses.
- (4) Storage firms.
- (5) Research and development organizations.
- (6) Contractors' yards.
- (7) Sheet metal shops.
- (8) Welding shops.
- (9) Machine shops.
- (10) Fruit canning and packing establishments.
- (11) Animal hospitals.
- (12) Bakeries.
- (13) Bottling works.
- (14) Building material yards where no mill work is done.
- (15) Cabinet making establishments and carpenter shops which use no motors larger than ten horsepower.
- (16) Clothing factories.
- (17) Dairies.
- (18) Ice plants.

- (19) Milk distribution stations.
- (20) Laundries.
- (21) Optical goods factories.
- (22) Paper box factories.
- (23) Pencil factories.
- (24) Printing, publication, and engraving plants.
- (25) Dyeing plants.
- (26) Dry cleaning plants.
- (27) Feed processing and distributing facilities.
- (28) Trucking terminals.

(B) *Conditions of use.* The above permitted uses shall be subject to the following:

(1) Any production, processing, cleaning, servicing testing, repair or storage of goods, materials or products shall take place without creating disturbing influences to the use and occupancy of the adjoining properties.

(2) All business production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within 150 feet of the nearest point of any residential R 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 wall or fence, including solid doors, or gates, there to, at least eight feet high but in no case lower than the enclosed storage. However, open off-street loading facilities and open off-street parking facilities for the storage of motor vehicles may be unenclosed throughout the district except for such screening or parking and loading facilities as may be required.

(C) *Height.* No building or structure shall exceed three stories or 35 feet in height, except as permitted in § 150.101 of this chapter.

(D) *Yard areas.*

(1) *Front yard.* All buildings and structures shall have a front yard depth of at least 50 feet. Buildings and structures placed on corner lots shall observe front yard requirements on both streets.

(2) *Side yards.* All buildings and structures shall have side yard widths of at least 50 feet.

(3) *Rear yard.* All buildings and structures shall have a rear yard depth of at least 50 feet.

(4) *Yards adjacent to residential districts.* All buildings and structures on lots adjacent to residential districts shall be located so as to provide side yard widths or rear yard depths of at least 100 feet adjacent to such residential districts.

(5) *Railroad siding frontage.* No yards shall be required for those portions of lots which front on railroad sidings.

(E) *Performance standards.* The following requirements shall apply:

(1) *Noise.*

(a) The sound pressure level, to be measured as described below, shall not exceed the following decibel levels in the designated octave bands when adjacent to the designated types of use districts.

<i>Octave Band Cycles Per Second</i>	<i>Sound Level In Decibels - All Residential Districts</i>	<i>Sound Level In Decibels B-1, B-2, B-3</i>
0 to 75	58	73
75 to 150	54	69
150 to 300	50	65
300 to 600	46	61
600 to 1200	40	55
1200 to 2400	33	48
2400 to 4800	26	41
Over 4800	20	35

(b) Objectionable sounds of an intermittent nature which are not easily measured shall

be controlled so as not to become a nuisance to adjacent use. Measurement is to be made at the nearest boundary of the nearest residential area or at any other point along the boundary where the level is higher. The sound levels shall be measured with a sound level meter and associated octave bank filter as prescribed by the American Standards Association.

(2) *Smoke and particulate matter.* The emission of smoke or dusts by manufacturing plants in an amount sufficient to create a general nuisance to adjoining properties shall be prohibited. Total emission of smoke and particulate matter shall be limited to the following: Ringelmann requirements: All smoke and the emission of all other particulate matter in quantities sufficient to produce an opacity at any point greater than Ringelmann 3 shall be prohibited. The only exception shall be a plume consisting entirely of condensed steam. A Ringelmann 1 unit is defined as 20% density for one minute. No more than 15 units of Ringelmann smoke shall be permitted per hour and no smoke more intense than Ringelmann except that during one hour of a 24-hour day, 30 units of smoke may be emitted but with no smoke more intense than Ringelmann 3. The total quantity of emitted solids shall not exceed one pound per hour, per acre of lot area.

(3) *Odors.* No odor shall be emitted by any use permitted in this district in such quantities as to be readily detectable by an average observer at any point on the boundary line of the premises or beyond.

(4) *Noxious gases.* Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere must be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.

(5) *Glare and heat.* Operation producing intense light or heat shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

(6) *Vibrations.* No uses shall be located and no equipment shall be installed in such a way to produce intense, earth-shaking vibrations which are

noticeable at the property line of the subject premises.

(F) *Off-street parking and loading facilities.* Off-street parking and loading facilities shall be provided as required in §§ 150.115 through 150.119 of this chapter.

(G) *Planting areas.*

(1) Landscape development shall be required to include an area of at least 20 feet in width along all streets, with the exception of approved entrances, which border the proposed development, to be planted and maintained with trees and shrubbery to serve as a screen for the parking and storage areas.

(2) A planting screen, consisting of suitable shrubbery, maintained at a ten-foot height by ten-foot width, to be planted wherever the industrial use abuts a residential district.

#### § 150.071 I-2 GENERAL INDUSTRIAL DISTRICT.

Within the I-2 General Industrial District, the following regulations shall apply:

(A) *Permitted uses.* Any use permitted in the I-1 Light Industrial District. Any industrial or manufacturing activity not in conflict with any other ordinance of the county; provided, however, that the following uses shall be considered special use exceptions and an applicant for such special use exceptions shall follow the procedure outlined in § 150.100 of this chapter.

- (1) Bag cleaning plants.
- (2) Billboards.
- (3) Boiler and tank works.
- (4) Central mixing plants for cement, mortar, plaster or paving materials.
- (5) Distillation plants for bones, coal, wood or tar.
- (6) Fat rendering plants.

(7) Forge plants.

(8) Foundries and metal fabrication plants.

(9) Above ground storage facilities for gasoline, oil and alcohol in excess of 500 gallons.

(10) Slaughterhouses and stockyards.

(11) Smelting plants.

(12) Plants for the manufacture of acetylene, acid, alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta, tile, candles, disinfectants, dye-stuffs, fertilizer, illuminating or heating gas (or storage of same), linseed oil, paint, oil, turpentine, varnish, soap and tar products.

(13) Any other industrial or manufacturing activity which in the opinion of the Planning Commission will not emit detrimental or obnoxious noise, vibrations, smoke, odor, dust, heat or light or create other objectionable conditions beyond the limits of the General Industrial District in which it is located.

(B) *Conditions of use.* The above permitted uses are subject to the same conditions as in I-1 Light Industrial District.

(C) *Height.* No building or structure shall exceed six stories or 75 feet in height, except as permitted in § 150.101 of this chapter.

(D) *Yard areas.*

(1) *Front yard.* All buildings and structures shall have a front yard depth of at least 200 feet. Buildings and structures placed on corner lots shall observe front yard requirements on both streets.

(2) *Side yards.* All buildings and structures shall have side yard widths of at least 100 feet.

(3) *Rear yards.* All buildings and structures shall have rear yard depths of at least 300 feet.

(4) *Yards adjacent to residential districts.*

All buildings and structures on lots adjacent to residential districts shall be located so as to provide side yard widths or rear yard depths of at least 500 feet adjacent to such residential districts.

(5) *Railroad siding frontage.* No yards shall be required for those portions of lots which front on railroad sidings.

(E) *Performance standards.* The same requirements as in I-1 Light Industrial District shall apply.

(F) *Off-street parking and loading facilities.* Parking and loading facilities shall be provided as required or permitted in §§ 150.115 through 150.119 of this chapter.

(G) *Planting areas.*

(1) Landscape development shall be required to include an area of at least 50 feet in width along all streets, with the exception of approved entrances which border the proposed development, to be planted and maintained with trees and shrubbery to serve as a screen for the parking and storage areas.

(2) A planting screen, consisting of suitable shrubbery and trees maintained at a 20-foot height by 30-foot width, to be planted wherever the industrial use abuts any other use district.

**SPECIAL DISTRICTS**

**§ 150.085 S-3 AIRPORT DISTRICT.**

In District S-3 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, moved or altered, except for one or more of the following uses:

(A) Aviation fields, airports, landing strips or landing areas, provided that the following conditions

have been met: Permission of the respective owners, in the form of easements or other suitable assignment to the owner of the airport or landing strip, of air rights over all land in separate ownership and within the approach zones of all runways or landing strips shall be required. Copies of such easements or assignments of rights and an aeronautical evaluation of the proposed facility by the Federal Aviation Agency, as required by law, shall be submitted to the Planning Commission before a permit for establishing or enlarging a runway, landing strip or landing area is authorized. Heliports may be permitted after an aeronautical evaluation of the proposed facility by the Federal Aviation Agency, as required by law, has been reviewed by the Planning Commission.

(B) The governing body or duly authorized representative shall have the power to enforce provisions of this order. No open, vacant, or unimproved land shall be used for any purpose other than agricultural without first obtaining a land use permit from the governing body to be issued in accordance with the terms of this order. Land use permits shall be required, but not limited to the following uses: Airports, landing strips, heliports, or other landing areas. It shall be unlawful to erect, construct, reconstruct or establish such a structure or to plant or replant any tree or other object of natural growth on a runway area or within 500 feet of the nearest center line of a runway which will have or attain a height greater than ten feet above ground level for each 500 feet or fraction thereof, of the distance that such structure or growth is or will be situated from the nearest boundary of a landing area, without first obtaining a permit from the Building Inspector, the application for which permit shall include a written statement of approval from the Federal Aviation Agency obtained by the applicant after due notice to that agency.

Penalty, see § 150.999

#### § 150.086 S-4 COMMERCIAL-RECREATION DISTRICT.

Within the S-4 Commercial-Recreation District, the following regulations shall apply:

##### (A) *Permitted uses.*

(1) Automobile service stations, provided that any tire or tube repairing, battery changing and storing of merchandise or supplies is conducted wholly within a building. Plans for the erection or structural alteration of an automobile service station shall be approved by the Planning Commission. The Planning Commission may require such changes to the yards, location of pumps and buildings, and construction of buildings as it may deem best suited to insure safety, minimize traffic difficulties, and safeguard adjacent properties.

(2) Bake shop.

(3) Boat sales, service and supplies.

(4) Camera and photographic supply shops for retail sales only, not including the processing of film.

(5) Commercial recreation places, including archery ranges, bowling alleys, dance halls, gymnasiums, miniature golf courses, skating rinks or other similar places of amusement or entertainment.

(6) Single-family cottages.

(7) Food and fruit stores.

(8) Gift and curio shops.

(9) Motels.

(10) Outdoor membership clubs.

(11) Resort cabins and lodges.

(12) Restaurants and cafes.

(13) Sporting goods and supplies.

(14) Travel trailer parks, provided that all requirements of the Warren County Mobile Home Ordinance hereinafter to be enacted are fully met.

(B) *Height.* No building or structure shall exceed two stories, or 35 feet in height.

(C) *Lot size.* Every building hereafter erected shall be 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 80 feet, except as provided in §§ 150.100 and 150.101 of this chapter.

(D) *Yard areas.* No building or structure shall be constructed unless the following yard areas are provided and maintained in conjunction with the building.

(1) *Front yard.* Each lot upon which a building is constructed shall have a front yard of not less than 50 feet.

(2) *Side yard.* No side yard shall be required where lots abut A-1 or S-1 Districts; however, where a lot abuts an R District, B District, I District, S-2 District or S-3 District, a side yard equal to one-half the front yard required in the abutting district but in no case less than 15 feet shall be required.

(3) *Rear yard.* There shall be a rear yard of not less than 20 feet.

(E) *Off-street parking and loading facilities.* A space for parking, loading and unloading shall be provided in §§ 150.115 through 150.119 of this chapter.

Penalty, see § 150.999

### **SUPPLEMENTARY REGULATIONS**

#### **§ 150.100 SPECIAL USE EXCEPTIONS, REQUIREMENTS, AND PROCEDURE.**

(A) The special exceptions listed in Figure 1 and their accessory buildings, and uses may be permitted by the Planning Commission and Zoning Board of Appeals in the districts indicated therein, in accordance with the procedure set forth in this section and the requirements listed in Figure 1.

(B) A fee to be established by the County Board shall be paid to the Clerk of the County at the time the

application is filed, and an additional fee to be established by the County Board shall be paid to the County Clerk prior to the time publication of notice of public hearing is ordered by the Zoning Board of Appeals. All fees received hereunder by the County Clerk shall be paid over to the county to the credit of the General Revenue Fund of the county. Within 60 days of the receipt of an application for a permit for a special use exception, the Zoning Board of Appeals shall cause a public hearing to be held before the Zoning Board of Appeals in relation thereto after 15 days notice has been given in a newspaper of general circulation. The notice shall contain the particular location for which the Special Use Exception is requested as well as a brief statement of what the proposed special use consists. Within ten days following the hearing, the Zoning Board of Appeals shall either grant or deny the special use exception; and in the case the special use exception is granted shall make the following findings:

(1) The proposed special use exception is to be located in a district wherein such use may be permitted, and

(2) The requirements set forth in Figure 1 for such special use exception will be met, and

(3) The special use exception is consistent with the spirit, purpose and intent of the applicable land use plan, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare.

(4) The Zoning Board of Appeals shall order the Building and Zoning Inspector to issue a zoning certificate for the special use exception.

(C) An existing lawful use which is located in a district in which special use exception may be permitted, shall be considered a conforming use, and shall not be required to apply for a permit as a special use exception.

(D) Any expansion of such special use exception involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this section.

(E) If the nature of the special use exception involves more than one of those listed in Figure 1, the applicant may apply for a permit for the special use exception which is most clearly related to the primary use; provided that the requirements of all related uses are met.

<b>FIGURE 1 SPECIAL USE EXCEPTIONS AND REQUIREMENTS</b>		
	<i>Districts In Which Use May Be Permitted</i>	<i>Requirement Designation</i>
Airport, Heliport	A-1, S-3	b6, g, h2, j1, k1, l2, n2, i2, p, r1, s, t, u2, v, w, z
Artificial Lakes one or more acres	All districts	i1, j2, p, r1, u1, w, z
Auto Salvage Yard	I-1	
Billboards or Signboards	A-1, B-3, I-1, I-2	p
Crematory or Cemetery	A-1, All R districts, I-1	b11, c2, p, q, r1, v, w
Fire Station	All districts	b4, c6, k11, r1, s, t, v
Greenhouse, commercial	A-1, R-1, I-1	b4, c6, f2, h1, k7, m4, n1, r1, v, w
Hospital or Sanatorium	A-1, All R districts	b7, c6, g, h5, j1, k9, l2, m5, n1, p, s, t, v, z
Industrial Park	I-1, I-2	a1, b10, c7, d3, g, h3, j2, k10, l2, m6, o, p, q, r1
Kindergarten or Day Nursery	A-1, All R districts	b3, c8, f3, h1, j3, j1, k12, r1, v
Library	All R districts, B-2	b6, c6, k29, l2, j1, r1, v
Other Public Buildings, Village or City Hall, Courtthouse	B-2	b6, c6, h1, k30, m1, r1, s, t
Outdoor Theater	A-1, B-3, I-1	c6, i6, k11, p, r1, s, t, v, w, z
Outdoor Commercial Recreation Enterprise	A-1, B-3, I-1	c4, d1, g, h1, i1, j3, k14, l2, n1, p, r2, s, t, v, w, z
Power Transmission Line	All districts	p
Practice Golf-Driving Range	A-1, I-1	c6, i7, j3, k16, l2, r1, v, z
Private Recreational Development	A-1, all R districts, B-3	c4, g, h1, j3, k2, l2, r1, v, w, z
Produce or Stockyard Terminal, Wholesale	A-1, B-3, I-1, I-2	b10, c7, d3, e, h1, i8, j1, k11, l4, m3, n2, p, r1, s, t



**FIGURE 1  
SPECIAL USE EXCEPTIONS AND REQUIREMENTS**

Public or Commercial Sewage or Garbage Disposal Plant	I-1, I-2	b11, c11, e, k19, r1, u1, v, w
Public or Employee Off-Street Parking Areas	All districts	b2, p, r1, s, t, v, x, y, z
Public Park or Public Recreational Facilities	All districts	c4, g, h1, j2, k21, l2, t, v, w
Public Utility Substation or Exchange, including Telephone Exchange	All districts	c1, g, j4, k18, r1, v, z
Radio or Television Tower	A-1, I-1, I-2	k19, p, r1, v
Railroad Right-of-Way and Uses Essential to Railroad Operations	All districts	h1, k20, r1, v
Riding Stable	A-1, R-1, I-1, I-2	b5, c10, h1, j1, k21, m1, r1, v, w
Service Station	A-1, B-3, I-1	a1, b4, e, r2, s, t
Shopping Center	B-3	a2, b7, g, j1, k23, i3, m3, n1, o, p, s, t, u1, v, z
Storage and Distribution Facilities, Inflammable Liquids and Gases, Chemicals and Liquid Fertilizers	A-1, B-3, I-1, I-2	a1, b6, e, r1, s, t
Trailer (Mobile Home) Park or Court	A-1, B-3	p, u3, z
Truck Freight Terminal	B-3, I-1, I-2	c1, e, j1, k25, l4, n2, p, r1, s, t, v, w

**NOTE:** Use of † symbol in the Figure indicates that the requirements of the District apply to the District where located.

- a. Classification of use permitted
  - 1. Light Industrial
  - 2. Local Business
  
- b. Minimum lot area
  - 1. †
  - 2. 1,500 sq. ft.
  - 3. 110 sq. ft. per child
  - 4. 25,000 sq. ft.
  - 5. 20,000 sq. ft. plus 5,000 sq. ft. per horse over 4 horses
  - 6. One acre

**FIGURE 1**  
**SPECIAL USE EXCEPTIONS AND REQUIREMENTS**

b. Minimum lot area (continued)

7. 5 acres
8. 5 acres including 2,500 sq. ft. per mobile home stand
9. 6 acres
10. 20 acres
11. 35 acres
12. 80 acres
13. 320 acres
14. Two times requirement for single-family dwelling
15. 2 acres

c. Minimum yards (feet)

	Front	Side (each)	Rear
1.	†	†	†
2.	†	50	50
3.	†	10	30
4.	†	40	40
5.	†	--	--
6.	100	40	40
7.	100	Abutting Residential	= 75
		Abutting Other Use	= 35
8.	†	20	†
9.	150	150	150
10.	100	100	100
11.	300	300	300

d. Building setback from center line of interior road

1. 40 feet
2. 50 feet
3. 85 feet

e. Use permitted not closer than 300 feet to a residential use

f. Minimum gross floor area of principal buildings (square feet)

1. †
2. Over 1,000
3. Determined by number of children to be accommodated
4. 400
5. Two times single-family dwelling
6. 672

**FIGURE 1**  
**SPECIAL USE EXCEPTIONS AND REQUIREMENTS**

- g. Plan of landscape development to be submitted with application
- h. Maximum height of structure (feet)
  - 1. †
  - 2. As required by appropriate state or federal agency
  - 3. Same as Light Industrial
  - 4. 45
  - 5. 70
  - 6. 25
- i. Fence
  - 1. 6-foot wire mesh where accessible to the public
  - 2. 6-foot wire mesh when located at ground level
  - 3. 4-foot wire mesh around play area
  - 4. Solid wall or solid painted fence 8 feet high
  - 5. 4-foot wire mesh abutting residential use
  - 6. Adequate to protect abutting use
  - 7. Painted board fence 8 feet high
  - 8. 6-foot wire mesh
  - 9. 6-foot solid painted for refuse dump
  - 10. 6-foot wire mesh abutting residential use
- j. Screen planting where abutting residential use  
(Tight screen, effective at all times.)
  - 1. 6-foot height by 6-foot width
  - 2. 25 feet abutting residential district or use
  - 3. 8-foot height by 6-foot width
  - 4. Adequate to screen power substation from street view
  - 5. 7-foot high along streets for refuse dump
- k. Parking spaces
  - 1. 1 per 2 employees plus 1 per 4 seats in waiting room
  - 2. 1 per 2 customers or members
  - 3. 1 per 2 employees plus 3 per doctor
  - 4. 1 per 3 employees plus 1 per 6 students
  - 5. 30
  - 6. 1 per 3 employees per shift
  - 7. 1 per 3 employees plus 1 per 125 sq. ft. of sales area
  - 8. 1 additional
  - 9. 1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle
  - 10. 1 per 2 employees on largest shift

**FIGURE 1**  
**SPECIAL USE EXCEPTIONS AND REQUIREMENTS**

k. Parking spaces (continued)

11. 1 per 2 employees
12. 1 per 2 employees plus 1 per 5 children to be accommodated
13. 1 per 2 employees plus 1 per mobile home stand
14. 1 per 3 employees plus 1 per 500 sq. ft. of use area
15. 1 per 3 employees plus 1 per 10 inmates at estimated capacity
16. 1 per 3 employees plus 1 per driving tee
17. 1 per camp site and 1 per cabin
18. Telephone exchange - 1 per employee
19. 1 per employee shift
20. 1 per 2 employees where headquartered
21. 1 per 5,000 square feet
22. One
23. 1 per 60 sq. ft. of sales area
24. 3 per 4 employees plus 1 per 4 seats
25. 1 per 2 employees plus 4 for customers
26. 1 per employee plus 1 per sleeping accommodation
27. Two
28. 1 per employee plus 1 for each 6 seats in main auditorium
29. 1 per 30 sq. ft. of use area
30. 1 per 3 employees plus 1 per 150 sq. ft.

l. Distance of parking area from residential use (feet)

1. 10
2. 25
3. 50
4. 100
5. 300

m. Number of loading and unloading berths (shall not face on bordering highway)

1. 1
2. 2
3. Per development plan
4. 15,000 sq. ft. - 1; over 15,000 sq. ft. - 2
5. Up to 200 beds - 1; 200 to 500 beds - 2; over 500 beds - 3
6. 15,000 sq. ft. or less - 1; 15,001 - 40,000 sq. ft. - 2; 40,001 - 100,000 sq. ft. - 3; each additional 40,000 sq. ft. - 1 additional

n. Distance of loading and unloading berth from residential use (feet)

1. 50
2. 100
3. 300

**FIGURE 1  
SPECIAL USE EXCEPTIONS AND REQUIREMENTS**

- o. Plat approved by the Commission to be submitted with application
- p. Development plan to be submitted with application
- q. Covenant by owners to perpetuate maintenance and approve future improvements
- r. Maximum number of principal entrances from major thoroughfare
  - 1. 1
  - 2. 2
- s. Acceptable relationship to major thoroughfare
- t. Thoroughfares must be adequate to carry additional traffic engendered by use
- u. Other authority approval required
  - 1. State Board of Health
  - 2. Aeronautics Commission
  - 3. Special Ordinance of Governing Body
- v. Outdoor artificial lighting shall be approved by the Commission
- w. Disposal of liquid and other wastes shall meet the approval of the pertinent health authorities
- x. No sales, dead storage, repair work or dismantling on the lot
- y. Except for approved exits and entrances, a masonry wall 4-feet in height and 6 inches thick erected at required front line of building and may be required along boundaries of parking area as determined by the Commission for the protection of residentially zoned or used property
- z. Subject to review by the County Planning Commission

Penalty, see § 150.999

**§ 150.101 ADDITIONAL HEIGHT, AREA AND YARD REGULATIONS.**

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

*(A) Additional height regulations.*

(1) Single-family dwellings and two-family dwellings may be increased in height by not more than

ten feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten feet each, but they shall not exceed three stories in height.

(2) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, radio towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or future ordinances of the governing body.

**(B) Additional area regulations.**

(1) No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes unless the main building on the lot is also being used for dwelling purposes.

(2) More than one industrial, commercial, multiple dwelling or institutional building may be erected upon a single lot or tract but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, nor shall there be any change in the intensity of use requirements. When more than one multiple dwelling building is erected upon a single lot or tract, the minimum distances between main buildings shall be the following:

(a) Front to front, 70 feet; front to rear, 60 feet.

(b) Side to side, one-half the height of the taller building but not less than 20 feet.

(c) Front to side or rear to side, the height of the taller building but not less than 30 feet.

(d) Rear to rear, 50 feet.

(3) Where an open space is more than 50% surrounded by buildings, the minimum width of the open space shall be 30 feet for one-story buildings, 40 feet for two-story buildings and 50 feet for three-story buildings.

(4) All distance requirements and buffer area or screening requirements established for the protection of R districts shall be applicable to any trailer (mobile home) court existing or hereinafter established.

**(C) Additional yard regulations.**

(1) In computing the depth of a rear yard, where such yard opens onto an alley, one-half of the alley width may be included as a portion of the rear yard.

(2) Except in an A-1 District, no accessory buildings which are not a part of the main building may be built in any yard but a rear yard and shall be at least five feet from the rear lot line. An accessory building which is not a part of the main building shall not occupy more than 30% of the required rear yard.

(3) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed 12 inches. This requirement shall not prevent the construction of fences not exceeding eight feet in height, except on that portion of lots within 30 feet of the intersection of two or more streets.

(4) Open, or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet and the ordinary projections of chimneys and flues may be permitted by the Building Inspector.

(5) For the purposes of side yard requirements, a two-family dwelling shall be considered as one building occupying a single lot.

(6) An open unenclosed porch not more than one story in height or paved terrace may project into the required front yard for a distance not exceeding ten feet. An enclosed vestibule containing not more than 40 square feet may project into the required front yard for a distance not to exceed four feet.

(7) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the first (ground) story may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.

(8) When 40% of a frontage is developed with two or more buildings, then the depth of the front yards heretofore established shall be adjusted in the following manner:

(a) When the building furthest from the street provides a front yard no more than ten feet

deeper than the building closest to the street, then the average depth of the front yard for such frontage shall be the minimum depth of front yard for new buildings in such block.

(b) When the above is not the case and the lot is within 100 feet of an existing building on each side, excluding, however, buildings on corner lots which front upon the intersecting street, then the depth of the front yard is determined by a line drawn from the closest front corners of these two adjacent buildings.

(c) When neither division (a) or (b) is the case and the lot is within 100 feet of an existing building on one side only, excluding however, buildings on corner lots which front upon the intersecting street, then the depth of the front yard is the same as that of the existing adjacent building.

(9) In all districts, except B-1 and B-2 Districts, a triangular space must be maintained at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 15 feet equidistant from the intersection of the property lines or the property lines extended on the corner of the lot using each of the street right-of-way lines.

(10) In single-family dwelling districts, when 80% of the frontage of a block on both sides of the street between two intersecting streets or between an intersecting street and a cul-se-sac has been developed with main buildings and accessory buildings with side yards less than that required by the dwelling district in which the property is situated, then the side yard requirement for any main building or accessory buildings in the block shall be the average side yard of all parcels of property in the block rather than the side yard set forth in the dwelling district in which the parcel of property is situated. In determining the existing side yard of any developed parcel, in order to compute the average herein required, the side yard of the main building on any developed parcel shall be used except that when an accessory building exists

with a smaller side yard than the main building has, the side yard shall be taken as being the average between the side yard of the main building and the side yard of the accessory building.

Penalty, see § 150.999

#### **§ 150.102 NONCONFORMING USES AND BUILDINGS.**

(A) The lawful use of land for storage purposes except for agriculture uses or where such use is an adjunct of any structure, and advertising signs and bulletin boards which do not conform to the provisions of this chapter shall be discontinued within one year from the date of the approval of this zoning code and the lawful use of land area for storage purposes except for agriculture uses or where such use is an adjunct of any structure, and signs and bulletin boards which become nonconforming by reason of a subsequent change in this chapter shall also be discontinued within one year from the date of the change.

(B) The lawful use of a building or structure existing at the time of the effective date of this zoning code may be continued, although such use does not conform to the provisions of this chapter. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever such nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

(C) Whenever the lawful use of a building becomes nonconforming through a change in zoning requirements or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification. Whenever such nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

(D) The lawful use of land as a trailer court which does not conform to the provisions of this zoning code shall not be extended beyond the area actually so used at the date of approval of this zoning

code, and no new parking spaces or berths for additional trailers shall be added thereto.

(E) Whenever a nonconforming use of a nonagricultural building or structure, or part thereof, has been discontinued for a period of 18 consecutive months, or for a continuous period of 24 months if the building was originally designed and constructed for a nonresidential use, such use shall not after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the district.

(F) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of 12 months shall constitute abandonment.

(G) No existing nonagricultural building or structure devoted to a use not permitted in the district in which such building or premises is located, except when required to do so by law, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building or structure is located, provided, however, any building containing a residential nonconforming use may be altered in any way to improve livability but no structural alteration shall be made which would increase the number of dwelling units therein or the bulk of the building. Any existing building or structure devoted to a use permitted in the district in which such building or structure is situated, but failing to comply with the yard or building setback line requirements of this zoning code, may be enlarged, extended, reconstructed or structurally altered in any manner which does not further encroach upon the required open yard space of building setback line which is not complied with.

(H) Any nonagricultural building or structure containing a nonconforming use which is damaged by explosion, fire, flood, wind or other Act of God or man to the extent of 50% or more of its fair market (sales) value immediately prior to damage shall not be repaired or reconstructed except in conformity with the provisions of this chapter except for a farm or nonfarm residence which may be replaced. In the event that the Building Inspector's estimate of the extent of damage or fair market value is not acceptable to the applicant for the building permit to repair or

reconstruct such building or structure, the applicant may appeal to the Board of Appeals.

(I) No nonagricultural building or structure designed or intended to be utilized for a nonconforming use shall be constructed or allowed unless substantial construction is underway at the time of the enactment or subsequent amendment of this zoning code and is being diligently prosecuted so that such building or structure will be completed within 18 months from the time of the enactment or subsequent amendment of this zoning code. All outstanding building permits for construction which do not meet these requirements shall be rendered null and void by the enactment or subsequent amendment of this zoning code.

(J) When adjacent lots of record are in single ownership and fronting on the same street or place, even though such lots are smaller in area and width than permitted in the use district where located, no building or structure shall be erected or structurally altered on such lots, except in conformity with the provisions of this chapter.

(K) Where there is a lot of record where no adjacent lot is owned, buildings or structures may be erected or structurally altered if such buildings or structures are in conformity to the setback yard area and lot coverage requirements of the district in which the lot of record is located.  
Penalty, see § 150.999

#### **§ 150.103 DENSITY DEVELOPMENT PROCEDURE.**

The purpose of this section is to provide permissive, voluntary and alternate zoning procedures for the R-1, R-2, R-3, R-4 and R-5 Single-Family Dwelling Districts, and thereby make provision for variations in lot sizes in these dwelling districts which permit the density of the dwelling units contemplated by the minimum lot size requirements within the various residential districts to be maintained on an over-all basis when applied to specific tracts of land, and thereby provide for desirable and proper open space, tree cover, recreation area, and scenic vistas; all with the intent of preserving the natural beauty of



the local terrain and landscape, while at the same time maintaining the necessary maximum dwelling unit density limitations of the particular residential districts.

(A) *Permitted uses.*

(1) The same as those for the residential district to which the density development procedure hereinafter described is applied.

(2) Private recreation facilities, such as golf courses or swimming pools, which are limited to the use of the owners or occupants of the lots located within the subdivision.

(3) Historic building sites or historical sites, parks or parkway areas, ornamental areas, open space areas consisting of areas of tree cover, lakes, lowland along streams, and areas of rough terrain, when such areas are extensive and have natural features worthy of preservation and when such areas are held in common ownership by the owners of the lots located within the subdivision.

(B) *Lot requirements.* The developer of a subdivision in the R-1, R-2, R-3, R-4 or R-5 Single-Family Dwelling Districts, upon receiving the approval of the Board of Supervisors of a density development plan, after approval and report thereon by the Planning Commission, may vary the lot sizes within the subdivision from those required by the applicable zoning district by compliance with the following procedures:

(1) Under this section, lots may be reduced in area below the minimum lot size required by the residential district in which the subdivision is located, provided that the average lot size of the total lots created in the subdivision is not below the minimum lot size required by the applicable district.

(2) The land utilized by public utilities, such as easements for major facilities, such as electrical transmission lines, sewer lines, and water mains, where such land is not available to the owner for development because of such elements, shall not be considered as a part of the gross acreage in computing the maximum number of lots that may be created under the procedure hereinafter described.

(3) The maximum number of lots that may be approved shall be computed by subtracting from the total gross acreage available for subdivision, under this density development procedure, a fixed percentage of the total for street right-of-way purposes and dividing the remaining area by the minimum lot area requirements of the residential district or districts in which the subdivision is to be located. The fixed percentage for street right-of-way to be subtracted from the total area to be subdivided shall be as follows:

- R-1 Single-Family Dwelling District 15%
- R-2 Single-Family Dwelling District 20%
- R-3 Single-Family Dwelling District 20%
- R-4 Single-Family Dwelling District 30%
- R-5 Single-Family Dwelling District 30%

This method shall apply regardless of the amount of land actually required for street right-of-way.

(4) Minimum lot requirements. Under the density development procedure, no lots shall be reduced in area below the following minimum requirements:

<i>Zoning District</i>	<i>Required Minimum Lot Area of District</i>	<i>Permissive Minimum Lot Area of Density Development Procedure</i>
R-1	1 acre	12,500 sq. ft.
R-2	15,000 sq. ft.	10,500 sq. ft.
R-3	10,000 sq. ft.	7,500 sq. ft.
R-4	7,500 sq. ft.	5,500 sq. ft.
R-5	4,000 sq. ft.	3,000 sq. ft.

(C) *Frontage requirements.* No minimum frontage shall be required under the density development procedure.

(D) *Parking regulations.* Under no circumstances shall the parking requirements under the density development procedure be less than that of the applicable residential district, as provided in §§ 150.115 through 150.119 of this chapter and parking for any schools, churches, or recreation area shall be provided in accordance with §§ 150.115 through 150.119 of this chapter.

(E) *Procedure.* The owner or owners of a tract of land seeking to avail themselves of the provisions of this section shall submit the plan for the use and development of the tract of land in accordance with the provisions of this section to the Board of Supervisors and the Board of Supervisors shall refer the matter to the Planning Commission for study. That plan shall include at least the following:

(1) A site plan defining the area to be developed for buildings, the area and/or structures to be developed for common use, the areas and/or structures to be developed for parking, the location of pedestrian and vehicular circulation and the point of ingress and egress, including access streets where required and adjustments to be made in relation to abutting land uses and zoning districts.

(2) Applications for approval of subdivision designed in accordance with the provisions of this section shall be identified as density development subdivisions, shall include an out-boundary survey of the property, a statement certified by a registered engineer setting forth the total area, the available gross area, the maximum number of lot allowable, the total number of lots in the proposed development, the minimum lot area, and the total area of common land, if any. The subdivision shall be processed in the same manner as any other subdivision, as required by the subdivision regulations of Warren County, Illinois.

(3) A statement of financial responsibility to insure construction of the planned density development, including landscaping, in accordance with the plans and requirements of this section.

(4) Applications for approval of subdivisions designed in accordance with the provisions of this section shall be accompanied by all of the necessary legal documentation relating to the conveyance of common acres as hereinafter provided in this section.

(5) Under this section, lots may be reduced in area below the minimum lot size required by the residential district in which the subdivision is located, provided that the average lot size of the total lots created in the subdivision is not below the minimum lot size required by the applicable district.

(F) *Common land.* In a subdivision containing ten or more lots, common land, containing one acre or more in area, for open space or recreational use, shall be set aside for common use by all owners of residential lots in the subdivision, and such common land may be included in the total gross acreage used for determining the average lot size of the total lots created in such subdivision. Only the following land uses may be set aside as common land for open space or recreational use, as here and above provided:

(1) Private recreational facilities, such as golf courses or swimming pools, which are limited to the use of the owners or occupants of the lots located within the subdivision.

(2) Historic building sites or historical sites, parks or parkway areas, ornamental areas, extensive areas with tree cover, lowland along streams, with rough terrain, when such areas are extensive and have natural features worthy of preservation.

(G) *Fee simple absolute title.* All open space, tree cover, recreational area, scenic vista, or other authorized land use, acreage of which is utilized to determine the common land as herein provided, shall be conveyed by the subdivider in simple absolute title by warranty deed to trustees for a term of years certain. The trustees shall make provision by trust indenture for the sole benefit, use and enjoyment of the lot owners, present and future, of each subdivision authorized under the density development procedure. The term of years shall extend for a period of at least 20 years, or the duration of the subdivision, whichever period of time is less. Thereafter, the fee simple absolute title shall vest in the then lot owners as joint tenants. The rights of said joint tenants shall only be exercisable appurtenant to and in conjunction with their lot ownership. Any conveyance or change of ownership of any lot shall convey with this ownership on the common property. No lot owner shall have the right to convey his interest in the common property except as an incident of the ownership of a regularly platted lot. The sale of any lot shall carry with it all the incidents of ownership of the common property although such is not expressly mentioned in the deed; provided, however, that no right or power conferred upon the trustees shall be abrogated. Warranty deeds and trust indentures complying with the

aforementioned provision shall have attached thereto a written legal opinion prepared and signed by an attorney licensed to practice law in the State of Illinois; setting forth the attorney's legal opinion as to the legal form and effect of the deeds and trust indentures. The deeds and indentures shall be approved by the Planning Commission, approved by the County Clerk as to legal form and filed with the Recorder of Deeds of Warren County simultaneous with recording of the final subdivision plat.

Penalty, see § 150.999

### § 150.104 SLOPE DEVELOPMENT PERFORMANCE STANDARDS.

(A) *Purpose.* The purpose of the slope development performance standards is to ensure that slope development and excavation of slopes and hillsides minimizes soil and slope instability and erosion, minimizes the adverse effects of cut, fill and grading operations, preserves the character of the county's slopes and protects streams from excessive sedimentation. These provisions apply to slopes that have a natural cross-slope which exceeds 10% and are designed to accomplish the following:

(1) Prohibit development or uses which would likely result in a hazardous situation due to slope instability, rock falls, or storm water runoff and excessive soil erosion.

(2) Preserve natural features, wildlife habitats, natural vegetation, trees and other natural plant formations.

(3) Provide for safe vehicular circulation and access to recreation areas, natural drainage channels, paths and trails.

(4) Encourage the location, design and development of building sites in a manner that will provide for greater aesthetic appeal, blend with the slopes and hillside terrain, and minimize the scarring and erosion effects of cutting, filling and grading.

(5) Encourage preservation of open space by encouraging clustering or other design techniques to preserve the natural terrain and views and vistas.

(B) *Permitted uses.* The following uses shall be permitted, if in the judgment of the Zoning Official, that when located, constructed and operated, they will not be contrary to the purposes of this section and that such uses shall not imperil human life, structures, or soil stability on the subject or adjacent properties.

(1) Single-family residential detached dwelling units provided that each lot created is a minimum of three acres in size except where a pre-existing lot with a structure exists at the time of adoption of this chapter. The pre-existing lot shall consist of a minimum of one acre with provisions for water and sewerage facilities. Where on-site wastewater systems are used, the lot area shall meet the Illinois Department of Public Health minimum requirements for septic systems and water well systems for single-family non-farm dwellings, provided said lot area is not less than one acre in area and has a width measured at the established building line of not less than 150 feet.

(2) Agricultural uses including customary accessory buildings, structures and dwellings.

(3) Parks, playgrounds and general community open space.

(4) Pedestrian easements.

(5) Utility easements.

(C) *Slope development standards.*

(1) *Determination of slope and slope areas.* Slope shall be determined on an individual development parcel basis and/or by portions of the development parcel of generally uniform slope. The location of the natural slopes that shall be regulated by this section shall be determined using the following procedures and shall be included in the site plan submittal prepared in conformance with § 150.232 of this code, Site Plan Requirements:

(a) *Preparation of contour maps.* The contour intervals, maps, and calculations required to determine the slope shall be prepared in a report by a registered professional engineer or Illinois Registered Land Surveyor and shall be submitted with

applications for permits or subdivision approvals. Current contour maps shall be prepared and certified by a registered professional engineer or surveyor showing contours at intervals no greater than two feet (the "Contour Map"), drawn at 1" = 200' scale unless otherwise approved by the Zoning Official. At the discretion of the Zoning Official, the Soils Survey of Warren County, Illinois, prepared by the United States Department of Agriculture issued in 1998 as amended from time to time may be utilized in lieu of contour mapping.

(b) *Verification through field surveys.*

Field surveys may be required of the applicant by the County Engineer to verify the accuracy of the contour lines shown on the contour map. The contour map shall identify profile lines which shall be used for performing the field survey. Profile lines shall be perpendicular to contour lines and in no case occur at intervals greater than 150 feet apart or 75 feet from a property line. Where a development is to occur on a portion of the property, the Zoning Official may allow slope of the property to be determined for all areas within 100 feet of the extent of the proposed site development.

(c) *Determination of slope areas for density calculations.* Using the field survey, slopes shall be calculated in horizontal intervals no greater than 40 feet and slopes shall be shown on the contour map.

(2) *Average cross-slope in excess of 18% but does not exceed 30%.* Where the cross-slope of a hillside exceeds 18% but does not exceed 30%, any proposed development shall require a special use exception permit in conformance with § 150.028 of this code and with the slope development standards in this section.

(3) *Average cross-slope that is greater than 30%.* Where slopes or hillsides proposed for development exceed 30%, no development shall be permitted unless the Plan Commission determines that such development may be allowed as clustered units on a minimum development area of not less than five acres with a building setback of not less than 150 feet measured between the established building line and the street right-of-way. Such development will not have

an impact upon surrounding conditions which shall include, at a minimum, soil stability, existing vegetation, potential for erosion, and proximity to streams and natural watercourses.

(4) *Street design.* County standards for street design shall apply to all development in a slope area, except as they may be modified by the following:

(a) Roads and other vehicular routes shall not traverse property having a slope greater than 30% unless, after review by the Plan Commission and approved by the County Board, it is determined that:

1. Appropriate engineering measures will be taken to minimize the impact of cuts and fills consistent with the purpose of this section; and

2. The applicant has taken reasonable steps to minimize the amount of hillside cuts and also has taken measures to mitigate the aesthetic impact of cuts through landscaping or other steps.

(b) Existing vegetation shall be preserved to the greatest extent possible. Street alignment should follow the natural terrain, as much as possible.

## **OFF-STREET PARKING AND LOADING**

### **§ 150.115 GENERAL PROVISIONS.**

(A) *Procedure.* An application for a building permit for a new or enlarged building, structure, or use, shall include therewith a plot plan, drawn to scale, and fully dimensioned showing any off-street parking or loading facilities to be provided in compliance with the requirements of this chapter.

(B) *Extent of control.* The off-street parking and loading requirements of this chapter shall apply as follows:

(1) All buildings and structures erected and all land uses shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof.

(2) When a building or structure erected or enlarged prior to or after the effective date of this chapter shall undergo a decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required off-street parking or loading facilities, and further, when said decrease would result in a requirement for fewer total off-street parking or loading spaces through application of the provisions of this chapter, off-street parking and loading facilities may be reduced accordingly, provided that existing off-street parking or loading facilities are so decreased only when the facilities remaining would at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of this chapter to the entire building or structure as modified.

(3) When a building or structure undergoes any increase in number of dwelling units, gross floor area, seating capacity or other unit of measurement specified hereinafter for required off-street parking or loading facilities, and further, when the increase would result in a requirement for additional total off-street parking or loading spaces through application of the provisions of this chapter, parking and loading facilities shall be increased so that the facilities would at least equal or exceed the off-street parking or loading requirements resulting from application of this chapter to the entire building or structure as modified.

(C) *Existing off-street parking and loading spaces.* Accessory off-street parking and loading spaces in existence on the effective date of this zoning code may not be reduced in number unless already exceeding the requirements of this section for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.

(D) *Schedule of requirements.*

(1) *Tables for required off-street parking and loading.* Requirements governing the number and

location of off-street parking, off-street loading facilities in relation to the use of property are established in other sections of this chapter. The off-street parking and loading requirements for any use not specified therein shall be the same as for similar specified use, as determined below.

(2) *Floor area.* The term "floor area" as employed in this off-street parking and loading section in the case of office, merchandising, or service types of use shall mean the gross area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients, or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. "Floor area" for the purposes of this section shall not include any area used for:

- (a) Storage accessory to the principal use of a building.
- (b) Incidental repairs.
- (c) Stairways and elevators.
- (d) Show windows.
- (e) Rest rooms.
- (f) Utilities.
- (g) Dressing, fitting or alteration rooms.

Penalty, see § 150.999

#### § 150.116 ADDITIONAL PARKING REGULATIONS.

(A) *Use of off-street parking facilities.* Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles or commercial vehicles of not more than five ton GVW owned by occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants.

(B) *Joint parking facilities.* Off-street parking

facilities for different buildings, structures or uses, or for mixed uses, or may be provided collectively in any zoning district in which separate off-street parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together are not less than the sum of the separate requirements for each use and not more than 300 feet from the lot on which the main building or use to be served is located. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereto assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the County Attorney or appointed legal advisor, and shall be filed with the application for a building permit.

(C) *Joint uses.* Not more than 50% of the parking spaces required for (a) theaters, and places of amusement, and up to 100% of the parking spaces required for a church or school may be provided and used jointly by (b) banks, office, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that written agreement, assuring the retention for such purpose, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the County Attorney and shall be filed with the application for the building permit.

(D) *Control of off-site facilities.* When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same possession, either by deed or long term lease, as the property occupied by such principal use, and the owner shall be bound by covenants filed of record in the office of the County Clerk, requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of the principal use.

(E) *Permitted districts for accessory parking.* Accessory parking facilities provided elsewhere than on the same zoning lot with the principal use served in accordance with the requirements below, may be

located in any zoning district except as follows: No parking facilities accessory to a business or manufacturing use shall be located in a Residential District where authorized by the County Board as prescribed hereinafter.

(F) *Nonresidential parking in residential districts.* Accessory off-street parking facilities serving nonresidential uses of property may be permitted in any R District, when authorized by the County Board after review and study by the Planning Commission, subject to the following requirements in addition to all other relevant requirements:

(1) The parking lot shall be accessory to, and for use in connection with, one or more nonresidential establishments located in adjoining districts or in connection with one or more existing professional or institutional office buildings or institutions, if the parking lot proposed is within 300 feet of the nonresidential use which it is to serve.

(2) The parking shall be used solely for the parking of passenger automobiles or commercial vehicles of not more than five ton GVW.

(3) No commercial repair work or service of any kind shall be conducted on the parking lot.

(4) No sign of any kind other than signs designating entrances, exits and conditions of use, shall be maintained on the parking lot, and shall not exceed 20 square feet in area.

(5) The parking lot may be open from 7:00 a.m. to 9:00 p.m. and shall be closed at all other times; provided however, that when supervised by one or more full-time attendants, the parking lot may be kept open until 12:00 midnight. Parking lot lights shall be turned off when the lot closes.

(6) Each entrance to and exit from the parking lot shall be at least 20 feet distant from any adjacent property located any residential district, except where ingress and egress to the parking lot is provided from a public alley or public way separating the residential area from the proposed parking lot.

(7) In addition to the foregoing

requirements, such parking lots shall conform to any further requirements and conditions as may be prescribed by the County Board for the protection of properties adjacent to and in the vicinity of the proposed parking lot.

(G) *Design and maintenance.*

(1) *Parking - space description.* A required off-street parking space shall be an area of not less than 180 square feet not less than nine feet wide by 20 feet long measured perpendicularly to the sides of the parking space exclusive of access drives or aisles, ramps, columns, or office and work areas, accessible from streets or alleys or from private driveways or aisles leading to streets or alleys and to be used for the storage or parking of passenger automobiles or commercial vehicles under one and one-half ton capacity. Aisles between vehicular parking spaces shall be not less than 12 feet in width when serving automobiles parked at a 45 degree angle in one direction nor less than 25 feet in width when serving automobiles parked perpendicularly.

(2) *Measurement of space.* When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including  $\frac{1}{2}$  shall be disregarded, and fractions over  $\frac{1}{2}$  shall be interpreted as one parking space.

(3) *Access.* Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic and so designed as to permit adequate maneuvering area for vehicles to turn around where only one entry or exit is provided in order that no backing of vehicles into the street is required. No driveway or curb cut in any district shall exceed 25 feet in width.

(4) *Signs.* No signs shall be displayed in any parking area within any residential district, except such as may be necessary for the orderly use of the parking facilities.

(5) *Striping.* All parking spaces shall be properly marked by durable paint in stripes a minimum of four inches wide and extending the length

of the parking space.

(6) *Required setbacks.* No parking space nor portion thereof established on the same zoning lot with a building shall be located within a required front yard. No parking spaces nor portion thereof established on a zoning lot without a building shall be located closer to any street line than the established building line on adjacent properties nor closer than the front yard setback required for the district in which the parking lot is located.

(7) *Surfacing.* All open off-street parking areas, except those accessory to single-family dwellings, shall be improved.

(8) *Lighting.* Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from all adjoining properties.

(9) *Storm water.* Adequate storm water drainage facilities shall be installed in order to insure that storm water does not flow onto abutting property or abutting sidewalks in such a way or quantity that pedestrians using the sidewalk would be detrimentally affected or inconvenienced. The County Engineer shall approve all such facilities.  
Penalty, see § 150.999

### § 150.117 LOCATION OF PARKING AREAS.

Off-street automobile parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that the parking area is required to serve.

(A) For one and two-family dwellings - on the same lot with the building they are required to serve.

(B) For clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes, and for other similar uses - the off-street parking facilities required shall be on the same lot or parcel of land as the main building or buildings being served, or

upon properties contiguous to the zoning lot upon which is located the building or buildings they are intended to serve.

(C) For uses other than those specified above, off-street parking facilities shall be provided on the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land not over 1,000 feet from any entrance of the main building measured from the nearest point of the parking area, provided the separate lot or parcel of land intended for the parking facilities is located in the same district as the principal permitted use or in a less restricted district.

Penalty, see § 150.999

#### § 150.118 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.

(A) *One and two-family dwellings.* One parking space for each family dwelling unit, behind the building line.

(B) *Bowling alleys, recreation centers, swimming pools, skating rinks and other recreation and amusement facilities.* One parking space for every five customers computed on the basis of maximum servicing capacity at any one time plus one additional space for every two persons regularly employed on the premises.

(C) *Club houses and permanent meeting places of veterans, business, civic, fraternal, labor and similar organizations.* One parking space for every 50 square feet of aggregate floor area in the auditorium, assembly hall and dining room of such building plus one additional space for every two persons regularly employed on the premises.

(D) *Funeral homes and undertaking establishments.* Parking or storage space for all vehicles used directly in the conduct of the business plus one parking space for every two persons regularly employed on the premises and one space for every four seats in the auditorium or chapel of such establishment.

(E) *Hospitals.* One parking space for each bed

intended for patients, excluding bassinets, plus one per doctor plus one per three employees plus one for hospital vehicle.

(F) *House trailers (mobile homes).* One parking space for each trailer used for dwelling or sleeping purposes.

(G) *Indoor retail businesses.* Parking or storage space for all vehicles used directly in the conduct of such business plus three parking spaces for the first 1,000 square feet of total area and one additional space for every additional 200 square feet of floor area.

(H) *Industrial plants and facilities.* Parking or storage space for all vehicles used directly in the conduct of such industrial use plus one parking space for every two employees on the premises at maximum employment on a single shift.

(I) *Junior and senior high schools.* One parking space for every eight seats available at maximum capacity in the assembly hall, auditorium, stadium, or gymnasium of greatest capacity on the school grounds or campus. If the school has no assembly hall, auditorium, stadium, or gymnasium, one parking space shall be provided for each person regularly employed at such school plus two additional spaces for each classroom.

(J) *Libraries, museums, post offices and similar establishments.* Parking or storage space for all vehicles used directly in the operation of such establishments plus three parking spaces for the first 1,000 square feet of total floor area and one additional space for every additional 200 square feet of floor area.

(K) *Medical and dental clinics.* Three parking spaces for each doctor plus one additional space for every two regular employees.

(L) *Nursing homes.* One parking space for every two beds occupied at maximum capacity, plus one space for every two regular employees. This requirement is in addition to the parking space requirements for hospitals set forth in § 150.100.



(M) *Offices.* One parking space for every 300 square feet of office space.

(N) *Outdoor retail businesses.* Parking or storage space for all vehicles used directly in the conduct of such business plus two parking spaces for each person employed on the premises based on maximum seasonal employment and such additional space as may be required by the Planning Commission based on the nature of the business and other relevant factors.

(O) *Public and private elementary schools.* One parking space for every 12 seats available at maximum capacity in the assembly hall, auditorium, stadium, or gymnasium of greatest capacity on the school grounds or campus. If the institution has no assembly hall, auditorium, stadium, or gymnasium then one parking space shall be provided for each person regularly employed at such school plus one additional space for each classroom.

(P) *Public garages.* Indoor or outdoor parking or storage space for all vehicles used directly in the conduct of such business plus three parking spaces for each person regularly employed on the premises.

(Q) *Repair shops, plumbing shops, electrical shops, roofing shops and other service establishments.* Parking or storage space for all vehicles used directly in the conduct of the business plus two parking spaces for each person regularly employed on the premises.

(R) *Restaurants and other eating and drinking establishments.* One parking space for every 200 square feet of total floor area.

(S) *Self-service laundries.* One parking space for every two washing machines.

(T) *Service stations.* Parking or storage space for all vehicles used directly in the conduct of the business plus one parking space for each gas pump, three spaces for each grease rack or similar facility, and one space for every two persons employed on the premises at maximum employment on a single shift.

(U) *Theaters, Auditoriums, churches, stadiums, civic centers and other places of public assembly.* One

parking space for every six seats available at maximum capacity.

(V) *Transportation terminals.* One parking space for every 100 square feet of waiting room space.

(W) *Motels and hotels.* One and one-half parking spaces for each sleeping room offered for tourist accommodation plus one space for each dwelling unit on the premises.

(X) *Universities, colleges, junior colleges, academies, technical schools and similar institutions of higher learning.* One parking space for every six seats occupied at maximum capacity in the assembly hall, auditorium, stadium, or gymnasium of greatest capacity on the campus. If the institution has no assembly hall, auditorium, stadium or gymnasium, one parking space shall be provided for each person regularly employed at such institution plus five additional spaces for each classroom.

(Y) *Warehouses, freight terminals and trucking terminals.* Parking or storage space for all vehicles used directly in the conduct of such business plus two parking spaces for each person regularly employed on the premises.

(Z) *Wholesale businesses.* Parking or storage space for all vehicles used directly in the conduct of such business plus two parking spaces for each person employed on the premises based on maximum seasonal employment.

Penalty, see § 150.999

#### § 150.119 DESIGN AND SCHEDULE OF OFF-STREET LOADING AND UNLOADING SPACE.

##### (A) *Design.*

(1) *Loading berth - description.* An off-street loading berth shall be a hard-surfaced area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys.

(2) *Location.* No permitted or required loading berth shall be closer than 50 feet to any property in a residential district unless completely enclosed by buildings wall, 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. Loading berths open to the sky may be located in any required yards.

(3) *Measurement of berth.* When determination of the number of required off-street loading berths results in a requirement of a fractional berth, any fraction up to and including  $\frac{1}{2}$  shall be disregarded and fractions over  $\frac{1}{2}$  shall be interpreted as one loading berth.

(4) *Surfacing.* All open off-street loading berths shall be improved with a compacted gravel base, not less than seven inches thick, surfaced with not less than one inch of asphaltic concrete or some comparable all-weather dustless material.

(B) *Space.* Every building or structure used for business, trade or industry shall provide adequate space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. At least the following off-street loading and unloading space requirements for specific uses shall be provided:

(1) *Retail businesses and service establishments.* One off-street loading and unloading space at least 12 feet by 35 feet for every 3,000 square feet of total floor area.

(2) *Industrial plants.* One off-street loading and unloading space at least 12 feet by 50 for every 10,000 square feet of total floor area.

(3) *Warehouses and wholesale storage facilities.* One off-street loading and unloading space at least 12 feet by 50 feet for every 7,500 square feet of total floor area.

(4) *Freight terminals and trucking terminals.* One off-street loading and unloading space at least 12 feet by 50 feet for every 5,000 square feet of total floor area.  
Penalty, see § 150.999

### **PLANNED UNIT DEVELOPMENT**

#### **§ 150.130 PURPOSE.**

The Planned Unit Development district provides for project variety and diversity through the modification of conventional zoning so that maximum long range neighborhood and community benefits can be gained and for the following purposes:

(A) To encourage and permit innovations in residential, commercial, recreational, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to the development.

(B) To provide a procedure which can more effectively relate the type, design, and layout of residential, commercial, recreational, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

(C) To encourage a more efficient use of land and of public or private services, and to reflect changes in land development and service delivery so that there are resulting economies to the public and the developer.

(D) To provide for necessary commercial, recreational, and educational facilities conveniently located to residential uses.

(E) To provide for well located, clean, safe, and pleasant industrial sites.

(F) To lessen the burden of traffic on streets, roads and highways.

(G) To preserve the value of land.

(H) To allow flexibility in application of the zoning requirements regarding bulk, density, and open space, while ensuring that such flexibility will not be used in a manner which distorts the objectives of these regulations nor which allows "spot zoning."

(I) To encourage integrated planning in order to achieve the above purposes.

(J) To encourage the building of new neighborhoods and incorporating the best features of modern design.

**§ 150.131 DEVELOPMENT STANDARDS.**

(A) *Generally.*

(1) PUDs shall comply with the standards of these regulations, except when the county finds that public or private amenities provided by the proposed development exceed those that would be achieved through development that strictly complies with the minimum standards of these regulations.

(2) The accepted "design" density indicated in the concept plan approval cannot be presumed as a matter of right from the PUD zoning designation, but shall be justified at the preliminary stage through site and structure design. The Zoning Officer may limit the density on all or any portion of a PUD if he determines that the design fails to fulfill the purposes of these regulations and this chapter.

(B) *Residential density.* Gross residential densities shall be based on:

(1) The adequacy of public utilities, facilities and services to meet projected demands for transportation facilities, water, wastewater, drainage, emergency services, schools and recreation facilities;

(2) Compatibility with adjacent development;

(3) Environmental conditions; and

(4) Private amenities for future residents of the PUD.

(C) *Non-residential intensity.* Non-residential development shall be subject to PUD approval. In determining the maximum floor area ratio (FAR) as defined in § 150.003, the Plan Commission and County Board shall consider:

(1) The intensity of adjacent development;

(2) Demands for the nonresidential development proposed in the PUD;

(3) The mix of residential and nonresidential development in the vicinity; and

(4) The adequacy of public utilities, facilities and services to meet projected demands for transportation: facilities, water, wastewater, drainage, and emergency services.

(D) *Mixed use intensity.* For mixed use developments, the county shall consider the factors listed in divisions (B) and (C) above.

(E) *Minimum district size.* No PUD district shall be less than ten acres in area unless the Plan Commission recommends and the County Board finds that a smaller district is appropriate for the development or redevelopment of a smaller infill site.

(F) *Dimensional and site development standards.* All dimensional standards established in §§ 150.040 through 150.071 of these regulations shall apply to development within the Planned Unit Development unless the Plan Commission and County Board find that potential negative impacts of proposed exceptions to minimum standards are fully mitigated and are offset by amenities provided in the PUD.

(1) *Setback standards.* Building setbacks shall not be less than the minimum setback standards established in §§ 150.040 through 150.071 of these

regulations unless the applicant can demonstrate that:

(a) Buildings can be designed safely and compatibly with lesser setbacks;

(b) Reduced setbacks are offset by the provision of readily accessible private or common open space;

(c) Modified setbacks provide for the protection of steep slopes, wetlands or other environmentally sensitive natural features; and

(d) All buildings are provided with adequate emergency access for fire protection.

(2) *Open space.* A minimum of 15% of the gross acreage of the development shall be set aside for open space or recreational space which shall be set aside for common use by all owners of lots in the subdivision. Land uses allowed in the open space or recreational space may include golf courses, swimming pools, historic building sites or historical sites, parks, parkway areas, extensive areas with tree cover, lowlands along stream beds with rough terrain, when such areas are extensive and have natural features worthy of preservation.

(3) *Street development standards.*

(a) *Public streets.*

1. Streets, alleys and easements shall be designed and constructed in accordance with the standards of the Department of Public Works and, if applicable, the Illinois Department of Transportation, and may require an engineering certificate.

2. All public streets shall be designed and constructed to accommodate emergency vehicle access.

3. Five-foot wide concrete sidewalks shall be constructed one foot inside of the right-of-way line of all streets projected to carry more than 200 vehicles per day.

(b) *Private streets.* Alternative designs may be approved for private streets provided they are in conformance with the following additional standards.

1. Private roads for developments located 1½ or more miles from the boundary of the nearest incorporated city in Warren County, shall be built to the standards of the county, unless the County Board finds that the alternative design provides for adequate emergency access, adequate snow removal and roads that are as safe and durable as the county standard.

2. Private roads for PUDs located within 1.5 miles of the boundary of the nearest incorporated city in Warren County, shall be built to the standards of the incorporated city, unless the County Board finds that the alternative design provides for adequate emergency access, adequate snow removal and roads that are as safe and durable as the county standard.

3. Five-foot wide concrete sidewalks shall be installed the length of all of the streets in the PUD that are projected to carry more than 200 vehicles per day and shall be installed a minimum of three feet back of the curb, where applicable.

(G) *Community amenities.* Deviation from the standards pursuant to §§ 150.040 through 150.071 may be recommended by the Plan Commission and approved by the County Board subject to the provision of the following community amenities:

(1) Transportation amenities, including additional trails, bike or pedestrian amenities, transit oriented improvements (including school bus shelters);

(2) Parks land dedication and facilities for active or passive recreation;

(3) Open space or agricultural land reservation;

(4) Community facilities for provision of public services beyond those required for development within the PUD;

(5) Housing that is reserved as affordable to moderate, low and very low income households pursuant to HUD definitions for no less than 20 years; or

(6) Other provisions in excess of minimum standards that the County Board finds provide sufficient community benefit to offset the proposed deviation from strict development standards.

(H) *Homeowners Association/Corporation.* The County may require that a homeowners association or corporation be created to maintain and administer the project's lands or facilities. Articles of incorporation and restrictive covenants shall be recorded at, or prior to, the recording of the final development plan and plat. The homeowners association shall be required to maintain all common space, private streets and utilities in reasonable order and condition on a consistent basis.

(1) *Failure to maintain common space, private streets or utilities.* If the association fails to maintain the common space in reasonable order and condition in accordance with the plan, then the county may serve written notice upon the association or upon the residents of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space, private streets or utilities as required.

(a) *Notice.* The notice shall include a demand that such deficiencies be cured within 30 days thereof and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. Provided, however, that the County Board may act prior to the hearing to cure deficiencies which are an immediate threat to residents' health or safety.

(b) *Hearing.* At such hearing, the county may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured.

(2) *County authority to enforce remedies of deficiencies.* If the deficiencies set forth in the original notice or in the modifications thereof are not cured within 30 days of any extension, the county in order to preserve the taxable values of the properties within the

planned unit development and to protect the public health, safety or welfare may take any actions necessary to remedy maintenance deficiencies. The maintenance shall not vest in the public any right to use the common open space, private streets or utilities except when the it is voluntarily dedicated to the public by the owners and accepted by the county.

(a) *Public hearing regarding county assumption of maintenance.* Before the expiration of one year, the county shall, upon its initiative or upon written request of the association, call a public hearing upon notice to the association or to the residents of the PUD to be held by the board designated by the county.

(b) *Determination of entity responsible for maintenance.* At the hearing, the Association shall show cause why such maintenance by the county shall not, at the election of the county, continue for a succeeding year. If the designated board determines that the association is ready and able to maintain the common open space, private streets or utilities in reasonable condition, the county shall cease to maintain the common open space at the end of the year. If the designated board determines that the association is not ready to maintain the common open space in reasonable condition, the county may, at its discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

(3) *Financial responsibility for common space maintenance.* The county shall be paid by the owners of the planned unit development properties for all costs incurred for assuming the maintenance of the common open space, private streets or utilities.

(4) *Tax lien.* Any unpaid assessments shall become a tax lien on the properties. The county shall file a notice of such lien with the County Clerk and Recorder upon the properties affected by such lien within the planned unit development and shall certify the unpaid assessments to the County Board and the County Treasurer for collection, enforcement, and remittance of general property taxes.

§ 150.132 GENERAL PROVISIONS.

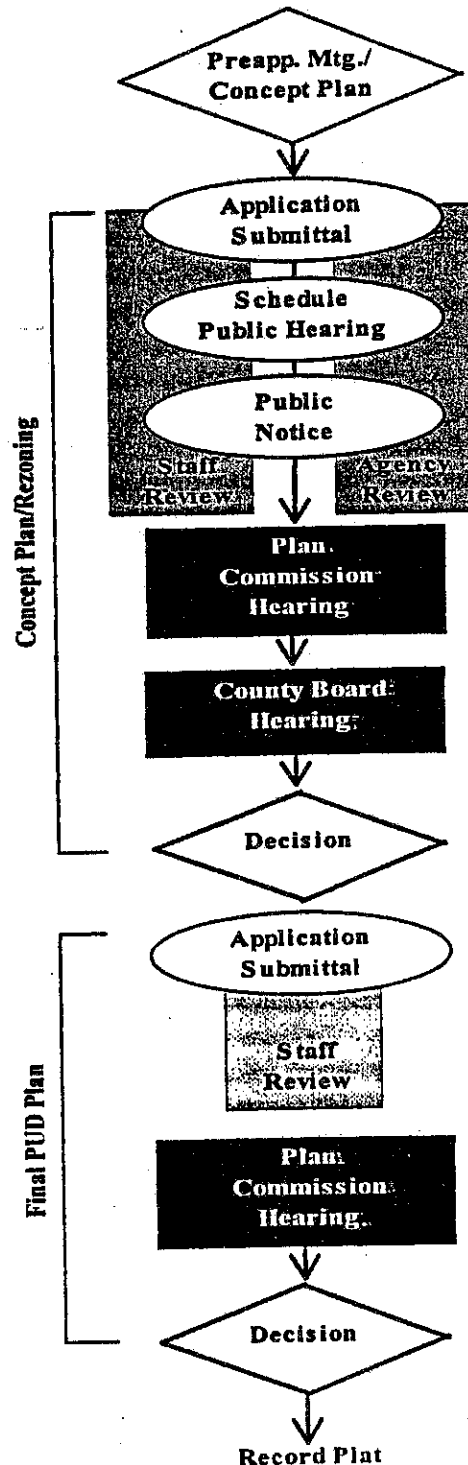
(A) *Contractual agreement.* Approval of a PUD allows the development and use of a parcel of land under certain specific conditions. These conditions of approval shall be filed with the Zoning Official after each subsequent stage in the review process and official actions. No use of the parcel, nor construction, modification, or alteration of any use or structures within a PUD project shall be permitted unless such construction or use complies with the terms and conditions of the approved plan. Each subsequent owner and entity created by the development, such as property owner's associations or an architectural review committee, shall comply with the terms and conditions of approval. A seller of a property which is zoned PUD or which is in the process of receiving such zoning approval shall apprise the buyer of the terms and conditions of the PUD approval. The county bears no liability for misrepresentation of terms and conditions of an existing approval. The developer shall set forth the conditions of approval within covenants. Such covenants shall be recorded with the approved final PUD plan and plat.

(B) *Conformance with subdivision review.* Subdivision review, in accordance with the subdivision article, shall be carried out simultaneously with the review of a PUD zoning pursuant to the Subdivision Regulations.

(C) *Conformance with subdivision requirements.* The development plans submitted shall satisfy the requirements of the subdivision regulations for preliminary plans and final plats.

(D) *Final plat not required.* The requirements of this subchapter and those of the subdivision regulations shall apply to all PUD's except when a PUD is proposed in an existing subdivision and no changes are proposed in existing lot boundaries, rights-of-way, or public or private easements, no final plat shall be required.

(E) *Transfer of ownership.* No person shall sell, convey, or transfer ownership of any property or any portion thereof within a planned unit development zone until such person has informed the buyer of the



property's exact status with respect to the planned unit development process and conditions of approval.

(F) *Planned unit development zone designation.* The Zoning Official shall designate each approved PUD on the zoning district map by specifying the official development file number.

### § 150.133 PLANNED UNIT DEVELOPMENT PROCEDURES.

(A) *General.* In addition to the submittal requirements for a concept plan in § 150.134(B), the applicant shall provide sufficient information to show the relationships between proposed land uses, natural features, roads, utilities and recreational amenities. The Zoning Official shall determine the information required to be shown on the planned unit development concept plan based in part on the degree to which the proposed development deviates from the applicable zoning ordinance requirements. The information shown on the planned unit development concept plan may be presented on separate sheets to improve clarity, provided that plan drawings are presented at the same scale on each sheet.

(B) *Application.*

(1) The planned unit development district may be applied to residential, commercial, industrial and mixed use projects to provide design flexibility not available through strict interpretation of the standards established in § 150.040 through 150.071. Design flexibility is provided through the planned unit development district to enhance long-term community benefits that may be achieved through high quality development that provides:

- (a) More efficient infrastructure.
- (b) Reduced traffic demands.
- (c) More usable public or private open space.
- (d) Recreational amenities.
- (e) Needed housing choices.

(2) The planned unit development process requires the submission of a PUD concept plan and a final PUD plan and appropriate plats as described in §§ 150.134 and 150.135 of this chapter.

(C) *Approval criteria.* Planned unit development review standards may reflect a variation in the density or intensity of land use allowed under otherwise applicable land use regulations. Any such variation shall be based upon consideration of the PUD's amount, location and proposed use of common open space; the location and physical characteristics of the proposed site; the PUD's location, design and type of dwelling units; as well as the criteria governing approval of a preliminary subdivision map and in conformance with the purposes of a PUD addressed in § 150.130 of this chapter. The following standards will be used to evaluate a planned unit development application:

(1) The arrangement of all uses and improvements should reflect the natural capabilities and limitations of the site as well as the characteristics and limitations of the adjacent property.

(2) Development must be compatible with the immediate environment of the site and neighborhood relative to architectural design, scale, bulk and building height; historical character; and disposition and orientation of buildings on the lot.

(3) Buildings, transportation improvements, and open space areas must be arranged on the site so that activities are compatible with the surrounding neighborhood.

(4) On and off-site facilities and services must be adequate to meet the demands from planned development at the time those demands are projected.

(5) The efficiency and reliability of the installation, maintenance and operations of public and private facilities and services.

(6) Buildings, transportation improvements, open space and landscaping must be designed and arranged to produce an efficient, functionally organized and cohesive development.

(7) Buildings, transportation improvements, open space and landscaping must be in favorable relationship to the existing natural topography, natural water bodies, and water courses, exposure to sunlight and wind, and long views. Building sites must be located to minimize their impact on long views.

(8) Buildings, transportation improvements, open space and landscaping must be designed and arranged to maximize the opportunity for privacy by the residents of the project and surrounding areas.

### § 150.134 CONCEPT PLAN APPROVAL PROCEDURE.

#### (A) Application.

(1) The purpose of a PUD concept plan is to demonstrate consistency between the proposed PUD and the comprehensive plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections, or phases of a development.

(2) An applicant shall apply to the Zoning Official for approval of the PUD concept plan. The application shall include a concept plan for the entire property or tract. The applicant may file a PUD concept plan concurrently with a final PUD plan for a portion of the property, as determined applicable by the Zoning Official at a preapplication conference.

(3) The County Board reserves flexibility in making determinations regarding PUD rezoning applications. Depending upon the detail of the submittal attached to the rezoning petition, and the amount and type of impact potentially created by the PUD Concept Plan, the County Board may:

(a) Approve a specific density and land use mix at the PUD concept plan stage.

(b) Approve only a "design density" at the PUD concept plan stage, which sets the maximum density, fully contingent upon approval of the subsequent submittal. The design density does not

constitute a commitment to approve subsequent submittals. The specific density shall then be established at the time of the subsequent submittal.

(B) *Submittal requirements.* The PUD concept plan does not require in-depth site analysis, but serves to define generally the proposal in order to determine whether public or private benefits would be derived through the use of a PUD zone. An applicant may either voluntarily submit more detailed information, or the Plan Commission and County Board may require more detailed information when necessary to make a decision.

(1) *Additional submittal requirements for a PUD concept plan.*

(a) The PUD concept plan shall show the various existing and proposed types of land uses, depicting their relationship to each other and to surrounding uses. This site plan shall include locations of proposed uses in an approximate fashion, including tentative circulation diagrams and anticipated buffers or screening rather than building footprints or precise street layouts which will be required for the final PUD plan.

(b) All required perimeter rights-of-way proposed to serve the PUD shall be shown on the PUD concept plan and shall be dedicated at the time the PUD concept plan is approved.

(2) *Additional submittal requirements for a concept plan with a rezoning request.* A PUD concept plan attached to a rezoning petition requesting a PUD zone shall include the following information:

(a) The character and density of dwellings, structures or uses on each portion of the property;

(b) Soil types and their respective boundaries, based on Soil Conservation Service information;

(c) Developments of 35 acres or more shall indicate whether portions of the total land area



will be phased; projects of less than 35 acres shall submit the entire area for preliminary review at one time;

(d) Proposed schedule of development;  
and

(e) Legal description of the area proposed for rezoning.

(3) *Rezoning application.* A rezoning request application and submittal shall include applicable rezoning information in conformance with § 150.192 of this code. The final reading of any rezoning to the PUD district shall not occur prior to approval of the final PUD plan.

(4) *Subdivision plat.* The PUD concept plan may be processed concurrently with the preliminary subdivision plat or prior to the preliminary plat, provided that no subdivision be recorded prior to approval of the final PUD plan.

(C) *Zoning official action.*

(1) *Pre-application conference.* The Zoning Official shall conduct a preapplication conference with the applicant prior to the submittal of the required materials for the concept plan. The Zoning Official shall provide the applicant with the information necessary to submit a complete application for review.

(2) *Determination of completeness.* Within ten business days of submission, the Zoning Official shall review the PUD application and determine if the application is complete.

(3) *Public hearing.* The Zoning Official shall schedule the required public hearings in conformance with the standards in § 150.004 of this code for any completed application.

(4) *Notice.* The Zoning Official shall cause the notice of the public hearing to be published and the personal notices of the public hearing to be mailed to property owners within 250 feet of the subject property boundaries in conformance with the standards stated in § 150.171 of this code.

(5) *Review of application.* The Zoning Official shall review the application to determine conformance with the standards set forth in §§ 150.131 through 150.133 of this subchapter. The Zoning Official shall submit application materials to review the agencies which shall include at a minimum:

- (a) County Public Works Department;
- (b) Relevant state departments and divisions;
- (c) Affected utility providers;
- (d) Abutting jurisdictions, if any; and
- (e) Any other affected entity.

(6) *Recommendation to the Plan Commission.* The Zoning Official shall prepare a written recommendation for the review of the Plan Commission at the public hearing.

(D) *Plan Commission action/recommendation.* Such recommendation shall be based on compliance with the purposes of the PUD, the standards for PUD's and the approval criteria stated herein.

(1) Within 30 days following the submittal of the concept plan and rezoning application, if applicable, the Plan Commission shall review the plan and rezoning application at a public hearing in conformance with § 150.004.

(2) Within ten business days of the public meeting, the Plan Commission shall recommend to the County Board approval, denial or approval with conditions in conformance with § 150.198.

(3) If the concept plan proposes multiple phases, specific densities shall be assigned to each phase. Density for each phase shall be justified by specific design. Density from one phase may be shifted to another phase subject to County Board approval.

(E) *County Board approval.*

(1) *Public hearing.* The County Board

shall review the concept plan and rezoning request, if applicable, at a public hearing within 30 days following the receipt of the Plan Commission recommendation. The County Board shall consider the contents of the plan and rezoning submittal and the recommendation of the Commission. The procedures for the public hearing shall comply with the provisions of § 150.004. The Board shall approve, conditionally approve or deny the application within ten business days of its hearing and shall set forth the reasons for its action based on the criteria established in § 150.133(C) of this subchapter.

(2) The County Board, in approving the application, may conduct the first reading of the rezoning ordinance for the area described in the concept plan.

(3) If approval is granted, the County Board shall, as part of its action, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval.

(4) If the County Board grants approval of the PUD concept plan for the planned unit development, with or without conditions, the County Board shall set forth the time within which an application for final development plan approval of the planned unit development shall be filed, or if the plan provides for development over a period of years, the periods within which the application for final approval of each part thereof must be filed.

(F) *Validity of the concept plan.* The concept plan shall be valid for one year. The Plan Commission may approve extensions upon finding that conditions have not substantially changed since the original approval.

(G) *Revocation of concept plan approval for a planned unit development.* The concept plan approval may be revoked by the County Board and the portion of the area included in the plan, which has not been granted final approval, will become subject to local ordinances if:

(1) The landowner elects to abandon the plan or any part thereof, and so notifies the county in writing; or

(2) The landowner fails to file a final PUD plan application for the final approval within one year of County Board approval.

#### **§ 150.135 FINAL PLANNED UNIT DEVELOPMENT PLAN AND SUBDIVISION PLAT.**

(A) *Application.* The final PUD plan and associated subdivision plats shall serve as the blue print for development of a PUD project over the length of time the project is developed.

(B) *Submittal requirements.* A final PUD plan application shall include the following information unless waived by the Zoning Official:

(1) Final PUD plan and plat that substantially conform with the approved PUD concept plan and preliminary plat and, if the approval was granted with conditions, addresses the changes and amendments required by the County Board.

(2) A schedule of construction work for each phase of the PUD project.

(3) The PUD's homeowners association by-laws and information, if required, shall show setbacks; list approved and/or specifically excluded uses; and any pertinent conditions or stipulations which were previously made or imposed.

(4) All proposed publicly- or commonly-owned site improvements such as, but not limited to, those listed below, shall be included in the subdivision improvements agreement, subdivision improvements guarantee and PUD construction schedule:

(a) Road grading, surfacing/signing/lighting;

(b) Curbs/gutters;

(c) Sidewalks/pedestrian walks/trails/associated structures;

(d) Sanitary sewers stubbed to each lot;

(e) Water lines stubbed to each lot, including fire hydrants;

(f) Drainage structures/improvements;

(g) Open space facilities/landscaping/improvements;

(h) Structures/parking areas;

(i) Irrigation water system for open space; and

(j) Irrigation water delivery system for all lots.

(5) Graphic contents.

(a) Name and address of record of landowner, architect/engineer/surveyor and contractor;

(b) Date, north arrow and scale;

(c) A scale of not less than 1" = 20' if the site is five acres or less and 1" = 100' if the site is more than five acres;

(d) A vicinity map at a scale of not less than 1" = 2,000';

(e) A legal description and accompanying map exhibit of the property, showing the location and type of boundary evidenced. The legal description shall include the following data and shall be appropriately referenced to the Illinois Geographic Information System (GIS);

1. Metes and bounds or subdivision description of all property lines;

2. Total area of property.

(f) Location of existing and proposed rights-of-way, easements and infrastructure (streets, sewers, water lines, etc.) to be imposed, including proposed easements for public utilities;

(g) Size, use, height, bulk and location of existing and proposed structures and drives on the subject property, and existing structures and drives within 100 feet of the property;

(h) Existing topography with maximum contour interval of two feet except where existing ground is on a slope of less than 2% then either one foot contours or spot elevation shall be provided where necessary;

(i) Location of floodplain areas;

(j) The height, number of floors and proposed square footage of all buildings;

(k) The yard dimensions, required and provided, from the development boundaries and adjacent streets and alleys;

(l) The traffic and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways and bicycle paths, if any;

(m) Off-street parking and loading areas, including dimensions of proposed drives and parking spaces, and structures and landscaping for parking areas;

(n) Location of greenbelt and other active recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreational facilities, including the size of common open space;

(o) Architectural elevations of proposed structures and a detailed list of proposed building materials;

(p) A master sign plan, detailing all proposed signage for the site;

(q) A plan or statement showing the location and design of all screening measures and indicating the type, building materials and height of such screening;

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(r) A statement in tabular form (chart) which sets forth the following data, when such data is applicable to a given development plan:

1. Total number of dwelling units, if applicable;
2. Residential density and units per acre, if applicable and density of land use to be allocated to specific parts of the site;
3. Total floor area (in square feet) and floor area ratio for each type of use;
4. Total area in open space;
5. Total area in developed recreational open space;
6. Total number of off-street parking spaces, required and provided and total off-street loading spaces, required and provided; and
7. Ratio of residential to non-residential building area of proposed buildings and structures;

(s) Names and addresses of all adjacent (see definition) property owners within 250 feet of all boundaries of the property.

(6) Additional studies.

(a) Drainage information sufficient to meet county requirements;

(b) A landscape plan which shall include an itemized plant materials schedule with botanical and common names of materials, sizes and quantities. This plan shall also include the location of all existing trees greater than 12 inches in diameter, measured three feet above existing grade;

(c) A statement indicating the nature of the landowner's interest in land to be developed;

(d) A statement analyzing the feasibility of proposals for utility service for the PUD,

including disposition of sanitary waste and storm sewer waste;

(e) The type of organization that will own the PUD's common open space and the method of maintaining common open space;

(f) When the planned unit development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit, including proposed times within which applications for all parts of the PUD will be filed;

(g) A copy of all covenants, restrictions and conditions pertaining to the use, maintenance and operation of private open space areas including homeowners association by-laws and information, if required by the county, as part of the final PUD plan submittal;

(h) Substance of covenants, grants, easements or other restrictions proposed to be imposed on the use of the land, buildings or structures;

(i) Required modifications in land use regulations from those currently applicable;

(j) A statement setting forth the methods of conveying title and the type of estate to be granted;

(k) An environmental impact report shall be provided for a proposed PUD meeting any one of the following criteria:

1. The site is 20 acres or larger in size;
2. The proposed total nonresidential building area is 200,000 square feet or greater; and
3. The proposal is for 200 dwelling units or greater;

(l) A traffic impact study shall be provided for a proposed PUD meeting any one of the following criteria:

1. The site is 20 acres or larger in size;
2. The proposed total nonresidential building area is 100,000 square feet or greater; and
3. The proposal is for 200 dwelling units or greater; and

(m) Comments or reports of agencies reviewing the plan and the subdivision plat and the advisory body reviewing application.

*(C) Zoning Official action.*

(1) *Determination of completeness.* Within ten business days of submission, the Zoning Official shall review the PUD application and determine if the application is complete.

(2) *Public hearing.* The Zoning Official shall schedule a public hearing before the County Board in conformance with the standards in § 150.004 of this code.

(3) *Notice.* The Zoning Official shall cause the notice of the public hearing to be published in conformance with the standards stated in § 150.171 of this code.

(4) *Review of application.* The Zoning Official shall review the application to determine conformance with the standards set forth in this section. The Zoning Official shall submit application materials to review the agencies as necessary.

(5) *Recommendation to the Plan Commission.* The Zoning Official shall prepare a written recommendation for the review of the Plan Commission which shall be based on staff and agency review of the Final PUD Plan and Plat and any amendments thereto if the County Board conditionally approved the final PUD plan and plat.

*(D) Planning Commission action.*

(1) Within 30 days following submittal of the final PUD plan, the Plan Commission shall review the final PUD plan and plat at its public meeting. It shall accept, reject, or require modifications to the final PUD plan and/or plat within ten business days of its hearing. An appeal of the Plan Commission's decision may be made in accordance with the provisions of § 150.151 of this code.

(2) Within ten business days of the public meeting, the Plan Commission shall recommend to the County Board approval, denial or approval with conditions in conformance with § 150.198.

*(E) County Board approval.*

(1) *Public hearing.* The County Board shall review the final PUD plan and plat and rezoning request, if applicable, at a public hearing within 30 days following the receipt of the Plan Commission recommendation. The County Board shall consider the contents of the plan and rezoning submittal and the recommendation of the Commission. The procedures for the public hearing and the notification standards shall comply with § 150.171 of this code. The Board shall then approve, conditionally approve or deny the application within ten business days of its hearing.

(2) *Approvals.* The County Board, in approving the application, shall conduct the final readings of the rezoning ordinance for the area described in the final PUD plan and plat. If approval is granted, the County Board shall, as part of its action, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval. The County Board's decision must set forth the reasons for the grant, with or without conditions, or for the denial, based on the approval criteria established in § 150.133(C) of this chapter.

*(F) Status of planned unit development plan following final PUD plan and plat approval.*

(1) A final PUD plan shall be approved and recorded prior to rezoning of the property, recording

of the plat, issuance of the building permit or start of construction.

(2) A final PUD plan and final plat which have been given approval as submitted, or which have been given approval with conditions which have been accepted by the landowner, may not be modified, revoked or otherwise impaired by County Board action pending an application for final PUD plan approval, without the consent of the landowner.

(3) Impairment by action of the County Board is not stayed if an application for final PUD plan approval has not been filed, or in the case of a development over a period of years applications for approval of the several parts have not been filed, within the time specified in the ordinance granting approval.

(4) The zoning ordinance creating the PUD district shall become effective upon recording of the plat.

(G) *Validity of the final PUD plan.* The final PUD plan shall remain valid until the Plan Commission determines a lapse has occurred in accordance with § 150.137 or the plan is amended in accordance with § 150.136 of this subchapter.

(H) *Revocation of the final PUD plan.* The final PUD plan approval may be revoked by the County Board and the portion of the area included in the plan, which has not been developed, will become subject to local ordinances if:

(1) The applicant fails to comply with the terms of adopted ordinance and the final PUD plan as approved by the County Board.

(2) The applicant modifies or changes the approved final PUD plan without approval of the County Board.

#### **§ 150.136 AMENDMENTS TO THE FINAL PUD PLAN.**

(A) *Application.* No changes may be made in the approved final PUD plan except upon application

to the appropriate agency or agencies under the procedures set forth in this section.

(B) *Minor changes.* Minor changes may be authorized by the Zoning Official under the following conditions, providing those changes are required by engineering, technical, or other circumstances not originally foreseen at the time the plan was approved.

(1) The applicant for a minor change to a final PUD plan shall provide the Zoning Official with notice of the requested change which are stamped and addressed to each person who testified concerning the project at any prior public meeting. The Zoning Official shall mail this notice a minimum of seven days prior to taking any action on the request.

(2) The term "minor changes" as used in this section is considered to represent changes which do not alter the overall characteristics of the total plan and which create no adverse impacts on adjacent uses or public services and facilities. Some examples of what can be considered as minor changes are:

(a) Changes in location and type of landscaping and/or screening so long as the approved character and intent is maintained;

(b) Changes in the orientation of portions of parking areas so long as the effectiveness of the overall site circulation and parking is maintained; parking areas shall be relocated not closer than 20 feet to any residential structure or ten feet to any street or right-of-way lines; and the number of parking spaces shall not be reduced by the relocation.

(c) Changes in the location of sidewalks and pathways, provided that continuity of pedestrian circulation remains;

(d) The reorientation, but not complete relocation, of major structures;

(e) Changes resulting in a decrease of building separation or setbacks so long as those changes will not impact adjacent properties or uses.

(3) No minor change authorized by this section may cause any of the following:

(a) Change in the permitted uses or of development character;

(b) Increased overall coverage of structures;

(c) Increased intensity of use;

(d) Increased demand for traffic circulation and public utilities;

(e) Decrease in public or private open space;

(f) Decrease in provisions for off-street parking, loading and screening thereof;

(g) Decrease in pavement and sidewalk widths;

(h) Increased numbers of dwellings; or

(i) Increased deviation from the minimum design standards established in this code.

(3) *Other changes.* All other changes to the approved final PUD plan shall be deemed "major" and shall be approved only by the Plan Commission or, upon appeal, the County Board after review of a revised final PUD plan and/or plat. No amendments may be made in the approved final PUD plan unless the applicant establishes that such amendments are required as a result of changes in conditions which occurred after final plan approval; changes in the development policy of the community; or by conditions that were reasonably unforeseen at the time of final PUD plan approval.

(D) *Recording of changes and amendments.* Any changes which are approved for the final PUD plan and/or plat shall be recorded as amendments to the previously recorded plan and/or plat.

(E) *Approval criteria.* A final PUD plan amendment application and submittal shall be reviewed based on criteria established for the final plan as detailed in § 150.133(C). If the amendments substantially or materially change the plan, the final

PUD plan may be required by the Zoning Official to be resubmitted.

#### § 150.137 ENFORCEMENT OF DEVELOPMENT SCHEDULES.

If the developer of a planned unit development do(es) not meet the approved development schedule, or fail(s) to commence development within one year from the date of final approval and no other development schedule has been approved in writing by the Zoning Official, the Zoning Official shall initiate the following process:

(A) *Official notice.* The Zoning Official shall write to the developer(s) of the project notifying such person that the Planned Unit Development approval is subject to revision. Such notice shall indicate that the land use approval for the property will, if the revocation occurs, be changed to that zone in existence prior to the planned unit development or to another category consistent with adopted land use plans (master plans) and policies.

(1) If the developer(s) request(s) an extension in writing and if the Zoning Official finds, in writing, sufficient justification, the Zoning Official may extend the project's development schedule for up to one year from the date of such findings. The public interest is generally served by the granting of one extension request if delays were unavoidable due to circumstances beyond the developer's control, such as, but not limited to, unavoidable delays in extending trunk sewer or water lines, unexpected construction complications, or other non-economic factors. The request for extension must state specific reason(s) for the extension. If specific reason(s) are not given, the Zoning Official shall deny the request for an extension.

(2) If the project does not commence within the approved time, the Zoning Official shall schedule a hearing before the Plan Commission to consider if the approval(s) should be revoked or rescinded, and what conditions or changes should apply to any additional extensions. The Plan Commission may, after hearing: either revoke the plan and recommend revocation of the zone to the County Board; extend

the project schedule; or extend the project and/or its schedule with conditions or changes.

(3) If the developer requests in writing to revoke the project, the Zoning Official will schedule the item for Plan Commission's consideration.

(B) *Lapse of plan and rezoning.* If a planned unit development, or any portion thereof, has not been completed in accordance with an approved development schedule (a "lapse"), the Zoning Official shall schedule the project before the Plan Commission at which time a revocation of all prior approvals shall be considered. If the Plan Commission determines that a lapse has occurred, the Zoning Official shall schedule a public hearing before the County Board and publish notice of the public hearing. The County Board may, if appropriate, change, without owner consent, the zoning to the previous or another appropriate zone.

#### **§ 150.138 DEVELOPMENT ACCORDING TO THE FINAL PUD PLAN.**

(A) *Site development plan review.* No building permit shall be issued on any site unless a site plan has been submitted and approved in accordance with the provisions in § 150.134 of this code and unless such site plan conforms with the conditions of the adopted final PUD plan.

(B) *Construction improvements or posting of bond.* No buildings may be erected and no uses may occupy any portion of the district until the required related off-site improvements are constructed or appropriate security as determined by the Plan Commission is provided to ensure construction. If the PUD is to be developed in phases, all improvements necessary to the proper operation and functioning of each phase even though same may be located outside of the section, must be constructed and installed or appropriate security as determined by the Zoning Official must be provided to ensure their construction.

### **ADMINISTRATION AND ENFORCEMENT**

#### **§ 150.150 ZONING ADMINISTRATOR.**

The County Board shall appoint a Zoning Administrator whose duty it shall be to enforce the provisions of this zoning code. Appeal from the decision of the Zoning Administrator may be made to the Board of Appeals as provided in § 150.151.

#### **§ 150.150.1 PLAN COMMISSION.**

A Plan Commission is hereby authorized and established. The Commission shall consist of members appointed by and in a number determined from time to time by the County Board. One of the members shall be named chair at the time of appointment. The members shall serve a five-year term. The Plan Commission shall elect a vice-chairman and such other officers as they deem necessary and shall have the powers and duties as determined from time to time by the County Board.

#### **§ 150.151 BOARD OF APPEALS.**

##### **(A) *Creation, appointment and organization.***

(1) A Board of Appeals shall be established. The word "Board" when used shall be construed to mean the Board of Appeals. The Board shall consist of five members, all of whom shall be appointed and approved by the County Board. The term of office of the members of the Board shall be for five years, excepting that the membership of the first Board appointed shall serve respectively for terms of one for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter, members shall be appointed for terms of five years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the County Board upon written charges and after public hearing.



(2) The Board of Supervisors shall appoint the Chairman. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this zoning code. The Board shall in addition adopt a schedule of fees or other method to determine the manner and amount of charges to be collected by the Building Inspector for the erection, construction, enlargement, reconstruction or extension of any building or structure after the effective date of this zoning code and to provide for such other fees and charges as may be necessary to carry into effect the provisions of this zoning code.

(3) Meetings of the Board shall be held at the call of the Chairman or any two members or at such other times as the Board may determine. Four members of the Board shall constitute a quorum. Four affirmative votes of the members present shall determine all questions presented to the Board except as otherwise provided in this zoning code. The Chairman shall be entitled to vote upon all questions presented to the Board. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, determinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. Official action and minutes of the proceedings shall be taken down by a reporter employed by the Board for the purpose. The Board may select or appoint such officers as it deems necessary.

(4) The members of the Board shall receive compensation for their services, to be fixed by the County Board. The members of the Board shall also receive a reimbursement for travel expense. The per diem compensation and travel allowance shall be paid out of the County Treasury.

(B) *Powers, duties and procedure.*

(1) *Powers relative to errors.* To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination

made by the Building Inspector in the enforcement of this zoning code.

(2) *Powers relative to variations.* When, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of this zoning code, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation of a specific piece or property, which condition is not generally prevalent in the area, the strict application of the area regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, the Board shall be empowered to authorize, upon application for an appeal in regard to such property, a variation from such district application so as to relieve such difficulty or hardship.

(3) *Powers relative to exceptions.* Upon application for appeal the Board shall be empowered to permit the following exceptions:

(a) To permit the extension of a district where the boundary line of a district divides a lot of record in single ownership.

(b) To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God or public enemy to the extent of more than 50% of its assessed value when the Board finds some compelling public necessity requiring a continuance of the nonconforming use.

(c) To interpret the provision of this zoning code where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts.

(d) To vary parking regulations whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or when such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage of a convenience.

(e) After review and recommendations of the Planning Commission, the Board is empowered

to permit the special use exceptions as outlined in § 150.100, of this chapter.

(4) *Power of Board to reverse, affirm, modify actions.* In exercising the above powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals or applications for variations or exceptions the Board shall, before making any finding in a specific case, first determine that the proposed change will not constitute a change in the district map and will not impair an adequate supply of light and air to adjacent property, or increase congestion in public streets, or increase the danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals and welfare of the county. Every change granted or denied by the Board shall be accompanied by a written finding of fact based on sworn testimony and evidence, specifying the reason for granting or denying the variation. The decision of the Board shall be made a part of any building permit in which variation is allowed.

(5) *Concurring vote.* The concurring vote of four members of the Board shall be necessary to reserve any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any variations in this zoning code.

(C) *Procedure.*

(1) Appeals to the Board of any matter over which the Board is specifically granted jurisdiction may be taken by any person aggrieved, or by any officer, department, any board or bureau of the county affected by any decision of the Building Inspector. Such appeal shall be taken within 60 days of such decision by filing with the Building Inspector and with the Board a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith

transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

(2) An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board after the notice of appeal has been filed with him that by reason of fact stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by proper legal action.

(3) Upon an appeal, request for a variation or exception, the Board shall fix a reasonable time for a hearing. Upon an appeal from any decision of the Building Inspector, request for variation or exception, the Board shall give not less than 15 days public notice of a hearing thereon in a newspaper of general circulation. The notice shall contain the particular location of the property affected by the decision appealed from or the variation or exception requested, as well as a brief statement of the nature of the appeal or of what the proposed variation or exception consists. The Secretary of the Board shall give due notice of the place and time for hearing, request for variation or exception to the parties concerned either in person or by United States mail, not less than 15 days and not more than 30 days prior to the hearing. Said notice shall state the name and address of the applicant, the name and address of the owner of the property, the location of the property and a brief statement of the nature, and request for variation or exception. Said notice shall be sent to the property owners of adjacent or adjoining property to that of the subject property or sent to property owners, as recorded in the office of the County Recorder of Deeds, and as appears from the authentic tax records of the county of all property within 250 feet in each direction of the location for which the appeal, variation or exception is requested; the number of the feet occupied by all public roads, streets, alleys and other public ways shall be excluded in determining the 250-foot requirement. The applicant shall furnish the Board a complete list containing the names and last known addresses of the owners of property required to be served at the time the applicant is filed. Upon the hearing, any party may appeal in person or by agent or by attorney.

(4) The party filing a notice of appeal to the Board shall pay at the time of filing a fee to be determined by the Board toward costs of the appeal. An additional fee to be determined by the Board shall be paid for the costs of publication of a public notice of the date of the hearing to be held on the appeal or request for variation or exception. The fees shall be paid to the County Clerk, who shall give a receipt therefor; and a copy of the receipt shall be presented to the Board with the notice of appeal, as evidence that the fees required in the case have been paid. The fees thus collected by the County Clerk shall be paid to the credit of the General Revenue Fund of the County.

#### § 150.152 BUILDING PERMIT.

(A) No nonagricultural building or structure shall be erected, added to, or structurally altered until a permit has been issued by the Building Inspector. Except upon a written order of the Board of Appeals no such building permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this zoning code. Upon request a permit may be issued at no charge after compliance with the building setback line.

(B) There shall be submitted with all applications for building permits of nonagricultural buildings or structures two copies of a layout or plot plan drawn to scale showing actual dimensions of the lot to be built upon the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this zoning code.

(C) One copy of such layout or plot plan shall be returned when approved by the Building Inspector together with such permit to the applicant.

#### § 150.153 CERTIFICATE OF OCCUPANCY.

(A) Subsequent to the effective date of this zoning code, no change in the use or occupancy of land, nor any change of use or occupancy in an existing nonagricultural building shall be made, nor

shall any new nonagricultural building be occupied for any purpose, until a certificate of occupancy has been issued by the Building Inspector for any agricultural use, building or structure. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this zoning code.

(B) No permit for excavation for, or the erection, construction or alteration of any nonagricultural building shall be issued before the application has been made and approved for a certificate of occupancy, but no occupancy permit shall be issued until the erection, construction or alteration has been completed, inspected and approved by the Building Inspector and no nonagricultural building or structure shall be occupied until the certificate and permit are issued.

(C) A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the land or in a building affected by such certificate of occupancy.

(D) At the county's discretion, a certificate of occupancy shall be required for all nonconforming uses of nonagricultural land or buildings existing after the passage of this zoning code, or any amendment thereto. Application for such certificate or occupancy for nonconforming uses shall be filed with the Building Inspector by the owner or occupant of the land or building occupied by such nonconforming use within one year from the effective date of this zoning code, or amendment thereto. It shall be the duty of the Building Inspector to issue a certificate of occupancy for nonconforming use.

(E) No nonconforming use shall be renewed, or changed, without a certificate of occupancy having first been issued by the Building Inspector.

#### § 150.154 INTERPRETATION OF REGULATIONS.

In the interpretation and application, the provisions of this zoning code shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety, or the general welfare.

Whenever the requirements of this zoning code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern. All interpretations contrary to this zoning code shall be decided by the Zoning Board of Appeals.

### § 150.155 AMENDMENTS TO ZONING DISTRICTS.

(A) The County Board may, from time to time, on its own motion or on petition, amend by ordinance or resolution the district boundaries or district regulations established. The County Board shall cause a public hearing to be held before the Board of Appeals in relation thereto, after giving at least 15 days' notice of the time and place of such hearing and publishing such notice in a newspaper having a general circulation in the county. Such notice shall state the time and place of the hearing, the location of the property affected, and a brief statement of the amendment. A hearing shall be held in the township or road district affected by the terms of such proposed amendment or in the County Courthouse. If the owner of any property affected by such proposed amendment so requests, such hearing shall be held in the township or road district affected by the terms of such proposed amendment. Within ten days following the hearing, the Board of Appeals shall file a report of the hearing and its recommendations with the County Board.

(B) In case of written protest against any proposed amendment, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, or in cases where the land affected lies within one and one-half miles of the limits of a zoned municipality, or in the case of a proposed text amendment to this zoning code, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the County Clerk, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the County Board. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed

amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. In event of no protest, the Amendment shall be deemed passed by simple majority.

(C) The applicant or applicants proposing or recommending a change in the district regulations or district boundaries, shall deposit a fee to be established by the County Board with the County Clerk at the time the application is filed, and an additional fee to be established by the County Board shall be paid to the County Clerk for the publication of "Notice of Public Hearing." All fees received hereunder shall forthwith be paid over to the credit of the General Revenue Fund of the county. Under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the County Board.

### § 150.156 VARIATIONS.

(A) *Authorization.* The Zoning Board of Appeals may authorize variations as are hereinafter set forth from the terms of this chapter in harmony with their purpose and intent as will note contrary to the public interest. Variations may be authorized only on those specific instances enumerated in division (D), and then only when the particular Board that has authority to grant the variation requested has made findings of fact, based upon the standards set out in division (E), that owing to special conditions a literal enforcement of the provisions of this chapter will, in an individual case, result in practical difficulties or particular hardship for the owner, lessee or occupant of land or a structure.

(B) *Application for variation.* An application for a variation shall be filed with the Zoning Administrator who shall forward without delay a copy of each to the Secretary of the Board of Appeals. The application shall contain the following information as well as such additional information as may be prescribed by rule of the Board.

(1) The particular requirements of this chapter which prevent the proposed use or construction.

(2) The characteristic of the subject property which prevent compliance with the requirements of this chapter.

(3) The reduction of the minimum requirements of this chapter which would be necessary to permit the proposed use or construction.

(4) The practical difficulty or particular hardship which would result if the particular requirements of this chapter were applied to the subject property.

(C) *Hearing and notice.* The Board having jurisdiction over the variation requested shall select a reasonable time and place for the hearing, all within the limitations imposed by § 150.151. Public notice of such hearing shall be published at least once, but less than 15 days nor more than 30 days before such hearing, in a newspaper published within the county. The notice shall contain the date, time and place of the hearing, the street address or common description of the property involved, the legal description of the property involved and a brief description of the relief sought. Either Board may give any additional notice as it may, from time to time, by rule provide. Any party of interest may appear and be heard at the bearing in person, by agent, or by attorney.

(D) *Authorized variations.*

(1) To vary the applicable lot area, lot width, and lot depth requirements, subject to the following limitations:

(a) The minimum lot width and lot depth requirements shall not be reduced more than 25%;

(b) The minimum lot area for a single-family or two-family dwelling shall not be reduced more than 20%;

(c) The minimum lot area per dwelling unit requirement for multiple-family dwellings shall not be reduced so as to permit more than one dwelling unit in addition to the number that would be permitted by strict application of minimum lot area requirements.

(2) To vary the applicable bulk regulations, including maximum height, lot coverage, and floor area ratio and minimum yard requirements.

(3) To vary the applicable off-street parking and off-street loading requirements contained in §§ 150.115 through 150.119.

(4) To vary the regulation relating to restoration of damaged or destroyed non-conforming structures contained in § 150.102.

(E) *Standards for variations.*

(1) The County Board or the Zoning Board shall not vary the regulations of this chapter under division (D)(1) unless it shall make findings of fact based upon the evidence presented that:

(a) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

(b) The proposed variation will not alter the essential character of the locality.

(c) The proposed variation is in harmony with the spirit and intent of this chapter.

(2) The Zoning Board of Appeals shall not vary the regulations of this chapter under division (D)(1) through (4) unless it shall make findings of fact based upon the evidence as presented that:

(a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.

(b) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the safe district.

(c) The alleged hardship has not been

directly created by any person presently having a proprietary interest in the premises.

(d) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

(e) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

(f) The proposed variation will not alter the essential character of the locality.

(g) The proposed variation is in harmony with the spirit and intent of this chapter.

(3) The Zoning Board of Appeals may impose conditions and restrictions upon the location, construction, design and use of the property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.

(F) *Decisions and variations.* The concurring vote of four members of the Zoning Board of Appeals shall be necessary to grant a variation. A variation shall be granted by means of a conclusion or statement of relief granted, supported by finding of fact, which statement and finding shall be transmitted to the applicant not less than 35 days from the date of the decision. In deciding requests for variations, the Board shall be governed by the limitations on time imposed by § 150.151, provided, however, that the Board upon its own motion, or the applicant upon his own motion may each extend the period of time provided for in § 150.151 for a period not to exceed 30 days per extension.

(1) The findings of fact shall specify the reason or reasons for making the variation, and shall refer to any exhibits containing plans and specifications for the proposed variation which have been made a part of the application or which were

introduced at the public hearing as evidence. The exhibits shall remain part of the permanent record of the Board of Appeals.

(2) The terms of relief granted shall be specifically set forth in conclusions or statements separate from the findings of fact.

(G) (1) *Period of validity.* No decision granting a variation shall be valid for a period longer than 12 months from the date of the decision unless.

(a) An application for a zoning certificate is obtained within the period and construction, reconstruction, moving and remodeling is started, or

(b) An occupancy certificate is obtained and a use is commenced.

(2) *Extensions of time.* The Board may grant additional extensions of time not exceeding 180 days each, upon written application made within the initial 12-month period without further notice or hearing, but the right to extend the time shall not include the right to grant additional relief by expanding the scope of the variation; provided, however, that nothing in this section shall limit or affect the validity of a variation granted under the terms of this section if the relief sought and obtained does not require the issuances of a zoning or occupancy certificate or the commencement of use, construction, reconstruction, moving, or remodeling.

#### § 150.157 FEES.

(A) Upon presentation of an application for rezoning, special use permit, or planned development, the applicant shall pay a non-refundable application fee to be established by the County Board, plus an amount per acre of land or fraction thereof in the proposed development or subdivision.

(B) Upon presentation for a variance from the requirements of this chapter, the applicant shall pay a non-refundable fee to be established by the County Board plus cost of publication of notice.

**APPLICATIONS AND GENERAL  
PROCEDURES**

**Applications must be  
submitted to the Zoning  
Official who determines if  
they are complete.**

**§ 150.170 APPLICATION PROCESS AND  
OFFICIAL FILING DATE.**

(A) *Standard forms.* Requests for any zoning approvals required by these regulations shall be made on applications provided by the county, and available from the Zoning and Building Department. The county may promulgate submittal requirements, instructions for completing applications and other forms, internal procedures for acceptance and filing of applications, and provisions for waiver, by establishing administrative guidelines. Additional information may be required for particular applications at the discretion of the County Zoning Administrator, the Zoning Official.

(B) *Submission and determination of complete application.*

(1) All development applications shall be submitted to the Zoning Official for a determination of completeness. The Zoning Official shall make this determination within ten business days of submission.

(2) Applications will be considered complete when all items required by these regulations for submission have been submitted to the Zoning Official.

(3) Incomplete applications shall be returned to the applicant with a written explanation of deficiencies. No further action shall be taken by the county on incomplete applications.

(4) Complete applications shall be processed in accordance with this chapter. The Zoning Official shall notify the applicant in writing that the application was deemed complete. Where County Board action will be required, a copy of the

applicant's completion letter shall be simultaneously forwarded to the County Clerk.

(5) If the Zoning Official fails to act within ten business days, the application shall be deemed complete and the Zoning Official shall issue a notice of completeness which shall be forwarded to the applicant and where County Board action will be required, to the County Clerk.

(6) Modification of the application by the applicant without approval of the Zoning Official or pursuant to the instructions of the Board of Appeals or County Board following a determination of completeness shall void the determination and trigger a new ten-day review period.

(7) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of these regulations.

(8) A determination that the application is incomplete may be appealed to the Board of Appeals.

(C) *Processing of application and report.* Following the determination that a development application is complete or is deemed complete pursuant to this section, the Zoning Official shall review the substance of the application, forward the application for review to applicable advisory bodies, and prepare a report to the Board of Appeals or County Board, as may be required, within 30 business days. Upon filing of the report, as required, the Zoning Official shall schedule the matter for public hearing and/or decision within the time and in the manner required by these regulations.

(D) *Official filing date.*

(1) The time for processing administratively approved development permits shall commence on the date that a notice of completeness is issued.

(2) The time for processing Board of Appeals or County Board approved permits shall commence upon the date of the first meeting at which a complete application has been submitted to the reviewing body.

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(E) *Examination of and copying of documents.*  
At any time, upon reasonable request, any person may examine the application and the materials submitted in support of or in opposition to an application for a development permit or approval. Copies of such material shall be made available at cost. At the request of the applicant, financial information relevant to the project shall not be made available to the public.

(F) *Summary of development review procedures.*  
The following table, Table 1-1, summarizes the procedures and agencies and public bodies involved in the development proposal process. Detailed information about the general procedures and applications and the agencies and public bodies involved in the process; and methods of appeal, are further discussed in § 150.191.

Table 1-1 Development Review Procedures Summary

## Figure Notes:

✓	Required	R	Review Body
O	Optional/Recommended	DM	Decision Making Body
-	No/not applicable	A	Appeal Body

Application Process	Preapp. Cont.	Acting Body				Notices		
		Staff	PC	CB	BOA	Pub	Mail	Sign
Plan Amendments								
Text Amendments	✓	✓	✓	✓		✓		
Map Amendments	✓	✓	✓	✓		✓		
Zoning Amendments								
Zoning Map Amendments	✓	R	R	DM	-	✓	✓	✓
Zoning Text Amendments	✓	R	R	DM	-	✓	-	-
Planned Unit Developments								
Concept Plan	✓	R	R	DM	-	✓	✓	✓
Final PUD Plan	✓	R	R	DM	-	✓	✓	✓
Plan Amendments								
Major	✓	R	DM	A	-	✓	✓	✓
Minor	✓	DM	A	-	-	-	-	-
Other Applications								
Administrative Permits	O	DM	-	-	A	-	-	-
Site Plan Review	✓	DM	A	-	A	-	-	-
Special Exception Use Permit	✓	DM	A	A	-	-	-	-



Application Process	Preapp Cont.	Acting Body				Notices		
		Star	PC	CB	BOA	Pub	Mail	Sign
Variance								
Zoning Official	✓	DM	-	-	-	-	-	-
BOA	✓	R	-	-	DM	✓	✓	✓
Appeals of Administrative Decisions	-	-	-	-	✓	-	-	-

§ 150.171 NOTICE PROVISIONS.

(A) *Published notice.*

(1) Except as otherwise specifically provided in these regulations, in any instance in which a public hearing is required, a notice setting forth the date, time, place and purpose of such hearing, the name of the applicant, and identification of the subject property must be published once at least 15 business days prior to the hearing in a newspaper of general circulation throughout the county.

(2) In computing the time, both the day of the publication and the day of the hearing shall be excluded.

(3) Not less than 20 business days prior to the public hearing, the applicant shall provide the information required for the notice to the Zoning Official who shall be responsible for preparing the notice and for its publication.

(4) The notice shall contain:

(a) The particular location of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection;

(b) Whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and

stating the name and address of the actual and true principal;

(c) Whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation;

(d) Whether the petitioner or applicant, or his principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity;

(e) Whether the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and

(f) A brief description of the proposed variation.

(B) *Personal notice of public hearing.*

(1) Whenever personal notice of a public hearing is required by these regulations to be sent to surrounding landowners, notice shall be sent by the Zoning Official to each current owner of real property, as listed in the official records of the Warren County, Illinois Assessor, of adjacent or adjoining property to that of the subject property or to each current owner of real property located within 250 feet

of the exterior boundary of the property in question unless otherwise specified by these regulations. If the matter to be considered is an appeal, notice shall be provided to all parties to the appeal, including interested parties.

(2) Not less than 15 business days prior to the public hearing, the applicant shall provide the information required for the personal notice, including a list of the current owners of record of the real property located within 250 feet of the exterior boundary of the property in question.

(3) The responsibility for personal notice to all surrounding landowners lies solely with the county for development approval.

(4) Personal notice shall be in letter form stating the date, time and place of the hearing, a general description of the proposal, the location of the property which is the subject of the hearing and other such, requirements as further specified in these regulations. The mailed notice must also include a statement explaining that members of the public may be heard at the public hearing. Newspaper clippings of the published notice shall not be used for personal notice.

(5) The failure of a property owner to receive notice by mail, if timely sent and properly addressed to the current owner of record, shall not be grounds for invalidating any action taken by the responsible decision-making body.

(C) *Posted notice.* When required by these regulations, the Zoning Official shall post distinctive 20" x 30" signs giving notice of the date, time and place of the hearing and of the action requested. The Zoning Official shall post at least one sign on the subject property at least 15 business days prior to the hearing in conspicuous places visible from every street along the frontage of the subject property. The sign(s) shall remain posted on the property until after the close of the public hearing.

(D) *Agenda notice.* Notice of all public hearings will be included in the County Board agenda which shall be posted at the Warren County Courthouse at least three business days prior to any public hearing,

pursuant to the Open Meeting Law, ILCS Ch. 5, Act 120, § 1.01 *et seq.*

(E) *Notice of final determination.* Within ten business days of the date of a final determination on the development application, written notification of the decision shall be mailed to the applicant, stating the action taken and including all conditions imposed and times established for satisfaction of such conditions, if any. If the final decisionmaker denies the application, a written statement setting forth the basis for the decision to deny the application shall be included. Record of such notification shall be filed with the Zoning Administrator.

(F) *Substantial compliance required.* Notice shall be deemed to be complete where there is substantial compliance with the requirements of this section. Minor technical deviations in the language of published, personal or posted notice or in the number of signs on a property where multiple signs are required shall not be deemed to impair the notice where there is actual notice has been given. The requirement for the number of days of notice, for the general types of notices and for specifying the time, date and place of a hearing and the general location of the property shall be strictly construed; where there is a question raised at the hearing regarding the adequacy of notice, the County Board shall make a formal finding as to whether there was substantial compliance with the notice requirement of these regulations.

(G) *Notification of appeal or revocation.* Whenever an appeal is taken from a final decision, or whenever the county determines to revoke a development permit which was obtained following a public hearing, personal notice of the appeal or revocation shall be prepared and made in the manner prescribed by this section. If no public hearing was held prior to obtaining the development permit, personal notice of revocation shall be given only to the holder of the permit.

(H) *Costs of notice.* All actual costs incurred by the county in preparing and publishing the notice required by these regulations shall be paid by the applicant prior to publication, mailing or posting of such notice according to a schedule of fees, if any, established by the County Board.

(I) *Summary of the public hearing provisions.* Table 1-2 summarizes the public hearing requirements addressed in this chapter. These provisions are further detailed in the specific sections of these regulations.

Table 1-2 NOTICE PUBLIC HEARING PROVISIONS

Type of Submittal or Request	Published Notice* When Published (minimum days before hearing)	Mailed Notice 1st Class Mail**	Mailed Notice via U.S. Postal Service	Posted Notice Required ***
Subdivision: Preliminary Plat Final Plat				
Planned Development: Concept Plan Final PUD Plan	15 days 15 days	Adjacent owners or w/in 250' Adjacent owners or w/in 250'	Prepaid - Regular Prepaid - Regular	Y Y
Rezoning & Map Amend.	15 days	Adjacent owners or w/in 250'	Prepaid - Regular	Y
Zoning Text Amendment	15 days	N/A	N/A	N
Special Exception Use	15 days	Adjacent owners or w/in 250'	Prepaid - Regular	Y
Variance - BOA	15 days	Adjacent owners or w/in 250'	Prepaid - Regular	Y

- \* All published notice shall be published in a newspaper in general circulation in the county.
- \*\* All mailed notice must be postmarked no less than 15 days before public hearings. (In calculating the time, the day of publication and the day of public hearing shall not be included.)
- \*\*\* All signs must be posted at least 15 days before the initial public hearing and remain posted until the day after the hearing.

**§ 150.172 REVIEW AND DECISION BY BOARD OF APPEALS.**

(A) *Public hearing and recommendation by Board of Appeals.* Public hearings shall be held according to the procedure established in § 150.176, and within the time frame established by these regulations. If no specific time frame is established by these regulations, the hearing shall be held within 30

business days from the day the notice of a completed application is filed by the Zoning Official. If no public meeting is required, the Board shall consider the matter at a regularly scheduled public hearing. The Board's written recommendations, if any, together with the staff report and recommendation, if any, shall be filed, as required, within ten business days of the Board's decision.

(B) *Decision by Board of Appeals.* If the Board of Appeals has been delegated final decision-making authority for a development application pursuant to these regulations, whether by original jurisdiction or upon appeal, it shall hold a public hearing on the application following receipt of the report and recommendation of the Zoning Official. Following the public hearing, the Board of Appeals shall approve, conditionally approve or deny the application and prepare a written statement setting forth the basis for its decision.

(C) *Notification and appeal from the decision of the Board of Appeals.* The Zoning Official shall notify the applicant of the decision of the Board of Appeals within ten business days of such decision in the manner provided in § 150.171(E). The applicant may appeal the decision of the Board of Appeals in the manner provided in § 150.178(B).

#### **§ 150.173 REVIEW AND DECISION BY COUNTY BOARD.**

(A) *Public hearing by County Board.* County Board public hearings shall be held according to the procedures established in § 150.176, and within the time frame established by these regulations. If no specific time frame is established by these regulations, the hearing shall be held at the next County Board meeting after the notice of complete application is filed by the Zoning Official. If no public hearing is required, the County Board shall consider the matter at a regularly scheduled public meeting.

(B) *Decision by the County Board.* If the County Board is the final decision-making body for a development application pursuant to these regulations, whether by original jurisdiction or on appeal, it shall decide whether to approve, conditionally approve or deny the application at a public hearing, following the receipt of the recommendation of the Board of Appeals (where applicable). If the County Board denies the application, it shall prepare a written statement setting forth the basis for the decision.

(C) *Notification and appeal from the decision of the County Board.* The Zoning Official shall notify the applicant of the decision of the County Board within

ten business days of such decision in the manner provided in § 150.171(E). The applicant may appeal the decision of the County Board in the manner provided in § 150.178(B).

#### **§ 150.174 CONDITIONAL APPROVAL.**

(A) *Authority to condition development approvals.* After review of the application, other pertinent documents and any evidence made part of the public record, the Zoning Official, the County Board or the Board of Appeals may impose conditions as are reasonably necessary to assure compliance with applicable general or specific standards stated in these regulations. Any conditions imposed by recommendation of the Zoning Official or Board of Appeals may be modified by the County Board.

(B) *Record and notification of conditions.* The Zoning Official shall include a copy of the conditions with the record of the decision which is filed with the Zoning Administrator's office. The applicant shall be notified of any conditions imposed on the application in the manner provided in § 150.171(E).

#### **§ 150.175 SCOPE OF ACTION.**

The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval of the application or denial of the application. The reviewing body may allow amendments to the application if the effect of the amendments is to allow a lesser change than that requested on the original application or to reduce the impact of the development or to reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body may not, in any case, permit a greater amount of development, or a use falling in a different general use category, or a larger land area than indicated in the original application, or a greater variance than was indicated in the notice.

#### **§ 150.176 PUBLIC HEARINGS PROCEDURES.**

(A) *Setting of the hearing.* When the Zoning Official determines that a development permit

application is complete and that a public hearing is required by these regulations, the Zoning Official shall consult with the County Clerk and shall select a place, date and a time certain for the required hearing, and shall cause notice of such hearing to be prepared and published pursuant to § 150.171.

(B) *Purpose of hearing.* The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.

(C) *Conduct of hearing.*

(1) Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization, the name and mailing address of the organization.

(2) The body conducting the hearing shall exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. At the chairperson's discretion, any person appearing as a witness may ask relevant questions of other persons appearing as witnesses, but shall do so only through the chairperson of the body conducting the hearing. At any point, members of the body conducting the hearing may ask questions of the applicant, staff or public. The order of proceedings shall be as follows:

(a) The Zoning Official or appropriate staff member shall present a description of the proposed development and a written or oral recommendation, if required. The recommendation shall address each factor required by these regulations to be considered prior to action or approval on the development permit. Unless otherwise specified by these regulations, the written recommendation shall be made available to the applicant at least five business days prior to the hearing upon the applicant's request;

(b) The applicant shall present any information that the applicant deems appropriate;

(c) Public testimony shall be heard first in favor of the proposal, then in opposition to it;

(d) The Zoning Official or other staff member may respond to any statement made by the applicant or any public comment;

(e) The applicant may respond to any testimony or evidence presented by the staff or public; and

(f) The body conducting the hearing shall then conclude the hearing and conduct its open deliberations.

(D) *Record of proceedings.*

(1) The body conducting the hearing shall record the proceedings by any appropriate means and according to such procedures as the County Board may, from time to time, prescribe by rule. Such record shall be provided at the request of any person upon application to the County Clerk and payment of a fee set by the County Board to cover the cost of duplication of the audio record or tape or preparation of the transcribed record.

(2) The tapes of all proceedings, including testimony and statements of personal opinions, the minutes of the secretary, all applications, exhibits and papers submitted, all staff and advisory body or commission reports and recommendations, and the decision and report(s) of the body before which the hearing is heard shall constitute the record.

(3) All such records shall be public records, open for inspection at reasonable times and upon reasonable notice, and shall be prepared as required by applicable Illinois law.

(E) *Continuance of proceedings.*

(1) Any applicant or authorized agent of an applicant shall have the right to one continuance before the Plan Commission, Board of Appeals, or County Board, provided that a written request is filed with the Zoning Official at least five business days prior to the date of the scheduled hearing unless unusual circumstances exist.

(2) An applicant requesting a continuance shall make reasonable efforts, through personal notice, to notify all persons previously advised of the application and hearing that a continuance has been requested. The Zoning Official (at applicant's cost) shall also cause written notice of the rescheduled public hearing date to be sent to surrounding property owners in the same manner and in accordance with the same time schedule as for the original meeting.

(3) The Plan Commission, Board of Appeals or County Board may grant a continuance at any time for good cause shown. All motions to grant a continuance shall state the date on which the matter is to be heard. A majority vote of those members in attendance shall be required to grant a continuance.

(a) The record shall indicate the reason such continuance was made and any stipulations or conditions placed upon the continuance.

(b) If the Plan Commission, Board of Appeals or County Board continues a public hearing on its own motion, it may direct the Zoning Official or appropriate department to renotify property owners so notified, if such notice was required in the first instance.

(c) If the continuance of a public hearing is made at the request of an applicant, the Plan Commission, Board of Appeals or County Board may direct the applicant to renotify property owners so notified, if such notice was required in the first instance.

(d) Renotification shall be made by first class United States mail, postage prepaid.

(e) Where an applicant is required to renotify property owners, the applicant shall submit an affidavit to the Zoning Official indicating that such renotification has actually occurred by remailing at least two business days prior to the continued hearing.

(F) *Additional rules.* Where appropriate, additional rules governing the public hearing may be applicable including, but not limited to, other provisions of the county resolutions or ordinances applicable to the body conducting the hearing and any

of the body's adopted rules or procedures as long as the same are not in conflict with these regulations. The body conducting the hearing may adopt rules of procedure to limit the number of applications for development approval which may be considered per meeting and to limit the time for each presentation, or each speaker.

#### **§ 150.177 EXPIRATION OF APPLICATION NOT ACTED UPON.**

Any development application shall be deemed expired and/or withdrawn where it is not acted upon by the County Board due to:

(A) The failure of the applicant to be represented at a scheduled public hearing on such application; or

(B) The request or consent of the applicant to withhold action on any application; and such application remains in an inactive status for more than 180 days without a request by the applicant for a rehearing of the application.

#### **§ 150.178 POST-DECISION PROCEEDINGS.**

(A) *Reapplication following denial.* Whenever any development application is denied for failure to meet the substantive requirements of these regulations, an application for a development permit or development approval for all or a part of the same property shall not be reconsidered for a period of six months from the date of denial unless the subsequent application involves a proposal that is materially different from the previously denied proposal or unless a majority of the members of the body charged with conducting the initial public hearing determine that the prior denial was based upon a material mistake of fact. The body charged with conducting the initial public hearing shall address and resolve any questions concerning the similarity of the second application, material differences, mistakes of fact, or other related issues. Denial of a second application following the six-month period shall result in a prohibition on the submission of another application for a period of one year from the second date of denial.

**(B) Appeals.**

(1) Any person, including any officer or agency of Warren County, aggrieved by a final administrative determination on a development permit or administrative development approval by the Zoning Official or final decision-maker may appeal such final determination to the appellate body designated by these regulations, if any, in the manner provided in this section.

(2) A written appeal must be filed with the County Clerk within ten business days after the date of the final decision. The appeal shall contain a written statement of the reasons for which the appellant claims the final decision is erroneous. The appeal shall be accompanied by the fee established by the County Board.

(3) The appellate body shall hear the appeal at its next regularly scheduled meeting but in no event later than 60 business days after the filing of the appeal. The hearing before the appellate body shall be conducted in accordance with the provisions of § 150.176.

(4) The appellate body may affirm, reverse or modify the decision from which the appeal was taken within 30 business days after the date the hearing is closed.

**(C) Judicial appeals.** Where appropriate, further appeal may be made to the circuit court.

**(D) Amendments and revisions to approval.**

(1) The Zoning Official may approve minor revisions to the terms of approval of an application for development. Minor revisions must be authorized in writing by the Zoning Official and are subject to appeal to the Board of Appeals pursuant to § 150.178(B). Minor revisions that may be authorized are limited to those that are necessary in light of technical considerations discovered after the decision on the development application by the applicant or the Zoning Official.

(2) If the holder of an approved application for a development permit requests a revision that the

Zoning Official determines is not a minor revision, approval of the revision by the original final decision-maker is required in accordance with the procedures established for the original approval of the subject development permit.

**§ 150.179 EXPIRATION OF DEVELOPMENT APPROVAL.**


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**Development Permits will  
expire if conditions are  
not satisfied within the  
agreed upon time period.**

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**(A) Time of expiration.** Unless otherwise specifically provided for in these regulations, development applications shall automatically expire and become null and void, and all activities taken pursuant to such development application shall cease and become null and void, and all activities pursuant to such approval thereafter shall be deemed in violation of these regulations, if:

(1) The applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the development application, or that was made pursuant to the terms of any development agreement application, including the failure to abide by specified time limits established therein; or

(2) The applicant fails to present a subsequent development application as required by this title within the time so required or as may be required by the Illinois Compiled Statutes. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be presumed to be one year from the date such approval was filed as required herein.

**(B) Extension procedures.** Unless otherwise prohibited by Illinois law or these regulations, the Zoning Official may extend the time for expiration of a development permit or approval for a period not to exceed one year from the date of the original decision

granting approval, provided the application for extension is made in writing within the original period of validity. An extension for a period in excess of one year shall be granted only by the original final decision-maker. A determination by the final decision-maker to extend a development permit for a period exceeding one year shall be made in accordance with the procedures set forth in these regulations for the original approval of the particular development permit for which an extension is requested. No extension may be granted by the Zoning Official or by the final decision-maker for a period exceeding any applicable time limits established by the Illinois Compiled Statutes.

#### § 150.180 REVOCATION OF PERMIT.

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### Development Permits that have violated conditions of approval may be revoked by the Zoning Official.

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(A) *Duties of Zoning Official.* If the Zoning Official determines, based upon an inspection by County staff, that there are reasonable grounds for revocation of a development permit or approval authorized by these regulations, the Zoning Official shall set a hearing before the original decision-maker. If the decision was made by the Zoning Official, the hearing shall be conducted by the Board of Appeals. If the County Board was the original decision-maker, it may refer the proposed revocation to the Board of Appeals for its report and recommendation prior to the hearing.

(B) *Notice and public hearing.* Notice of the permit revocation hearing shall be given in the same manner as provided in § 150.171. The permittee shall be notified by mail. The public hearing shall be conducted in accordance with the procedures established in § 150.176.

(C) *Decision and notice.* Within 14 business days after the conclusion of the hearing, the decision-maker shall render a decision to revoke the permit to allow the applicant to retain the development permit or to reconsider the permit, and shall notify the holder of the permit and any other person who has filed a written request for such notice in the manner provided in § 150.171(E).

(D) *Effect and appeals.* A decision to revoke a development permit shall become final 14 business days after the date the decision is rendered, unless appealed. After such effective date of revocation, any activities continuing pursuant to such permit shall be deemed to be in violation of these regulations. An appeal from the decision to revoke the permit shall be to the County Board and shall conform to the procedures established in § 150.178(B).

(E) *Reconsideration.* The reviewing body may determine that it is necessary to reconsider the appropriateness of the development permit. Based upon this determination, the County Board shall schedule a public hearing and provide such notice as was required pursuant to the original development approval. At the hearing, the County Board shall reconsider the criteria governing the permit approval, the evidence submitted at the public hearing and the circumstances of the permit. Following the public hearing, the Board may revoke the permit or allow the applicant to retain the development permit.

(F) *Right cumulative.* The county's right to revoke a development permit, as provided in this section, shall be cumulative to any other remedy allowed by law.

#### ZONING AMENDMENTS

#### § 150.190 PURPOSE.

It may be necessary or advisable, from time to time, to amend the text of these regulations or the zoning district map.



**§ 150.191 INITIATION OF APPLICATION.**

An owner of real property within the county, or that owner's authorized representative, may, upon proof of ownership, apply for an amendment of the text of the zoning regulations or for a change in zoning district boundaries (rezoning) for that landowner's property. Such amendments also may be initiated by the Plan Commission, county staff and/or the County Board.

**§ 150.192 APPLICATION.**

When the owner of the affected property initiates an amendment to these regulations or to the district boundaries, an application for such amendment shall be obtained from the Zoning Official. Before any application is made, the applicant is encouraged to confer with the Zoning Official to discuss, in general, the procedures and requirements for a zoning amendment request pursuant to these regulations. An application is initiated by filing the appropriate forms and paying the application fee to the Zoning Official.

**§ 150.193 INFORMATION REQUIRED FOR TEXT AMENDMENT.**

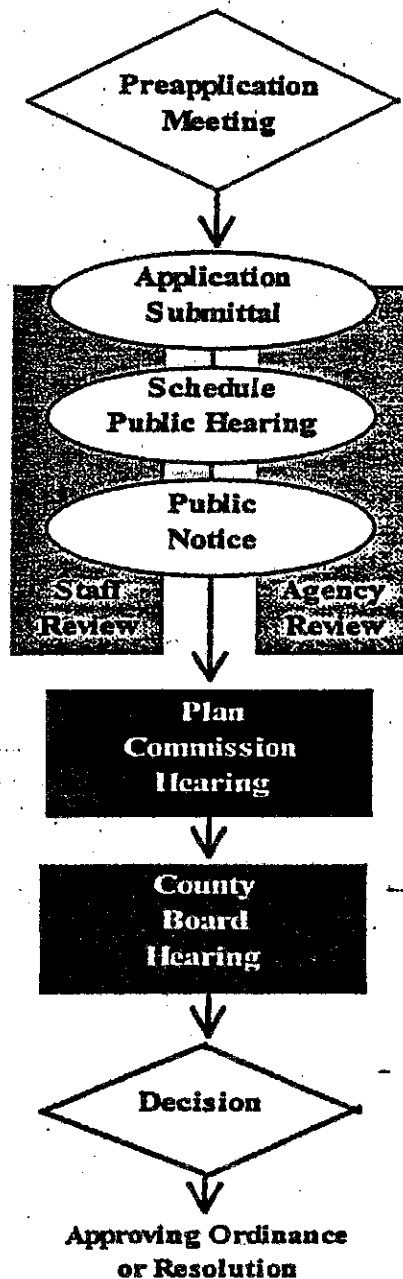
When the applicant seeks to amend the text of these regulations, the applicant shall complete the form provided by the Zoning Official which requires the applicant to provide a typewritten copy of the proposed changes to the regulations in a format clearly indicating the proposed changes and the reasons supporting the amendment and the specific circumstances, if any, requiring the change.

**§ 150.194 INFORMATION REQUIRED FOR ZONING DISTRICT MAP AMENDMENT.**

When the applicant seeks a change in the zoning district map, the applicant shall submit the following information:

- (A) A legal description of the property;
- (B) A scaled map of the property, correlating

**Zoning Amendments Process**



with the legal description, and clearly showing the property's location;

(C) The name, address, and telephone number of the applicant and the property owner;

(D) A description of the present use of the property and the existing zoning;

(E) A description of the proposed use of the property and requested zoning;

(F) The area of the property in square feet and/or acres;

(G) The proposed time schedule for development;

(H) The source/method for providing utility/infrastructure services to the property and distance to nearest municipal jurisdiction;

(I) A description of existing road conditions and any new roads to be included in the development and of the effect of the proposed development on existing roads and traffic conditions;

(J) Declaration of the property's status relative to flood plain information provided by FEMA;

(K) A list of any state, federal or other public agencies' approvals or permits required for the proposed development;

(L) The effect the proposed development may have on surrounding properties;

(M) Additional exhibits as may be required by the Zoning Official such as a site plan showing elevations of property, location and size of all existing and proposed structures, roadways, easements, and parking areas, and the location of present and proposed points of access of the property;

(N) The signatures of the applicants and owners certifying the accuracy of the required information.

#### **§ 150.195 DETERMINATION OF COMPLETENESS.**

Within ten business days of submission, the Zoning Official shall review the zoning amendment application and determine if the application is complete pursuant to § 150.170(B).

#### **§ 150.196 PUBLIC HEARING.**

(A) The Plan Commission shall hold a public hearing on each proposed zoning amendment. The hearing shall be noticed both by publication pursuant to § 150.171(A), and by personal notice to adjacent or adjoining landowners or landowners within 250 feet of the subject property pursuant to § 150.171(B). The names of such tenants shall be supplied to the Zoning Official by the applicant.

(B) When the Plan Commission deems it necessary or expedient, it may consider other property for a change or amendment of zoning district in addition to the property described in the application, provided that such additional property is included in the hearing notices.

#### **§ 150.197 CRITERIA FOR REVIEW.**

When the application involves a change to the zoning district map that will only affect specific property, the Plan Commission shall consider the following factors, as applicable to the individual application:

(A) The character of the area potentially impacted by the proposed use;

(B) The zoning and uses of property nearby;

(C) The suitability of the subject property for the uses to which it has been restricted under the existing zoning classification; the extent to which the proposed use will detrimentally affect nearby property;

(D) The length of time the subject property has remained vacant as zoned;

(E) Recommendations of the county's professional staff;

(F) The availability and adequacy of required public and community facilities, utilities and services to serve the proposed use. These may include, but are not limited to, sanitary and storm sewers, water, electrical service, police and fire protection, schools, parks and recreation facilities, roads, libraries, solid waste collection and disposal and others, as applicable;

(G) The extent to which the proposed use would adversely affect the capacity or safety of that portion of the street network influenced by the use, or present parking problems in the vicinity of the property;

(H) The environmental impacts that the proposed use will generate including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting, or other environmental harm;

(I) The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to these regulations and other applicable county ordinances;

(J) Statement of jurisdictional notice to nearby municipality(ies).

#### **§ 150.198 REPORT AND RECOMMENDATION BY COMMISSION.**

(A) *Summary of hearing; recommendations.* Upon conclusion of the public hearing, the Plan Commission shall forward to the County Board a summary of all evidence taken at the hearing, together with its recommendations for any change to zoning district boundaries and/or regulations. The recommendation may be for approval, disapproval, or conditional approval. The reasons for the recommendations shall be included. The Plan Commission also shall forward drafts of any ordinances necessary to effect the amendment or change which may then be introduced in accordance with the applicable county resolutions or ordinances.

(B) *Amendments to text.* When a proposed amendment would result in a change in the text of these regulations but would not result in a change of the zoning district classification of any specific property, the recommendation of the Plan Commission shall describe:

(1) The areas that are most likely to be directly affected by such change and the likely effects; and

(2) Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts, or other social or economic conditions in the areas and zoning districts affected.

#### **§ 150.199 DECISION BY COUNTY BOARD.**

(A) *Actions by County Board.* Upon the receipt of the recommendation of the Plan Commission and any written public input, the County Board shall consider the application and may approve, deny or conditionally approve the recommendation of the Plan Commission or take such other action it deems appropriate.

(B) *Public hearing.* The County Board shall hold a public hearing pursuant to the provisions of § 150.173 to review and consider the application. Notice of the hearing shall be published pursuant to § 150.171(A), and mailed pursuant to § 150.171(B) to adjacent or adjoining landowners or landowners within 250 feet of the subject property.

(C) *Changes affecting specific property.* When the application involves a change to the zoning district map that will only affect specific property, the County Board shall consider the factors specified in § 150.197 as they may be applicable to the individual application.

#### **§ 150.200 APPROVED ACTION.**

If the County Board approves an application, it shall adopt an ordinance, resolution or order to that effect. The amending ordinance, resolution or order shall define the change or boundary as amended and

instruct the zoning district map to be changed to reflect such amendment.

**SPECIAL USE EXCEPTION APPROVAL**

**§ 150.210 PURPOSE.**

Special uses are those uses which generally are compatible with the permitted land uses in a given zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

**§ 150.211 APPLICABILITY.**

(A) The designation of a use in a zoning district as a special use does not constitute an authorization or assurance that such use will be approved.

(B) Approval of a special use permit shall be deemed to authorize only the particular use for which the permit is issued.

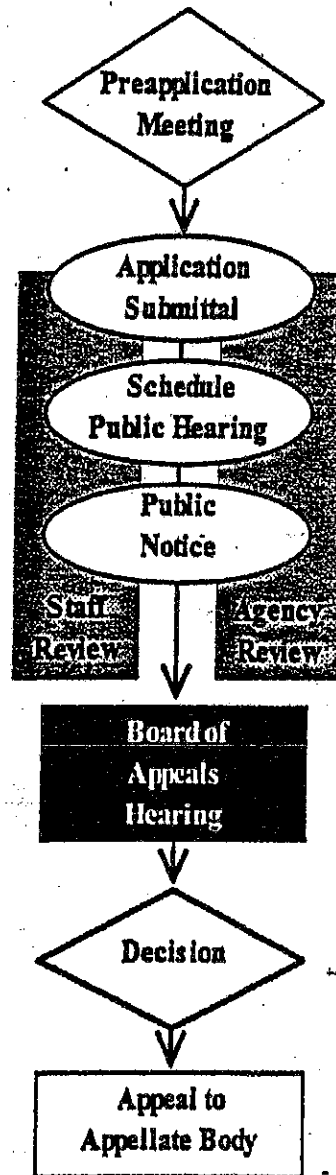
(C) No use authorized by a special use permit shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new special use permit in accordance with the procedures set forth in these regulations.

(D) Development of the special use shall not be carried out until the applicant has secured all the permits and approvals required by these regulations, other appropriate provisions of the Warren County resolutions or ordinances or any permits required by county, regional, state or federal agencies.

**§ 150.212 APPLICATION FOR SPECIAL USE PERMIT.**

(A) Before any application is made, the applicant is encouraged to confer with the Zoning Official to discuss, in general, the procedures and requirements

**Special Use Exception Permit Process**



for a special use request pursuant to these regulations.

(B) A property owner or designated representative of the property owner shall initiate a special use request by filing an application with the Zoning Official and paying a special use request fee as determined by the County Board.

(C) A special use application shall include:

(1) A legal description of the property, including the subdivision lot and block number, if applicable;

(2) A vicinity map showing the location of the property and adjoining uses;

(3) The area of the property in acres, broken down by zoning district if more than one affects the property;

(4) The zoning district currently applicable to the property;

(5) The proposed special use permit category;

(6) The present use of the property, if any;

(7) The proposed use of the property;

(8) A description of improvements on the property;

(9) To the extent reasonably available, a list of approved development permits, final plans, plats, variances and other land use approvals, affecting part or all of the property, including the exact provisions of any conditions included in such approvals;

(10) The name, address and phone number of the property owner(s);

(11) The name, address and phone number of the applicant or agent for the owner, if different;

(12) The signature of the owner, or the signature of the owner's agent and documentation of the authority of the agent; and

(13) A site plan or preliminary plan if one is required by the Zoning Official.

**§ 150.213 DETERMINATION OF COMPLETENESS.**

Within ten business days of submission, the Zoning Official shall review the special use application and determine if the application is complete pursuant to § 150.170(B).

**§ 150.214 SPECIAL USE REVIEW AND DECISION.**

(A) Upon a determination of completeness, the Zoning Official shall forward copies of the special use application to the Board of Appeals.

(B) The Board of Appeals shall hold a public hearing on a special use request pursuant to § 150.172. Personal notice of the public hearing shall be mailed in accordance with the requirements of § 150.171(B).

(C) The Board of Appeals shall consider the following criteria when making its decision regarding the application:

(1) The proposed special use exception is to be located in a district wherein such use may be permitted; and

(2) The proposed use meets all applicable requirements of these regulations; and

(3) The special use exception is consistent with the spirit, purpose and intent of the zoning ordinance, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare.

(D) The Board of Appeals shall make its decision at the public hearing, on the record. It may approve, conditionally approve or deny the application.

(E) Special use permit issuance.

(1) The Board of Appeals shall authorize the Zoning Official to issue a special use permit.

(2) The special use permit shall set out regulations, restrictions, limitations and a termination date so that reasonable control may be exercised over the use.

(3) Upon approval by the Board of Appeals, the Zoning Official shall forward a letter of approval to the applicant.

**§ 150.215 REVOCATION/EXPIRATION OF A SPECIAL USE PERMIT.**

Any permit granted under the authority of these regulations is subject to revocation pursuant to § 150.180 for any or all of the following reasons:

(A) Non-compliance with any special conditions imposed on the special use permit by the County Board or these regulations at the time of approval of the special use;

(B) Violation of any provisions of these regulations pertaining to the use of land, the construction or use of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee;

(C) Violation of any other applicable zoning regulation or county resolution or ordinance provision or any county, state or federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the special use permit or the qualifications of the permittee or its agents to engage in such conduct or activity;

(D) If a special use authorized or granted under the provisions of this section is not actually established or the actual construction commenced on the buildings

or structures involved within one year from the date of the special use approval, the approval shall be deemed to be revoked and any further activity on the site shall be treated as a violation of these regulations;

(E) Every permit issued by the Zoning Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be commenced, a new permit shall be first obtained to do so.

(F) If any use of land, building, structure or premises established under the provisions of this section has been discontinued for a period of one year, it is unlawful to again use such land, building or premises for such discontinued use until a subsequent special use permit is granted.

**§ 150.216 EXTENSION OF TIME.**

Extensions of special use permits may be granted pursuant to § 150.179(B).

**§ 150.217 APPEAL PROCEDURE.**

If the Board of Appeals denies an application for a special use, its decision shall be final and shall be subject to judicial review pursuant to the provisions of the Administrative Review Law.

***SITE PLAN REQUIREMENTS***

**§ 150.230 PURPOSE.**

The purpose of requiring site plan review is to ensure that proposed development conforms with these regulations and proposes a compatible arrangement of buildings, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, site

drainage and open spaces. Site plan review shall consider the siting of proposed construction and its impact on the existing topography and natural vegetation, and the relationship of proposed construction to existing public and private improvements in the immediate area. The design shall encourage the elimination of unnecessary grading and endeavor to retain the natural character of the site including the preservation of trees and other natural features.

**§ 150.231 APPLICABILITY.**

(A) A site plan shall be required for all new construction, exterior additions or changes in use to any structure used for multi-family, commercial, industrial or public use, whether such use is a permitted use in the district, authorized by a special use permit or allowed as a planned development. No building permit shall be issued for a development subject to site plan review until such site plan has been approved in accordance with these regulations.

(B) Development in the various zoning districts is required to obtain site plan review and approval prior to the issuance of a building permit.

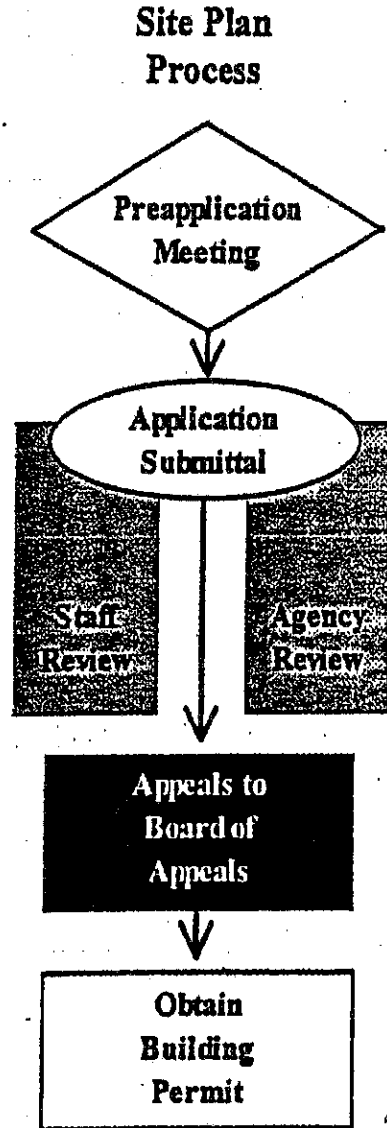
**§ 150.232 APPLICATION FOR SITE PLAN REVIEW.**

(A) Before any application is made, the applicant is encouraged to confer with the Zoning Official to discuss, in general, the procedures and requirements for site plan approval pursuant to these regulations.

(B) A property owner or designated representative of the property owner may initiate site plan review by filing an application with the Zoning Official and paying the site plan application fee as established by the County Board.

(C) A site plan may be prepared and submitted for the entire development or for individual development phases.

(D) All site plans must be prepared by a registered architect, engineer, surveyor or planner, or



on an acceptable form as approved by the Zoning Official.

(E) All site plans shall contain the following information:

- (1) Name and address of record of owner, architect/engineer/surveyor and contractor;
- (2) Date, north arrow and scale;
- (3) Location of existing and proposed rights-of-way, easements and infrastructure (streets, sewers, water lines, etc);
- (4) Size, use and location of existing and proposed structures and drives on the subject property, and existing structures and drives adjacent to the property;
- (5) Location of floodplain areas subject to flooding, centerline of drainage courses, and finished floor elevations of proposed buildings;
- (6) Location of proposed drives and parking areas;
- (7) Property lines, platted setback lines, and lot dimensions;
- (8) Location, number and dimensions of existing and proposed parking spaces;
- (9) Final grades;
- (10) Location of existing trees greater than 12 inches in diameter and proposed landscaping; and
- (11) Drainage information.

#### § 150.233 SITE PLAN APPROVAL.

(A) The Zoning Official shall approve, conditionally approve or deny the site plan, based upon the following criteria:

- (1) The site is capable of accommodating the building(s), parking areas and drives with

appropriate open spaces and is in compliance with all requirements of these regulations.

(2) The site plan provides for safe and easy ingress, egress and internal traffic circulation.

(3) All development features, including the principal building and any accessory buildings, open spaces, service roads and parking areas are located so as to minimize the possibility of adverse effects on adjacent properties.

(4) The plan is consistent with accepted land planning and site engineering design principles.

(5) The plan represents an overall development pattern that is consistent with the adopted planning policies.

(B) Site plan approval by the Zoning Official shall be evidenced by the Zoning Official's signature on the site plan. Approval shall become effective immediately upon signature.

(C) An applicant may, by formal request to the Zoning Official, obtain a waiver from the requirements of this section upon a showing of hardship.

#### § 150.234 SITE PLAN AMENDMENTS.

The Zoning Official shall be authorized to review and approve amendments to previously approved site plans, when the amendment is for the expansion of floor space which is no greater than 10% of the gross square footage approved by the site plan and not to exceed 5,000 square feet of the previously approved site plan, and, provided, the amendment meets all requirements of these regulations.

#### § 150.235 SITE PLAN EXPIRATION.

(A) Unless a longer time shall be specifically established as a condition of approval, site plan approval shall lapse and become void one year from



the date of site plan approval unless prior to the expiration, a building permit is issued and construction is commenced and diligently pursued to completion.

(B) Site plan approval may be extended only upon the applicant's written request for extension of the plan as approved by the Zoning Official prior to expiration. Such extension, if granted, shall not exceed a period of one year. The request for extension shall be reviewed in relationship to any change in ordinance or code requirements, development of surrounding land uses and adjacent properties and the expansion or provision of public facilities and utilities.

(C) Upon violation of any applicable provision of this section or, if granted subject to conditions, upon failure to comply with conditions, the site plan approval shall be suspended and shall be subject to revocation pursuant to § 150.180.

(D) A site plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application.

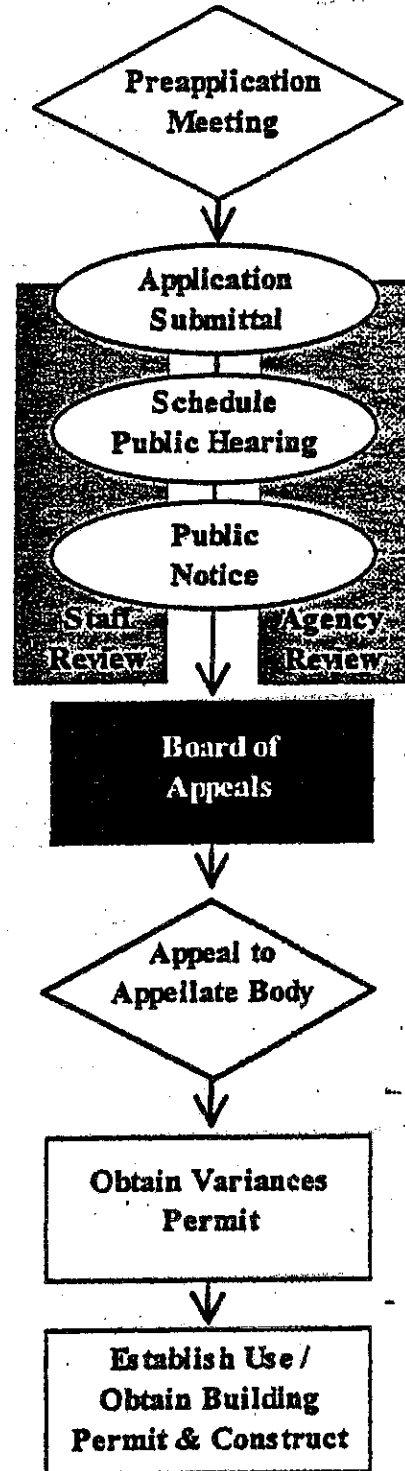
**§ 150.236 APPEAL PROCEDURE.**

If the Zoning Official denies site plan approval, an appeal of the decision may be taken to the Board of Appeals in accordance with § 150.178(B).

**VARIANCES**

**§ 150.250 PURPOSE.**

The Board of Appeals may authorize a variance from the strict application of these regulations where, owing to special conditions, a literal enforcement of these provisions will, in an individual case, result in unnecessary hardship. The granting of a variance shall not result in a substantial detriment to the public good, substantial impairment of affected natural resources or substantial impairment of the intent, purpose and spirit of these regulations.



**§ 150.251 APPLICABILITY.**

A variance may be granted where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of these regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of these regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the property owner.

**§ 150.252 APPLICATION.**

(A) Before an application is made, the applicant is encouraged to confer with the Zoning Official to discuss, in general, the procedures and requirements for a variance request pursuant to these regulations.

(B) A property owner or designated representative shall initiate a variance request by filing an application with the Zoning Official and paying a variance request fee as established by the County Board.

(C) A variance application shall include:

(1) A site plan, as defined in § 150.230. The site plan shall include floor plans and an elevation and shall indicate clearly the nature and location of the requested variance. Specific requirements of site plan preparation may be waived by the Zoning Official if circumstances so require;

(2) Evidence that the property was acquired in good faith and that because of the exceptional narrowness, shallowness or shape of the parcel at the time of the effective date of these regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional circumstances, the strict application of the terms of these regulations actually prohibits the practical use of applicant's property in the manner similar to that of other property owners in the zoning district where the property is located;

(3) Evidence of the ability and intention of the applicant to proceed with actual construction in

accordance with the submitted site plan after issuance of the variance.

**§ 150.253 DETERMINATION OF COMPLETENESS.**

Within ten working days of submission, the Zoning Official shall review the variance application and determine if the application is complete pursuant to § 150.170(B).

**§ 150.254 VARIANCE REVIEW AND RECOMMENDATION.**

(A) If the variation sought is a variation of 10% or less of these regulations as applied to the location of structures subject to bulk requirements hereunder, no public hearing shall be required and such variation may be granted by the Zoning Official. All other variations sought shall be made only by ordinance, resolution or otherwise in a specific case and after a public hearing before a board of appeals of which there shall be at least 15 business days notice of the date, time and place of such hearing published in a newspaper of general circulation published in the township or road district in which such property is located.

(B) Upon a determination of completeness, the Zoning Official shall forward copies of the variance application to the Board of Appeals.

(C) The Board of Appeals shall hold a public hearing on the variance request pursuant to § 150.172. Personal notice of the public hearing shall be mailed in accordance with the requirements of § 150.171(B) and shall include the following information:

(1) The particular location of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection;

(2) Whether or not the petitioner or applicant is acting for himself or in the capacity of

agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal;

(3) Whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation;

(4) Whether the petitioner or applicant, or his principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity;

(5) Whether the petitioner or applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and

(6) A brief statement of what the proposed variation consists.

(D) The Board of Appeals shall consider the following criteria when making a decision:

(1) The variance requested arises from a condition or conditions which are unique to the property in question and which are not ordinarily found in the same zone or district; that the condition was not created by an action or actions of the property owner or applicant; and that the condition existed prior to enactment of these regulations;

(2) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

(3) The strict application of the provisions of these regulations would constitute unnecessary hardship upon the property owner;

(4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

(5) The granting of the variance will not conflict with the general spirit and intent of these regulations.

(E) The Board of Appeals shall approve, conditionally approve or deny the application for a variance at the public hearing, which decision shall be final. If the Board of Appeals approves a variance application, or approves a variance application with conditions, the Board shall make a determination as to each of the criteria listed in division (C) above of this section and the findings shall be entered in the record.

(F) Variance permit issuance.

(1) The Board of Appeals shall authorize the Zoning Official to issue a variance permit.

(2) Upon approval by the Board of Appeals, the Zoning Official shall forward a letter of approval to the applicant.

**§ 150.255 REVOCATION OF A VARIANCE.**

Any variance granted under the authority of these regulations shall be subject to revocation pursuant to § 150.180 for any or all of the following reasons:

(A) If a variance authorized and granted under the provisions of this section is not actually established or the actual construction commenced on the principal buildings or structures involved within one year from the date of the variance approval;

(B) If a variance is conditionally approved, and any of the required conditions are not being fulfilled.

**§ 150.256 DISCONTINUANCE.**

(A) Every permit issued by the Zoning Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such

work can be commenced, a new permit shall be first obtained to do so.

(B) If any use of land, building, structure or premises established under the provisions of this section has been discontinued for a period of one year, it is unlawful to again use such land, building or premises for such discontinued use until a subsequent variance permit is authorized and granted.

#### **§ 150.257 APPEAL PROCEDURE.**

An appeal of a Board of Appeals decision may be made pursuant to § 150.178(B).

#### **§ 150.999 PENALTY.**

The owner or agent of a building, structure or land in or upon which a violation has been committed or shall exist; or the lessee or tenant of an entire building, entire structure or entire land in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any person who commits, takes part or assists in any violation or who maintains any building, structure or land in or upon which violation shall exist, shall be guilty of a misdemeanor, punishable by a fine of not less than \$10 and not more than \$100 for each offense; but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than \$100 nor more than \$500 for each offense. A separate offense shall be deemed committed on each day that such violation occurs or continues.

APPENDIX A: APPLICATION FOR ZONING AMENDMENT (REZONING)

WARREN COUNTY, ILLINOIS  
APPLICATION FOR

ZONING AMENDMENT (REZONING)

for office use only	
Date of Application: _____	Application Number _____
Date Received: _____	Requested Rezoning From: ____ To: ____
Received By: _____	Fee Paid: _____
Title: _____	

*You will be advised of the date of the public hearing before the Warren County Plan Commission.*

1. **Applicant/Ownership Information.** Please attach the following information for each applicant:

- a. Applicant's Name: \_\_\_\_\_
- b. Applicant's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Applicant's Phone: (\_\_\_\_) \_\_\_\_\_  
 Applicant's Fax: (\_\_\_\_) \_\_\_\_\_
- c. Legal Owner, if different from Applicant: \_\_\_\_\_  
 Legal Owner's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Legal Owner's Phone: (\_\_\_\_) \_\_\_\_\_  
 Legal Owner's Fax: (\_\_\_\_) \_\_\_\_\_
- d. Represented by, if different from Applicant or Owner: \_\_\_\_\_  
 Representative's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Representative's Phone: (\_\_\_\_) \_\_\_\_\_  
 Representative's Fax: (\_\_\_\_) \_\_\_\_\_
- e. Attach a copy of the deed, lease, option agreement or other evidence of ownership or interest of the applicant as **Exhibit A**. If the applicant is not the owner, attach a copy of the deed or other evidence of ownership and the owner's written, notarized statement granting the applicant authority to request this action as **Exhibit B**.

2. **Property Information.** Attach the following information for the property that you wish to rezone:

- a. Address or Location: \_\_\_\_\_
- b. Legal Description of Property: (attach additional sheets if necessary as **Exhibit C**)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**WARREN COUNTY, ILLINOIS  
APPLICATION FOR  
ZONING AMENDMENT (REZONING)**

---

- c. Description of Existing Development on Property, if any: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
- d. Enclose a scaled map of the property as **Exhibit D**, correlating with the legal description and clearly indicating the property's location.
  
- e. Enclose a declaration as to the property's floodplain status from FEMA classification as **Exhibit E**.
  
- g. Enclose a description of the existing road conditions in the development area and any new roads proposed by applicant, County or State. Additionally, enclose a description of the proposed developments impact on existing roads and traffic as **Exhibit F**.
  
- 3. **Development Information.** Attach the following information for the proposed development.
  - a. Please check below the existing zoning \_\_\_\_\_ and requested zoning \_\_\_\_\_ .
  - b. Describe the proposed use of the property.
  - c. Provide a time schedule for the proposed development as **Exhibit I**.
  - d. Provide a list of the source/method for the proposed development to receive utility/infrastructure improvements and the distance to the nearest jurisdiction as **Exhibit J**.
  
- 4. **Proposed Improvements.** Will the zoning change involve development or redevelopment of the property? \_\_\_\_\_  
 Provide a plan of all improvements, including the proposed use, location, size, area, height and bulk of all proposed buildings, signs, parking areas, fences, excavations or other improvements and attach as **Exhibit L**.
  
- 5. **Property Owner Notification.** For purposes of the required personal notice, obtain from the Warren County Assessor a list of all owners of real property within two hundred fifty (250) feet of the parcel of land subject to this rezoning application and attach as **Exhibit M**.
  
- 6. **Proof of Fee Payment.** Attach a receipt for payment of the required processing fee for rezoning petitions or rezoning amendments as set forth in the Warren County Zoning Ordinance.

I, \_\_\_\_\_, hereby state, that all of the above statements and the statements contained in the documents submitted herewith are true.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date Signed

WARREN COUNTY, ILLINOIS  
APPLICATION FOR  
ZONING AMENDMENT (REZONING)

FOR OFFICE USE ONLY

*Warren County Zoning Official*

CERTIFICATION OF COMPLETENESS OF APPLICATION FOR ZONING AMENDMENT (REZONING)

By: \_\_\_\_\_  
Date: \_\_\_\_\_

*Warren County Plan Commission*

RECOMMENDATION ON APPLICATION FOR ZONING AMENDMENT (REZONING)

- \_\_\_\_\_ Approve
- \_\_\_\_\_ Approved with conditions (attached as Exhibit N)
- \_\_\_\_\_ Deny

Date of Publication: *[Insert Paper Name]* \_\_\_\_\_ *[Insert Paper Name]* \_\_\_\_\_  
Date of Posting: \_\_\_\_\_ Location of Posting: \_\_\_\_\_  
Date of Public Hearing: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

*Warren County Board of Commissioners*

FINAL DECISION ON APPLICATION FOR ZONING AMENDMENT (REZONING)

- \_\_\_\_\_ Approve
- \_\_\_\_\_ Approved with conditions (attached as Exhibit O)
- \_\_\_\_\_ Deny

Date of Publication: *[Insert Paper Name]* \_\_\_\_\_ *[Insert Paper Name]* \_\_\_\_\_  
Date of Posting: \_\_\_\_\_ Location of Posting: \_\_\_\_\_  
Date of Public Hearing: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**WARREN COUNTY, ILLINOIS  
APPLICATION FOR  
ZONING AMENDMENT (REZONING)**

---

**LIST OF EXHIBITS**

- Exhibit A:** Deed, lease, option agreement or other evidence of ownership or interest of the applicant.
- Exhibit B:** (If the applicant is not the owner) deed or other evidence of ownership of the owner and the owner's written, notarized statement granting authority to the applicant to request this action.
- Exhibit C:** Legal description ( not applicable because answered in #2.b, above).
- Exhibit D:** Scaled map clearly indicating property to be rezoned and its location.
- Exhibit E:** FEMA floodplain classification for property.
- Exhibit F:** Description of existing roads in development area and any new roads to be added. Additionally, description of proposed development's impact on roads and traffic conditions.
- Exhibit G:** Time schedule for the proposed development.
- Exhibit H:** List of the source/method for the proposed development to receive utility/infrastructure improvements and the distance to the nearest jurisdiction.
- Exhibit I:** Date of all prior rezoning and the zoning classification before and after the rezoning(s).  
( not applicable)
- Exhibit J:** List and a map of all improvements, include the proposed use, location, size, area, height and bulk of all proposed buildings, signs, parking areas, fences, excavations or other improvements.
- Exhibit K:** List of all owners of real property within two hundred fifty (250) feet of the parcel of land subject to this rezoning application. (Obtain current list from the Warren County Assessor.)
- Exhibit L:** Conditions to rezoning proffered to Plan Commission and/or approved by Plan Commission.  
( not applicable)
- Exhibit M:** Conditions to rezoning proffered to County Board of Commissioners and/or approved by Board of Commissioners. ( not applicable)

(NOTE: THE APPLICANT MAY ATTACH A LIST OF SUGGESTED CONDITIONS AS EXHIBIT N, BUT DOES NOT ATTACH EXHIBIT O.)



APPENDIX B: APPLICATION FOR VARIANCE.

WARREN COUNTY, ILLINOIS  
APPLICATION FOR VARIANCE

(for office use only)	
Date of Application: _____	Application Number: _____
Date Received: _____	Type of Variance: _____
Received By: _____	Fee Paid: _____
Project: _____	

You will be advised of the date of the public hearing before the Warren County Plan Commission.

1. Ownership/Designated Representative Information. Please attach the following information for each applicant:

- a. Applicant's Name: \_\_\_\_\_  
 Applicant's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Applicant's Phone: (\_\_\_\_) \_\_\_\_\_  
 Applicant's Fax: (\_\_\_\_) \_\_\_\_\_
- b. Legal Owner, if different from Applicant: \_\_\_\_\_  
 Legal Owner's Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Legal Owner's Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_
- c. Representative, if different from Applicant or Owner: \_\_\_\_\_  
 Representative's Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Representative's Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_
- d. Attach a copy of the deed, lease, option agreement or other evidence of ownership or interest of the applicant as Exhibit A. If the applicant is not the owner, attach a copy of the deed or other evidence of ownership and the owner's written, notarized statement granting the applicant authority to request this action as Exhibit B.

2. Property Information.

- a. Address or Location: \_\_\_\_\_
- b. Legal Description of Property: (attach additional sheets if necessary as Exhibit C)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- c. Description of Existing Development on Property, if any: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

WARREN COUNTY, ILLINOIS  
APPLICATION FOR VARIANCE

- d. Existing zoning \_\_\_\_\_
- e. Enclose a scaled site plan of the property as **Exhibit D**, correlating with the legal description and clearly indicating the property's location. The site plan for the variance shall be prepared in conformance with Site Plan Review, § 150.230, and Variances, § 150.252(C). Show all improvements, including the proposed use, location, size, area, height and bulk of all proposed buildings, signs, parking areas, fences, excavations or other improvements.
- f. Enclose a declaration as to the property's floodplain status from FEMA classification as **Exhibit E**.

3. **Request for Variance.** Complete the information by checking the applicable lines and completing the questions below.

a. Describe the requested variance \_\_\_\_\_  
\_\_\_\_\_

b. What characteristics of the property prevent it from being used for any of the uses permitted in the zoning district?

- |                   |                 |                  |
|-------------------|-----------------|------------------|
| Too Narrow _____  | Elevation _____ | Soil _____       |
| Too Shallow _____ | Slope _____     | Subsurface _____ |
| Too Small _____   | Shape _____     | Other _____      |

c. Describe the conditions checked above, giving dimensions where appropriate \_\_\_\_\_  
\_\_\_\_\_

d. How do the above site conditions prevent any reasonable use of the property under the terms of the Zoning Ordinance? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. **Property Owner Notification.** For purposes of the required personal notice, obtain from the Warren County Assessor a list of all owners of real property within two-hundred-fifty (250) feet of the parcel of land subject to this rezoning application and attach as **Exhibit F**.

5. **Fee Payment.** Attach a receipt for payment of the required processing fee for rezoning petitions or rezoning amendments as set forth in the Warren County Zoning Ordinance.

I, \_\_\_\_\_, hereby state, that all of the above statements and the statements contained in the documents submitted herewith are true.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date Signed

WARREN COUNTY, ILLINOIS  
**APPLICATION FOR VARIANCE**

---

LIST OF POTENTIAL EXHIBITS

- Exhibit A:** Deed, lease, option agreement or other evidence of ownership or interest of the applicant.
- Exhibit B:** (If the applicant is not the owner) deed or other evidence of ownership of the owner and the owner's written, notarized statement granting authority to the applicant to request this action.
- Exhibit C:** Legal description (not applicable because answered in #2.b, above).
- Exhibit D:** Scaled site plan clearly indicating property to be rezoned and its location.
- Exhibit E:** FEMA floodplain classification for property.
- Exhibit F:** List of all owners of real property within two hundred fifty (250) feet of the parcel of land subject to this rezoning application. (Obtain current list from the Warren County Assessor.)

WARREN COUNTY, ILLINOIS  
**APPLICATION FOR VARIANCE**

FOR OFFICE USE ONLY

*Warren County Zoning Official*

CERTIFICATION OF COMPLETENESS OF APPLICATION FOR VARIANCE

By: \_\_\_\_\_

Date: \_\_\_\_\_

*Warren County Board of Appeals*

RECOMMENDATION ON APPLICATION FOR VARIANCE

\_\_\_\_ Approve

\_\_\_\_ Approved with conditions (attached as Exhibit G)

\_\_\_\_ Deny

Date of Publication: *[Insert Paper Name]* \_\_\_\_\_ *[Insert Paper Name]* \_\_\_\_\_

Date of Posting: \_\_\_\_\_ Location of Posting: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

APPENDIX C: APPLICATION FOR SITE PLAN REVIEW.

WARREN COUNTY, ILLINOIS

APPLICATION FOR SITE PLAN REVIEW

(for office use only)	
Date of Application: _____	Application Number: _____
Date Received: _____	Fee Paid: _____
Received By: _____	
Project: _____	

1. **Applicant/Ownership Information.** Please attach the following information for each applicant:

- a. Applicant's Name: \_\_\_\_\_
- b. Applicant's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Applicant's Phone: (\_\_\_\_) \_\_\_\_\_  
 Applicant's Fax: (\_\_\_\_) \_\_\_\_\_
- c. Legal Owner, if different from Applicant: \_\_\_\_\_  
 Legal Owner's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Legal Owner's Phone: (\_\_\_\_) \_\_\_\_\_  
 Legal Owner's Fax: (\_\_\_\_) \_\_\_\_\_
- d. Represented by, if different from Applicant or Owner: \_\_\_\_\_  
 Representative's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Representative's Phone: (\_\_\_\_) \_\_\_\_\_  
 Representative's Fax: (\_\_\_\_) \_\_\_\_\_
- e. Attach a copy of the deed, lease, option agreement or other evidence of ownership or interest of the applicant as **Exhibit A**. If the applicant is not the owner, attach a copy of the deed or other evidence of ownership and the owner's written, notarized statement granting the applicant authority to request this action as **Exhibit B**.

2. **Property Information.** Attach the following information for the property that you wish to rezone:

- a. Address or Location: \_\_\_\_\_
- b. Legal Description of Property: (attach additional sheets if necessary as **Exhibit C**)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# APPLICATION FOR SITE PLAN REVIEW

c. Description of Existing Development on Property, if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. **Development Proposal.**

a. A scaled site plan of the property, correlating with the legal description and clearly indicating the property's location, which shall comply with the requirements of Chapter 4 of the Warren County Code attached as **EXHIBIT D**.

b. Proposed Development:  
Type of Development \_\_\_\_\_ Projected Value \_\_\_\_\_  
Square Footage \_\_\_\_\_ Existing Zoning \_\_\_\_\_  
Number of Dwelling Units \_\_\_\_\_

c. Provide a time schedule for the proposed development as **Exhibit G**.

d. Provide a list of the source/method for the proposed development to receive utility/infrastructure improvements and the distance to the nearest jurisdiction as **Exhibit H**.

4. **Proof of Fee Payment.** Attach a receipt for payment of the required processing fee for rezoning petitions or rezoning amendments as set forth in the Warren County Zoning Ordinance.

I, \_\_\_\_\_, hereby state, that all of the above statements and the statements contained in the documents submitted herewith are true.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date Signed

WARREN COUNTY, ILLINOIS  
**APPLICATION FOR SITE PLAN REVIEW**

FOR OFFICE USE ONLY

*Warren County Zoning Official*

CERTIFICATION OF COMPLETENESS OF APPLICATION FOR SITE PLAN REVIEW

- Approved
- Approved with Conditions (See Exhibit I)
- Deny

By: \_\_\_\_\_

Date: \_\_\_\_\_

**LIST OF EXHIBITS**

- Exhibit A:** Deed, lease, option agreement or other evidence of ownership or interest of the applicant.
- Exhibit B:** \* (If the applicant is not the owner) deed or other evidence of ownership of the owner and the owner's written, notarized statement granting authority to the applicant to request this action.
- Exhibit C:** Legal description (\_\_\_\_ not applicable because answered in #2.b, above).
- Exhibit D:** Scaled map clearly indicating property to be rezoned and its location.
- Exhibit E:** Time schedule for the proposed development.
- Exhibit F:** List of the source\method for the proposed development to receive utility\infrastructure improvements and the distance to the nearest jurisdiction.
- Exhibit G:** Conditions of approval.





APPENDIX D: APPLICATION FOR SPECIAL USE EXCEPTION.

WARREN COUNTY, ILLINOIS

APPLICATION FOR SPECIAL USE EXCEPTION

(for office use only)	
Date of Application: _____	Application Number: _____
Date Received: _____	Requested Use: _____
Received By: _____	Fees Paid: _____
Project: _____	

You will be advised of the date of the public hearing before the Warren County Plan Commission.

1. Applicant/Ownership Information. Please attach the following information for each applicant:

- a. Applicant's Name: \_\_\_\_\_
- b. Applicant's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Applicant's Phone: (\_\_\_\_) \_\_\_\_\_  
 Applicant's Fax: (\_\_\_\_) \_\_\_\_\_
- c. Legal Owner, if different from Applicant: \_\_\_\_\_  
 Legal Owner's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Legal Owner's Phone: (\_\_\_\_) \_\_\_\_\_  
 Legal Owner's Fax: (\_\_\_\_) \_\_\_\_\_
- d. Represented by, if different from Applicant or Owner: \_\_\_\_\_  
 Representative's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Representative's Phone: (\_\_\_\_) \_\_\_\_\_  
 Representative's Fax: (\_\_\_\_) \_\_\_\_\_
- e. Attach a copy of the deed, lease, option agreement or other evidence of ownership or interest of the applicant as **Exhibit A**. If the applicant is not the owner, attach a copy of the deed or other evidence of ownership and the owner's written, notarized statement granting the applicant authority to request this action as **Exhibit B**.

2. Property Information. Attach the following information for the property that you wish to apply for a special use:

- a. Address or Location: \_\_\_\_\_
- b. Legal Description of Property: (attach additional sheets if necessary as **Exhibit C**)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

WARREN COUNTY, ILLINOIS
APPLICATION FOR SPECIAL USE EXCEPTION

c. Description of Existing Use of Property, if any: \_\_\_\_\_

d. Enclose a vicinity map of the property as Exhibit D indicating the location of the property and adjoining uses.

e. Enclose a declaration as to the area of the property in acres, broken down by zoning districts if more than one affects the area as Exhibit E.

f. Present zoning classification (please consult the Warren County Zoning Ordinance and the Zoning Map on file in the office of the Warren County Clerk) (check one):

- A-1 Agricultural District
R-1 One-Family Dwelling District
R-2 One-Family Dwelling District
R-3 One-Family Dwelling District
R-5 Multiple Family Dwelling District
B-3 Highway Business District
I-1 Light Industrial District
1-2 General Industrial District
S-3 Airport District

3. Development Information. Attach the following information for the proposed development.

a. Please indicate the proposed use of the property. \_\_\_\_\_

b. Enclose a description of the improvements on the property as Exhibit G.

c. Enclose a site plan or preliminary plan as Exhibit H if one is required by the zoning official.

d. Enclose a list of proposed conditions of approval as Exhibit I.

I, \_\_\_\_\_, hereby state, that all of the above statements and the statements contained in the documents submitted herewith are true.

Signature of Applicant

Date Signed

WARREN COUNTY, ILLINOIS  
**APPLICATION FOR SPECIAL USE EXCEPTION**

FOR OFFICE USE ONLY

*Warren County Zoning Official*

CERTIFICATION OF COMPLETENESS OF APPLICATION FOR SPECIAL USE PERMIT

By: \_\_\_\_\_

Date: \_\_\_\_\_

*Warren County Plan Commission*

RECOMMENDATION ON APPLICATION FOR SPECIAL USE PERMIT

\_\_\_\_\_ Approve

\_\_\_\_\_ Approved with conditions (attached as Exhibit N)

\_\_\_\_\_ Deny

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**WARREN COUNTY, ILLINOIS**  
**APPLICATION FOR SPECIAL USE EXCEPTION**

LIST OF EXHIBITS

- Exhibit A:** Deed, lease, option agreement or other evidence of ownership or interest of the applicant.
- Exhibit B:** (If the applicant is not the owner) deed or other evidence of ownership of the owner and the owner's written, notarized statement granting authority to the applicant to request this action.
- Exhibit C:** Legal description (\_\_\_ not applicable because answered in #2.b, above).
- Exhibit D:** Vicinity map clearly indicating property location and adjoining uses.
- Exhibit E:** Area of property, broken down by zoning districts if more than one affects the area.
- Exhibit F:** List of the of approved development permits, final plans, plats, variances and other land use approvals, affecting all or part of the property. Additionally, the exact conditions provided for in such approvals.
- Exhibit G:** List of any improvements on the property.
- Exhibit H:** Site plan or preliminary plan if one is required by a zoning official.
- Exhibit I:** Proposed conditions of approval.

APPENDIX E: APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD)

WARREN COUNTY, ILLINOIS  
APPLICATION FOR PLANNED UNIT  
DEVELOPMENT (PUD)

(for office use only)	
Date of Application: _____	Application Number _____
Date Received: _____	Requested Approval: Concept ____ or Final ____
Received By: _____	Fee Paid: _____
Title: _____	

*You will be advised of the date of the public hearing before the Warren County Plan Commission.*

**1. Applicant/Ownership Information.** Please attach the following information for each applicant:

- a. Applicant's Name: \_\_\_\_\_  
 Applicant's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Applicant's Phone: (\_\_\_\_) \_\_\_\_\_  
 Applicant's Fax: (\_\_\_\_) \_\_\_\_\_
- b. Legal Owner, if different from Applicant: \_\_\_\_\_  
 Legal Owner's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Legal Owner's Phone: (\_\_\_\_) \_\_\_\_\_  
 Legal Owner's Fax: (\_\_\_\_) \_\_\_\_\_
- c. Represented by, if different from Applicant or Owner: \_\_\_\_\_  
 Representative's Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Representative's Phone: (\_\_\_\_) \_\_\_\_\_  
 Representative's Fax: (\_\_\_\_) \_\_\_\_\_
- d. Attach a copy of the deed, lease, option agreement or other evidence of ownership or interest of the applicant as **Exhibit A**. If the applicant is not the owner, attach a copy of the deed or other evidence of ownership and the owner's written, notarized statement granting the applicant authority to request this action as **Exhibit B**.

**2. Property Information.**

- a. Address or Location: \_\_\_\_\_
- b. Legal Description of Property: (attach additional sheets if necessary as **Exhibit C**)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# APPLICATION FOR PLANNED UNIT DEVELOPMENT (PUD)

- c. Description of Existing Development on Property, if any: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- d. Provide a scaled plan of the property for each part of the development process (PUD Concept Plan or Final PUD Plan) as **Exhibit D**, correlating with the legal description and clearly indicating the property's location. Scaled plans for a PUD Concept Plan and a Final PUD Development Plan and associated subdivision plat shall contain all information as required in Article VI, Section 2 Submittal Requirements. (?)
- e. Provide a description of the existing road conditions in the development area and any new roads proposed by applicant, County or State. Additionally, enclose a description of the proposed developments impact on existing roads and traffic as **Exhibit E**.

- 3. **Utility/Infrastructure Improvements.** Provide a list of the source/method for the PUD to receive utility/infrastructure improvements and the distance to the nearest jurisdiction as **Exhibit F**.
- 4. **Proposed Improvements.** Provide a summary of all improvements, including the proposed use, location, size, area, height and bulk of all proposed buildings, signs, parking areas, fences, excavations or other improvements and attach as **Exhibit G**.
- 5. **Property Owner Notification.** For purposes of the required personal notice, obtain from the Warren County Assessor a list of all owners of real property within two hundred fifty (250) feet of the parcel of land subject to this rezoning application and attach as **Exhibit H**.
- 6. **Proof of Fee Payment.** Attach a receipt for payment of the required processing fee for rezoning petitions or rezoning amendments as set forth in the Warren County Zoning Ordinance.

I, \_\_\_\_\_, hereby state, that all of the above statements and the statements contained in the documents submitted herewith are true.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date Signed

WARREN COUNTY, ILLINOIS  
**APPLICATION FOR PLANNED UNIT  
DEVELOPMENT (PUD)**

---

LIST OF EXHIBITS

- Exhibit A:** Deed, lease, option agreement or other evidence of ownership or interest of the applicant.
- Exhibit B:** (If the applicant is not the owner) deed or other evidence of ownership of the owner and the owner's written, notarized statement granting authority to the applicant to request this action.
- Exhibit C:** Legal description (\_\_\_ not applicable because answered in #2.b, above).
- Exhibit D:** Scaled plan clearly indicating property to be rezoned, its location, and other required information.
- Exhibit E:** Description of existing roads in development area and any new roads to be added. Additionally, description of proposed PUD's impact on roads and traffic conditions.
- Exhibit F:** List of the of source/method for the proposed development to receive utility/infrastructure improvements and the distance to the nearest jurisdiction.
- Exhibit G:** Summary of all improvements, include the proposed use, location, size, area, height and bulk of all proposed buildings, signs, parking areas, fences, excavations or other improvements.
- Exhibit H:** List of all owners of real property within two hundred fifty (250) feet of the parcel of land subject to this rezoning application. (Obtain current list from the Warren County Assessor.)

WARREN COUNTY, ILLINOIS  
APPLICATION FOR PLANNED UNIT  
DEVELOPMENT (PUD)

FOR OFFICE USE ONLY

*Warren County Zoning Official*

CERTIFICATION OF COMPLETENESS OF APPLICATION FOR PUD CONCEPT PLAN

By: \_\_\_\_\_  
Date: \_\_\_\_\_

*Warren County Plan Commission*

RECOMMENDATION ON APPLICATION FOR PUD CONCEPT PLAN

- Approve
- Approved with conditions (attached as Exhibit I)
- Deny

Date of Publication: *[Insert Paper Name]* \_\_\_\_\_ *[Insert Paper Name]* \_\_\_\_\_  
Date of Posting: \_\_\_\_\_ Location of Posting: \_\_\_\_\_  
Date of Public Hearing: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

*Warren County Board of Commissioners*

FINAL DECISION ON APPLICATION FOR PUD CONCEPT PLAN

- Approve
- Approved with conditions (attached as Exhibit J)
- Deny

Date of Publication: *[Insert Paper Name]* \_\_\_\_\_ *[Insert Paper Name]* \_\_\_\_\_  
Date of Posting: \_\_\_\_\_ Location of Posting: \_\_\_\_\_  
Date of Public Hearing: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



WARREN COUNTY, ILLINOIS  
APPLICATION FOR PLANNED UNIT  
DEVELOPMENT (PUD)

FOR OFFICE USE ONLY

*Warren County Zoning Official*

CERTIFICATION OF COMPLETENESS OF APPLICATION FOR FINAL PUD PLAN

By: \_\_\_\_\_  
Date: \_\_\_\_\_

*Warren County Plan Commission*

RECOMMENDATION ON APPLICATION FOR FINAL PUD PLAN

- \_\_\_\_\_ Approve
- \_\_\_\_\_ Approved with conditions (attached as Exhibit K)
- \_\_\_\_\_ Deny

Date of Publication: *[Insert Paper Name]* \_\_\_\_\_ *[Insert Paper Name]* \_\_\_\_\_  
Date of Posting: \_\_\_\_\_ Location of Posting: \_\_\_\_\_  
Date of Public Hearing: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

*Warren County Board of Commissioners*

FINAL DECISION ON APPLICATION FOR FINAL PUD PLAN

- \_\_\_\_\_ Approve
- \_\_\_\_\_ Approved with conditions (attached as Exhibit L)
- \_\_\_\_\_ Deny

Date of Publication: *[Insert Paper Name]* \_\_\_\_\_ *[Insert Paper Name]* \_\_\_\_\_  
Date of Posting: \_\_\_\_\_ Location of Posting: \_\_\_\_\_  
Date of Public Hearing: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_



**PARALLEL REFERENCES**

References to Illinois Compiled Statutes



## REFERENCES TO ILLINOIS COMPILED STATUTES

<i>ILCS Section</i>	<i>Code Section</i>
Ch. 5, Act 120, §§ 1.01 et seq.	150.004, 150.171
Ch. 55, Act 5, § 5-12001	150.001
Ch. 65, Act 5	150.003
Ch. 220, Act 5, § 1-101 et seq.	150.018
Ch. 505, Act 75, § 1 et seq.	150.025
Ch. 510, Act 77, §§ 1 et seq.	150.001, 150.003, 150.027

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WARREN COUNTY, ILLINOIS  
ORDINANCE NO. 11-05-06

**WHEREAS**, the non-polluting production of energy is a benefit to the citizens of the United States, the State of Illinois, and Warren County, Illinois, and;

**WHEREAS**, wind energy systems are a non-polluting means for producing electricity for public and private use, and;

**WHEREAS**, Warren County, Illinois, desires to promote the well regulated construction of non-polluting energy systems, and;

**WHEREAS**, Warren County, Illinois, desires to promote economic development within the County.

**IT IS HEREBY ORDAINED:**

1. The amendments to the Warren County, Illinois, Zoning Code, which are attached to this ordinance, incorporated by reference and made a part of this ordinance allowing for the well regulated construction of wind energy systems are hereby adopted.
2. This ordinance is effective upon enactment.

DATE: April 19, 2006

ATTEST: Tina M. Conard

Tina Conard  
Warren County Clerk

William Reichow

William Reichow,  
Chairman, Warren County Board

AMENDMENTS TO THE WARREN COUNTY ZONING CODE  
REGARDING WIND ENERGY SYSTEMS

- A. SECTION 150.003 DEFINITIONS of the Warren County Zoning Code (hereinafter referred to as Code) shall be amended to add the following definitions between the definition of Use and Yard:

WIND ENERGY SYSTEM. A wind energy system means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

- a. LARGE WIND SYSTEM. A wind energy system that has a nameplate capacity of more than 50 kilowatts, a total height of more than 100 feet, a blade diameter of more than 30 feet, and one or more wind towers with turbines.
- b. SMALL WIND SYSTEM. A wind energy system that has a nameplate capacity of 50 kilowatts or less, a total height of 100 feet or less, a blade diameter of 30 feet or less, and one or more wind towers with turbines.
- c. TOTAL HEIGHT. The vertical distance from the base of the wind tower to the tip of the longest wind turbine blade when the tip is at its highest point.
- d. WIND FARM SYSTEM. A wind energy system that includes two or more wind towers.
- e. WIND TOWER. The monopole, freestanding, or guyed structure that supports a wind turbine generator.

- B. SECTION 150.100, FIGURE 1 of the Code shall be amended to add the following:

Wind Energy System-Large

A-1, I-1, I-2

c12, c14, c15, h8, i11, u4, u5, v, aa,  
ab, ac, ad, ae

## Wind Energy System-Small

All Districts

c13, c14, c15, h8, i11, u4, u5, v, aa,  
ab, ac, ad, ae

### c. Minimum yards and set backs (feet)

12. 1,000 feet from any occupied building on an adjoining property and 1.1 times total height from any occupied building on the subject property.
13. 1.1 times total height from any occupied building on adjoining or the subject property.
14. All wind energy systems shall be set back from the subject property's boundary and any right of way a distance of 1.1 times total height, unless a variance is granted at the same time the special use is granted.
15. All wind energy systems shall be separated one from the other by 200 feet when measured from the tip of the longest blade of each wind energy system to the other when said blades are at a right angle to the vertical and pointing at each other. There shall be a minimum clearance distance of 25 feet from the tip of the longest blade of a wind energy system when said blade is closest to the ground.

### h. Maximum total height of structure (feet)

7. 500
8. 100

### i. Fence

11. 6-foot wire mesh security fence or locked barrier.

### u. Other authority approval required

4. Federal Aviation Administration. The minimum lighting requirement that causes the least visual disturbance shall be used.



5. County Board.

- a.a. All wind energy systems shall be of monopole or freestanding construction. A wind energy system may be guyed if the proponent of the wind energy system is able to establish by a preponderance of the evidence that without guyes, it is impracticable to construct the system.
- a.b. All electrical wires shall be underground unless necessary to connect a wind turbine to its base or to overhead collection lines unless a variance is granted at the same time the special use is granted.
- a.c. The exterior surface of any visible components of a wind energy system shall be a nonreflective neutral color. The governing authorities regarding special use permits for wind energy systems may consider the esthetic compatibility between new wind energy systems and existing wind energy systems when deciding to approve or deny a special use permit.
- a.d. No advertising, word, or graphic representation shall appear on any structure associated with a wind energy system other than appropriate or required warning signs or markings, owner identification signs or markings and usual and ordinary manufacturer's signs and markings.
- a.e. Financial Assurance
  - a. Reasonable evidence of financial ability to construct the wind energy system as determined by the County Board is a condition precedent to the issuance of any special use or building permit under this ordinance.
  - b. Warren County and/or the property owner leasing land for a wind energy system may require a performance bond, surety bond, escrow account, letter of credit or other financial assurance to Warren County and/or property owner for each wind energy system that guarantees the performance of the restoration requirement set forth in section 150.100, Figure 1, Subsection a.f.
- a.f. The owner of a wind energy system shall provide the Zoning Administrator with a Written Notice of Termination of Operations if the operation of a wind energy system is terminated.



SECTION 150.215 REVOCATION/EXPIRATION OF A SPECIAL USE PERMIT of the Code shall be amended to add the following:

- (G) Within twelve months of receipt of Notice of Abandonment or within twelve months of providing Notice of Termination of Operations, the owner of a wind energy system must:
  - (a) Remove all wind turbines, above ground improvements, and outdoor storage;
  - (b) Remove all foundation, pads, and underground electrical wires to a depth of four feet below the surface of the ground; and
  - (c) Remove all hazardous material from the property and dispose of the hazardous material in accordance with federal and state law.

SECTION 150.214 (D) SPECIAL USE REVIEW AND DECISION shall be amended to add the following:

- (1) When an application for a special use permit for the construction of a wind energy system has been submitted, the Board of Appeals shall follow the same procedure as it would for any other application for a special use permit as set forth in this CODE.
- (2) The Board of Appeals shall forward its decision in writing to the County Board within seven business days.
- (3) The County Board shall hold a public hearing on the application for a special use permit for a wind energy system under the same terms and conditions as required of the Board of Appeals.
- (4) The County Board may call a special meeting to conduct the public hearing or do so at a regularly scheduled County Board meeting.
- (5) The County Board shall consider evidence given at its public hearing as well as the recommendation of the Board of Appeals. The County Board shall give deference to the recommendation of the Board of Appeals.
- (6) The County Board shall make its decision at the public hearing. It may approve, conditionally approve or deny the application by majority vote.

SECTION 150.254(E) VARIANCE REVIEW AND RECOMMENDATION shall be amended to add the following:

- (1) When an application for a variance for the construction of a wind energy system has been submitted, the Board of Appeals shall

follow the same procedure as it would for any other application for a variance as set forth in this CODE.

- (2) The Board of Appeals shall forward its decision in writing to the County Board within seven business days.
- (3) The County Board shall hold a public hearing on the application for a variance for a wind energy system under the same terms and conditions as required of the Board of Appeals.
- (4) The County Board may call a special meeting to conduct the public hearing or do so at a regularly scheduled County Board meeting.
- (5) The County Board shall consider evidence given at its public hearing as well as the recommendation of the Board of Appeals. The County Board shall give deference to the recommendation of the Board of Appeals.
- (6) The County Board shall make its decision at the public hearing. It may approve, conditionally approve or deny the application by majority vote.

#### SECTION 151.000 SEVERABILITY

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

WARREN COUNTY, ILLINOIS  
ORDINANCE NO. 12-05-06

WHEREAS, the Warren County Board has enacted an amendment to the Warren County Zoning Code permitting the erection of wind energy systems, and;

WHEREAS, there are building permit fees required for structures erected in Warren County, it is necessary for the Warren County Board to establish a building permit fee for each wind energy system erected in Warren County.

IT IS HEREBY ORDAINED:

1. The building permit fee for wind energy systems shall be \$25 per foot of height.
2. Height shall be the total height of the wind energy system as defined in the Warren County Zoning Code, Section 150.003, Wind Energy System, (3), less blades.
3. Wind energy systems erected for the sole purpose of providing energy for agricultural purposes or a farm residence as defined in the Warren County Zoning Code, Section 150.003 are exempt from building permit fees.
4. This ordinance is effective upon enactment.

DATE: April 19, 2006

ATTEST: Tina M. Conard  
Tina Conard  
Warren County Clerk

William Reichow  
William Reichow,  
Chairman, Warren County Board



#35-06-07

Warren County Zoning Code  
Wind Energy Restoration Agreement

Whereas, the Warren County Board adopted a text amendment to the Warren County Zoning Code regarding wind energy systems on April 19, 2006. and;

Whereas, each wind energy system owner may or may not have a written decommissioning agreement included in the land lease and wind easement contract with each property owner. and;

Whereas, each wind energy system owner discussed decommissioning during the public hearing review process. and;

Whereas, each wind energy system special use permit approved by the Warren County Board may require financial assurances regarding restoration. and;

Whereas, the Warren County Zoning Code, Section 150.100 (a.e.) states that financial assurance may be required to guarantee restoration (decommissioning) before a building permit will be issued. and;

Whereas, the Warren County Planning Commission/Zoning Board of Appeals recommends that Warren County require a Written Restoration Agreement and that said agreement include provision for financial assurance to guarantee restoration. and;

Whereas, the Planning/Development Committee of the Warren County Board recommends that Warren County require a Written Restoration Agreement and that said agreement include provision for financial assurance to guarantee restoration.

Whereas, the Warren County Planning Commission/Zoning Board of Appeals recommends as follows:

- A. Restoration Agreement: Each wind energy system facility owner shall prepare, sign, notarize and submit a written restoration agreement for each wind energy system facility before a building permit can be issued. Written restoration agreement shall include:
  1. Acknowledgement of wind energy system facility owner obligation and promise to complete restoration at a future date pursuant to the Warren County Zoning Code, Section 150.100 (a.e.)
  2. Description of events that will initiate the restoration process.
  3. Description of restoration process. (such as removal of wind turbines, above ground improvements, outdoor storage; removal of foundation pads and underground electrical wires to a depth of four (4) feet below the surface of ground; removal of hazardous materials.
  4. Acknowledgement that failure to comply with conditions or restrictions imposed on a special use permit shall be deemed a violation of the Warren County Zoning Code.

5. Provision that the terms of the Restoration Agreement shall be binding upon the wind energy system facility owner and any successors, assigns or heirs.
  6. Provision that in the case of restoration default by the wind energy system owner Warren County and its agents or designees shall have access to the wind energy system facility sites, pursuant to seasonal notice, to effect or complete restoration.
  7. Provision for identification of and procedures for Warren County access to financial assurance provided by the wind energy system facility owner.
- B. Certified Estimate of Restoration Costs. Restoration Agreement shall include a report estimating the wind energy system facility restoration costs certified by a Professional Engineer. Report should be similar in style and content to the Benson Wind Farm Decommissioning Report prepared for Navitas Energy, Inc. by STS Consultants, Ltd, dated July 2006.
- C. Financial Assurance. Restoration agreement shall include a provision for financial assurance described as follows:
1. Acknowledgement of owner obligation and promise to provide financial assurance to Warren County in the amount of twenty-five thousand dollars (\$25,000) per each large wind energy system (turbine) included in the permitted wind energy system facility twelve years (12) from the date the first wind energy system (turbine) begins generating electricity.
  2. The financial assurance shall be increased to thirty thousand dollars (\$30,000) eighteen (18) years from the date the first wind energy system (turbine) begins generating electricity. The financial assurance shall be increased to thirty-five thousand dollars (\$35,000) twenty-four (24) years from the commercial operation date.
  3. The wind energy system owner may provide a thirty-five thousand dollar (\$35,000) financial assurance per each large wind energy system (turbine) in the permitted wind energy system facility twelve (12) years from the commercial operation date (instead of increasing the amounts to \$30,000 and \$35,000 as prescribed above) if the owner so chooses.
  4. The financial assurance may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee, or escrow account as long as the security is equal to or greater than a surety bond as determined by the Warren County State's Attorney.
  5. Provision that if wind energy system facility restoration costs exceed salvage value and financial assurance amounts, the wind energy system facility owner, NOT WARREN COUNTY, shall be responsible for the difference.
- D. State of Illinois. The State of Illinois has been working on restoration (decommissioning/restoration) legislation that would provide uniform restoration requirement for all wind energy system facilities located throughout the State. Proposed legislation may or may not become law and may or may not supersede local restoration requirement. Warren County will review legislation if and when

it becomes law and will amend Restoration Agreement as necessary to make it compliant with the law as necessary.

Document reviewed by wind energy companies on ? and ?

Document reviewed/approved by Warren County Zoning Board on this 14<sup>th</sup> day of August 2007.

Ronald D. Moore  
Ron Moore, Chairman

Document reviewed/approved by Warren County State's Attorney on this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

\_\_\_\_\_  
Albert Algren, State's Attorney

APPROVED AND ADOPTED ON THIS 14<sup>th</sup> DAY OF Nov. 2007 BY THE WARREN COUNTY BOARD, WARREN COUNTY, ILLINOIS.

Attest: Terri M. Conard William L. Perchow  
County Clerk Chairman

REJECTED ON THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2007 BY THE WARREN COUNTY BOARD, WARREN COUNTY, ILLINOIS

Attest: \_\_\_\_\_  
County Clerk Chairman