

## Chapter 39 ZONING, PLANNING AND DEVELOPMENT

### **ARTICLE I. IN GENERAL**

#### **Sec. 39-1. Purpose.**

This chapter:

- (1) Implements the county comprehensive plan;
- (2) Provides zoning regulations that ensure orderly growth in the county's unincorporated areas by allowing for agricultural, residential, commercial, recreational and industrial uses that are compatible with one another;
- (3) Establishes rules and regulations for subdividing land so that all citizens of the county are protected;
- (4) Promotes the public health, safety, comfort, morals and general welfare;
- (5) Lessens or avoids the hazards to persons and damage to property resulting from the accumulation or runoff of storm or floodwaters;
- (6) Conserves the value of land and buildings throughout the county; and
- (7) Avoids and lessens congestion in public streets and on highways.

(Compiled Ords. 2013, § 19-1.1)

#### **Sec. 39-2. Applicability.**

- (a) Zoning affects every structure and use. Except where specifically provided, no building, structure or land shall be used and no part of any building or structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired, and no use of land shall expand, except in conformity with the regulations in this chapter for the district where it is located. This chapter does not apply to:
  - (1) Regulations, elimination of uses, buildings or structures, or permits for agricultural purposes as defined in 55 ILCS 5/5-12001, except that:
    - a. Land use for agricultural purposes must conform to all building setback lines unless otherwise provided in the applicable district regulations; and
    - b. All structures must comply with applicable county construction codes and state and federal law.
  - (2) The type or location of public utility features as described in 55 ILCS 5/5-12001.
- (b) The subdivision procedures and standards for plat approval set forth in this chapter apply to any division of land subject to the Plat Act, 765 ILCS 205/1 et seq.

(Compiled Ords. 2013, § 19-1.2)

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### Sec. 39-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*100-year (one percent) event* means a rainfall, runoff, or flood event having a one percent chance of occurring in any given year.

*Accessory use or structure* means a use or a structure subordinate to the principal use or building on the same lot or on an adjoining lot under the same ownership, and serving a purpose customarily incidental thereto. Adjoining lots shall include a lot immediately across a street from the owner's residence. The size of such lots will be the determinant as to the maximum size of the accessory structure, not the combination of the lot sizes. Accessory structures may include no more than a half bath (lavatory and toilet), but shall not contain a kitchen. (See section 39-239(a).)

*Administrator* means the building and zoning administrator. (See section 39-326.)

*Adult uses* means the following, specific types of establishments:

*Adult arcade* means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. (See the end of the list of adult-use establishments for the article's definition of specified sexual activities or specified anatomical areas.)

*Adult bookstore* means an establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:

- a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
- b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

*Adult cabaret* means a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, videocassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

*Adult motion picture theater* means an establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

*Adult theater* means a theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

*Massage parlor* means an establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. The term "massage parlor" does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar

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establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

*Medical cannabis cultivation* means the cultivation or growing of medical cannabis cultivation in a cultivation center, a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis, which is run by a registered cultivation center agent as defined in 410 ILCS 130/5(f).

*Medical cannabis dispensing* means the dispensing of medical cannabis, handled by a registered medical cannabis dispensing organization, or dispensing organization, or dispensary organization, a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients, and under the control of a registered, medical cannabis dispensing organization agent as defined in 410 ILCS 130/5(p).

*Specified anatomical areas* means and includes any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities* means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in subsections a through c of this section.

*Adverse impacts* means any deleterious impact on water resources or wetlands affecting their beneficial uses including recreation, aesthetics, aquatic habitat, quality, and quantity.

*Agriculture* means the art and science of farming, including the work of cultivating the soil, producing crops and raising livestock.

*Airport/landing field/heliport.* See section 39-41 (Use matrix).

*Alley* means a public or private way not less than 24 feet in width affording secondary means of access to abutting property.

*Amusement park* means a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales, provided that they shall be located no closer than 1,320 feet to any pre-existing confinement operation, "A-R" or "R-" district or platted subdivision. See section 39-41 (Use matrix; defining recreation, outdoor).

*Applicant* means any person, firm, or governmental agency who executes the necessary forms to procure official approval of development or permit to carry out construction of a development from the county.

*Appropriate road authority* means that local government which maintains or will maintain an existing or proposed subdivision road.

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*Automobile repair, major.* See section 39-41 (Use matrix).

*Automobile repair, minor.* See section 39-41 (Use matrix).

*Automobile sales.* See section 39-41 (Use matrix).

*Automobile wrecking yard.* See section 39-41 (Use matrix).

*Base flood elevation* means the elevation at all locations delineating the level of flooding resulting from the 100-year frequency (one percent) flood event.

*Basement* means a story having part, but not more than 50 percent, of its height below the average grade of the adjoining ground (as distinguished from a cellar). A basement shall be counted as a story for purposes of height measurement.

*Bed and breakfast.* See section 39-41 (Use matrix).

*Best management practice (BMP)* means a measure used to control the adverse stormwater-related effects of development. BMP's include, but are not limited to, structural devices (e.g., swales, filter strips, infiltration trenches, and detention basins. Refer to the current acceptable standards shown in the environmental protection agency urban manual and/or the soil and water conservation district standards) designed to remove pollutants, reduce runoff rates and volumes, and protect aquatic habitats. BMP's also include non-structural approaches, such as public education efforts to prevent the dumping of household chemicals into storm drains.

*Boathouse* means any structure used exclusively for protecting or storing of boats and related equipment for non-commercial purposes as an accessory to a residential use. Other features inconsistent with the use of the structure exclusively as a boathouse are prohibited. The floor of the boathouse is required to be above base flood elevation. The boathouse shall not exceed 12 feet in height measured from the peak of the roof to the natural ground grade. It shall not exceed 30 feet in depth or 16 feet in width.

*Buildable area* means the area remaining on any parcel after all required yards are complied with.

*Building* means any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. References to a building, structure, lot, premises or similar description used to define a use or situation includes any part of a building, structure, lot, premises, or similar item. This rule does not apply if the definition expressly applies only to an entire building or structure.

*Building line* means a line, parallel to the street right-of-way line, at a distance therefrom equal to the setback required in this chapter. In the case of a flag lot, this line shall be 47 feet from the closest lot line, parallel to the public road at the end of the flagpole.

*Bypass flows* means stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

*Campground.* See section 39-41 (Use matrix).

*Camping trailer* means a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold or collapse for towing by another vehicle to provide temporary living quarters for recreational, camping or travel use.

*Camping vehicle or trailer coach* means a vehicular accommodation, not more than 32 feet in length, operating under its own power or towed by an automobile, suitable for temporary habitation, used for travel, vacation, or recreational purposes, and occupied in any one place for a period not exceeding 30 days.

*Campsite* means a plot of ground within a campground, intended for the exclusive occupation by a camping unit under the control of a camper or the owner of the campground.

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*Cannabis business establishment* means an adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

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

*Cannabis cultivation center* means a facility operated by an organization or business that is licensed by the state department of agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

*Cannabis dispensing organization* means a facility operated by an organization or business that is licensed by the state department of financial and professional regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

*Cannabis infuser organization* or *infuser* means a facility operated by an organization or business that is licensed by the state department of agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

*Cannabis processing organization* or *processor* means a facility operated by an organization or business that is licensed by the state department of agriculture to either extract constituent chemicals or compounds to produce a cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time. And regulations promulgated thereunder.

*Cannabis transporting organization* or *transporter* means an organization that is licensed by the state department of agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

*Cellar* means a story having 50 percent or more of its height below the average grade of the adjoining ground. A cellar shall be counted as a story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

*Channel* means any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainageway, which has a definite bed and bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

*Channel modification* means alteration of a channel by changing the physical dimensions or materials of its bed or banks. The term "channel modification" includes damming, riprapping (or other armoring), widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation. The term "channel modification" does not include the clearing of debris or removal of trash.

*Clinic.* See section 39-41 (Use matrix).

*Club, private.* See section 39-41 (Use matrix).

*Commercial sports.* See article V of this chapter.

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*Communications tower* means a structure greater than 35 feet in height (including antenna) which supports communication (transmission or receiving) equipment.

*Compensatory storage* means an artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structures are placed within the floodplain.

*Comprehensive plan* means the adopted plan for orderly growth of the county.

*Conduit* means any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

*County board* means the Whiteside county board.

*Cul-de-sac* means an area service road or street with a turnaround.

*Days* means calendar days.

*Detention basin* means a facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.

*Detention time* means the mean residence time of stormwater in a detention basin.

*Development* means any man-made change to real estate.

*Drainage plan* means a plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, as well as the drainage system and environmental features which are proposed after development of a property.

*Dry basin* means a detention basin designed to drain completely after temporary storage of stormwater flows and to normally be dry over the majority of its bottom area.

*Dwelling* means a building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including recreational vehicles, travel trailers or tents.

*Dwelling unit* means one or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

*Dwelling, farm.* See section 39-41 (Use matrix).

*Dwelling, manufactured (single-wide),* means any structure, built after October of 1976, and regulated under the Federal Manufactured Housing Construction and Safety Act of 1974, that is:

- (1) Designed for permanent habitation;
- (2) Constructed so as to permit its transport on wheels which are temporarily or permanently attached to its frame or undercarriage;
- (3) Is transported from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation; and
- (4) Is designed to permit the occupancy as a dwelling place for one family. See section 39-252 for further restrictions on single-wide placements.

*Dwelling, mobile home.* See section 39-41 (Use matrix).

*Dwelling, modular (includes double-wides).* See section 39-41 (Use matrix).

*Dwelling, multiple-family.* See section 39-41 (Use matrix).

*Dwelling, recreational.* See section 39-41 (Use matrix).

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*Dwelling, single-family.* See section 39-41 (Use matrix).

*Dwelling, two-family.* See section 39-41 (Use matrix).

*Dwelling, underground/earth-sheltered.* See article V of this chapter.

*Entrance* means a point or place of access to a parcel of land from a road, street or highway.

*Erosion* means the general process whereby earth is removed by flowing water or wave action.

*Essential services.* See section 39-41 (Use matrix).

*Excess stormwater run-off* means the volume and rate of flow of stormwater discharged from a developed drainage area which is or will be in excess of that volume and rate which pertained before development.

*Family* means one or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.

*Farm* means any tract of land used solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or horticultural use or combination thereof, including, but not limited to, hay, grain, fruit or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming, including dwellings and other buildings when such buildings contribute in whole or in part to the operation of the farm. The term "farm" does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use.

*Fill/altered area* means an area which, due to significant layer removal, compaction or addition of foreign soil, sand or other clean fill, no longer possesses the characteristics or structure of the original undisturbed soil material.

*Financial assurance* means reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.

*Flag lot* means a parcel, created by division, which includes a narrow projection or flagpole to reach a public right-of-way.

*Flagpole* means a narrow extension of a lot or parcel of land, from the buildable area of that lot or parcel to the public right-of-way, and which is not considered as part of the lot area, but serves as access to the lot or parcel.

*Flood fringe* means that portion of the floodplain outside of the regulatory floodway.

*Flood hazard area* means an area designated as floodplain on federal floodway and flood insurance rate maps and includes the floodway and flood fringe areas.

*Floodprone area* means property located in areas delineated as Zone B on the county's flood insurance rate maps or as Zone X on the county's digital flood insurance rate maps, which are subject to occasional flooding.

*Flooding, frequent,* means an area that experiences frequent flooding conditions. Such areas, under usual weather conditions, will have more than a 50 percent chance of flooding in any year or more than 50 times in 100 years, but less than a 50 percent chance of flooding in all months in any year.

*Flooding, occasional,* means an area that experiences infrequent flooding conditions. Such areas, under usual weather conditions, will have a five to 50 percent chance of flooding in any year or five to 50 times in 100 years.

*Floodplain* means that land adjacent to a body of water with ground surface elevations at or below the FEMA base flood elevation (one percent or 100-year flood). The floodplain is also known as the special flood hazard area (SFHA).

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*Floodway* means the channel and that portion of the floodplain adjacent to a stream or water-course which is needed to store and convey the base flood as defined in section 16-20.

*Frontage* means any lot line which is congruent with a right-of-way line or centerline of a public or private street or road.

*Frost line* means for purposes of this article, the frost line shall be at a depth of 42 inches. Footings for manufactured or modular homes shall extend below this depth (see section 39-252(2)).

*Garage, private* means a detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises.

*Gas station.* See section 39-41 (Use matrix).

*Gate* means a moveable framework or solid structure, especially one that swings on hinges, controlling entrance or exit to property through an opening in a fence or a wall.

*Gate posts* means posts or structures, on either side of an entrance to a property, which may or may not be used to hold up a gate. Posts may consist of wood, steel or masonry. In no instance shall masonry type gateposts, positioned within the required front yard, be taller than eight feet or more than three feet thick at any point higher than three feet above the natural grade.

*Gross floor area* means the sum of the total horizontal areas of all floors of all buildings on a lot, measured from the exterior faces of walls. The term "gross floor area" does not include unenclosed porches, attics not used for human occupancy, any space designed to park motor vehicles, or any floor space intended and designed for heating and ventilation equipment.

*Height* means in the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

*Highway or primary thoroughfare* means an officially designated federal or state-numbered highway or other road designed as a highway or primary thoroughfare on the transportation plan as officially adopted and amended from time to time by the plan commission and municipal or county legislative bodies.

*Home occupation.* See section 39-247.

*Household pet* means animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, domestic rodents and domestic reptiles. For purposes of this article, pets will not include "hoofed" animals that do not live in a home occupied by humans.

*Hydrograph* means a graph showing for a given location on a stream or conduit, the flow-rate with respect to time.

*Illinois Plat Act.* "An Act to revise the Law in relation to plats" approved March 21, 1874 as amended, currently found at 765 ILCS 205/0.01-14, which is hereby incorporated by reference.

*Improvement* means any man made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

*Infiltration* means the passage or movement of water into the soil surfaces.

*Intermodal shipping container* means an international organization for standardization (ISO) standardized six-sided steel shipping container that is built and designed to transport freight across different modes of transportation including ship to rail to truck without having to load and unload such freight. These containers shall be constructed of corrugated steel and may have external dimensions not to exceed eight feet in width, nine and



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one-half feet in height and 40 feet in length. To be considered an intermodal shipping container for accessory on-site storage, it shall have the convention for safe containers (CSC) safety approval placard affixed at the rear door of the container providing proof that the container has been built, tested and inspected to ISO standards. These intermodal shipping containers may be utilized as accessory buildings in accordance with section 39-239. This definition does not include portable moving/storage containers such as P.O.D.S.<sup>®</sup> or similar moving/storage containers not designed for transport across all modes of transportation as previously listed.

*Junk* means and includes, but is not limited to, old, dilapidated scrap or abandoned metal, paper, cardboard, building and construction material and equipment (including, but not limited to wood, lumber, concrete, etc.), bottles, glass, tin cans, appliances, furniture, beds and bedding, rags, rubber, boats, tires, inoperable motor vehicles, machinery parts, and any other manufactured or constructed object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned) where such objects, due to their present condition and/or visibility, may reasonably be construed to be unsightly, dangerous or unsanitary.

*Junkyard.* See section 39-41 (Use matrix).

*Kenel, commercial.* See section 39-41 (Use matrix).

*Kenel, private.* See section 39-41 (Use matrix).

*Kitchen* means an area or portion of a structure, equipped for and solely used as a place to prepare meals on a regular basis.

*Land owners* means those persons whose names appear on deeds filed in the county recorder's office. One parcel may have several names of owners on a deed. When figuring the five percent of the landowners in the county, for purposes of a protest of a text amendment, all owners of every parcel in the county will be considered.

*Land use plan* means the comprehensive long-range plan for the desirable use of land in the county as officially adopted and as amended from time to time by the plan commission and legislative bodies; the purpose of the 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 subdividing and use of undeveloped lands, and in the acquisition of land for such public purposes as streets, parks, schools and other public buildings or public purposes.

*Landscape contractor.* See section 39-41 (Use matrix).

*Livestock* means any animals bred or kept for use and/or commercial profit, but not to include animals kept or intended to be used as pets. Livestock shall include, but not be limited to cattle, horses, sheep, goats, swine, poultry or any other domestic animals or fowl which are raised for sale or use.

*Lot* means a designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, that is:

- (1) Intended for transfer of ownership or building development, whether immediate or future, and
- (2) Intended for occupancy by a principal building or use together with its accessory buildings and uses, customarily incidental to it, including the open spaces required by this chapter and having its principal frontage upon a street.

*Lot area* means the horizontal area within the lot lines of the lot.

*Lot, corner,* means a lot which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

*Lot depth* means the mean horizontal distance between the front and rear lot lines.

*Lot line, front,* means the boundary of a lot which abuts a street. On a corner lot, there will be two front lines. Where the lot abuts a river, the river shall be the front lot line.

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*Lot line, rear,* means the boundary of a lot which is most distant from and is (or most nearly) parallel to the front lot line in the case of an irregular, triangular or gore-shaped lot, a line ten feet in length, within the lot, which is parallel to and at a maximum distance from the front lot line. In case of a corner lot, the rear lot line will be the lot line parallel to the front face of the principal structure.

*Lot line, side,* means any boundary of a lot which is not a front lot line or a rear lot line.

*Lot lines* means the property lines bounding the lot.

*Lot of record* means a lot, as shown or described on a plat or deed, which has been recorded in the office of the county recorder prior to the adoption of these provisions.

*Lot width* means the mean horizontal distance across the lot between side lot lines at the building line measured at right-angles to the depth.

*Major drainage system* means that portion of a drainage system needed to store and convey flows beyond the capacity of the minor drainage system.

*Marina* means a marina is an area and/or building whose primary use is the storage, launching and mooring of motorboats and other similar water craft; secondary uses may include those services which are essential for the boating public.

*Membership sports and recreation clubs.* See article V of this chapter.

*Mini-rental storage* means a structure containing separate cold storage spaces of varying sizes which are leased or rented on an individual basis. See section 39-254 for special requirements.

*Minor drainage system* means that portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales and where manmade, is usually designed to handle the ten-year runoff event or less.

*Mitigation* means and includes those measures necessary to minimize the negative effects which stormwater drainage and development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.

*Mobile home park.* See section 39-41 (Use matrix).

*Motor home* means a vehicular unit built upon a self-propelled motor vehicle chassis primarily designed to provide temporary living quarters for recreational, camping or travel use.

*Natural* means conditions resulting from physical, chemical, and biological processes without intervention by man.

*Nonconforming use* means any building, structure or premises lawfully occupied at the time of the enactment of the zoning regulation by a use that does not conform with the provisions of said regulation for the district in which it is located; also, such use resulting from changes in zoning districts or in special provisions made hereafter.

*Nursery.* See section 39-41 (Use matrix).

*On-site sewage absorption area* means that part of the subdivision lot which is designated on the sanitation plan to be used exclusively as an on-site sewage disposal area. This area will be reserved for on-site sewage disposal and shall not be used for any other development without the approval of the county health department.

*Parking area, accessory,* means an area of one or more parking spaces located on the same property as the building, structure or premises it is intended to serve, or on adjoining or nearby property other than the public right-of-way, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

*Pavement* means that part of a street having an improved surface.

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*Peak flow* means the maximum rate of flow of water at a given point in a channel or conduit.

*Perc, slow*, means the movement of water through the soil which is slow enough to adversely affect a specified use such as an on-site, sewage absorption area.

*Permanent foundation* means for purposes of a manufactured/modular home, a permanent foundation shall be a closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick, extending into the ground below the frost line, which shall include, but not necessarily be limited to, cellars, basements, or crawl spaces, but does not exclude the use of piers.

*Permeability, moderate*, means soils having qualities which, when saturated, allow water to move downward through the soil at a rate of 0.6 inch to 2.0 inches per hour.

*Permeability, rapid*, means soils having qualities which, when saturated, allow water to move downward through the soil at a rate of 6.0 inch to 20.0 inches per hour.

*Planning and zoning commission* means the county zoning planning and zoning commission; henceforth known as the planning and zoning commission or "commission."

*Planning commission* means the county regional planning commission. The planning and zoning commission shall act as a regional planning commission and as a planning and zoning commission.

*Plat officer* means the county employee or official designated by the county board to administer this chapter.

*Pollution control facility* means any waste storage site, sanitary landfill, waste disposal site, waste transfer station or waste incinerator as defined in chapter 16. Chapter 16 is hereby incorporated by reference, along with any subsequent changes.

*Positive drainage* means provision for overland paths for all areas of a property including depressional areas that may also be drained by storm sewer.

*Primary structure* means (for purposes of wind power generating facilities) for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

*Professional engineer* means a qualified individual who is licensed as a professional engineer in any state in the United States.

*Property* means a parcel of real estate.

*Recreational vehicle* means a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

*Reduced zoning envelope* means that portion of a lot that delineates the most suitable area for development to occur. Areas beyond the reduced zoning envelope areas are restricted against development in order to preserve the most suitable soils for treating sewage, and to protect unique natural areas, steep slopes, wetlands, floodplains and other similar areas from development encroachment. Reduced zoning envelopes are generally more restrictive than the typical building setback and yard area requirements pursuant to the county zoning regulations.

*Regulatory floodway* means the channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by the state department of natural resources, office of water resources (OWR), which is needed to store and convey the existing and anticipated future 100-year (one percent) frequency flood discharge with no more than 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a ten percent increase in velocities. The regulatory floodways are designated for the

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county streams on the flood insurance rate maps (FIRM's) prepared by FEMA and dated February 28, 1986 or the digital flood insurance rate maps (DFIRM's) when such maps become available or as may be updated from time to time. To locate the regulatory floodway boundary on any site, the regulatory flood-way boundary should be scaled off the FIRM's and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, the OWR should be contacted for the interpretation.

*Retention basin* means a facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

*Salvage yard.* See Junkyard.

*Sanitation plan* means a plan, separate from other drawings, which shows the location of the buildable area, possible well locations and possible subsurface absorption areas for each individual lot in a subdivision. Plan requirements will be determined by the county health department, based on the soil types found on the development site.

*Scenic route* means the roadway and adjacent corridor as viewed from a road or highway designated as a scenic route by the state and/or the planning commission.

*Security instrument* means any form of security used to cover the cost of proposed improvements to a subdivision prior to its development which shows the good faith of the developer and is acceptable to the county. This shall include, but not be limited to, surety bonds, cash, certificates of deposit, or other negotiable securities.

*Sedimentation* means the process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

*Severe slope* means any slope that exceeds 15 percent.

*Sewer system, central,* means a central sewer system is a type approved by the state environmental protection agency as properly designed to serve one or more subdivisions. A septic tank is not a central sewer system.

*Shopping center, community,* means community shopping center shall mean an area within which various facilities and services, such as filling stations, restaurants, banks, fire or police stations, clubs, etc., may be established.

*Shopping center, neighborhood,* means neighborhood shopping center shall mean a shopping center the principal establishment of which is customarily a supermarket type of food store.

*Shopping center, subcommunity,* means a shopping center the principal establishment of which is customarily a variety store.

*Sign* means any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency.

*Sign, advertising, directional,* means a sign whose primary purpose is to provide directional information to the viewer.

*Sign, advertising, non-directional,* means a sign whose messages thereon refer to an activity, product or service, etc., not necessarily available at the sign location.

*Sign, gross surface area of,* means the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such and not forming an integral part of the display.

*Site* means any plot or parcel of land or combination of contiguous lots or parcels of land.

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*Sketch plan* means a rough sketch map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

*Sketch plan review committee* means the committee established by this article to review sketch plans and make recommendations for the preliminary plat.

*Small rural business.* See section 39-247.

*Spot zoning* means rezoning of a lot or parcel of land, solely to benefit an owner and not the public, for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

*Stable, private.* See section 39-41 (Use matrix).

*Stable, public.* See section 39-41 (Use matrix).

*Storm sewer* means a closed conduit for conveying collected stormwater.

*Stormwater drainage system* means all means, natural or manmade, used for conducting stormwater to, through or from a drainage area to the point of final outlet from a property. The stormwater drainage system includes but is not limited to any of the following conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, swales and pumping stations.

*Stormwater management ordinance* means the county stormwater management regulations.

*Stormwater runoff* means the waters derived from melting snow or rain falling within a tributary drainage basin which are in excess of the infiltration capacity of the soils of that basin, which flow over the surface of the ground or are collected in channels or conduits.

*Story* means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor, provided that, for the purposes of determining the required dimensions of yards and courts, each 12 feet or fraction thereof of the total building height shall be considered a separate full story or fractional story, respectively, except the first story which may be 15 feet high.

*Story, half,* means a partial story under a gable hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.

*Street, road,* means any public way set aside as a permanent right-of-way for vehicular or pedestrian access 21 feet or more in width if it existed at the time of the enactment of these regulations, and any such public way created after enactment of these regulations, provided it is 50 feet or more in width.

*Structural alteration* means any change in the supporting members of a building, including, but not limited to, load-bearing walls, load-bearing partitions, columns, beams, girders or any substantial change in the roof or in the exterior walls.

*Structural maintenance* means normal upkeep of a structure, including, but not limited to, painting and replacing parts. In the case of buildings, this will include, but not be limited to, painting, siding, replacing doors, windows, roofing, gutters or downspouts, and interior work. As long as such work does not alter a structure or building as defined under "structural alteration," a zoning certificate will not be required.

*Structure* means anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground. Moveable structures of less than 144 square feet will not require a zoning certificate.

*Subdivision* means the division or re-subdivision of a tract or parcel of land into two or more lots, plots, sites, or other divisions of land; or the consolidation of parcels, for the purpose, whether immediate or future, of

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transfer of ownership of building development. A re-subdivision of land or lots shall also be considered a subdivision. This does not apply to the exemptions specified under 765 ILCS 205/0.01-143.

*Supermajority vote* means a vote requiring an affirmative response on the part of three-quarters of the entire county board membership (27 members  $\times \frac{3}{4} = 21$ ).

*Swimming pool, outdoor residential.* See section 39-41 (Use matrix).

*Thin layer* means creviced limestone estimated at less than six feet below grade.

*Time of concentration* means the elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

*Township road commissioner* means any duly elected township road commissioner in the county.

*Travel trailer (including fifth-wheel trailers)* means a vehicular transportable unit identified by the manufacturer as a travel trailer, whether mounted on wheels or not, designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet, when factory equipped for the road.

*Tributary watershed* means all of the land surface area that contributes runoff to a given point.

*Two-year event* means a runoff, rainfall, or flood event having a 50 percent chance of occurring in any given year.

*Urban runoff pollutants* means contaminants commonly found in urban runoff which have been shown to adversely affect uses in receiving water bodies. Pollutants of concern include sediment, heavy metals, petroleum-based organic compounds, nutrients, oxygen-demanding organics (BOD), pesticides, salt and pathogens.

*WECS applicant* means the entity or person who submits to the county, pursuant to section 39-267(c), an application for the siting of any WECS or substation.

*WECS noncommercial, private project* means the placement of a WECS by a private landowner on their own property as an accessory structure pursuant to section 39-267(a)(l).

*WECS operator* means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.

*WECS owner* means the entity or entities with an equity interest in the WECS, including their respective successors and assigns. The term "WECS owner" does not mean:

- (1) The property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or
- (2) Any person holding a security interest in the WECS solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS at the earliest practicable date.

*WECS project* means the collection of WECS and substations as specified in the siting approval application pursuant to section 39-267.

*WECS substation* means the apparatus that connects the electrical collection system of the WECS and increases the voltage for connection with the utility's transmission lines.

*WECS tower* means the support structure to which the nacelle and rotor are attached.

*WECS tower height* means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

*Wet basin* means a detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

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*Wetland basin* means a detention basin designed with all or a portion of its bottom area as a wetland.

*Wetness, moderate*, means a seasonal high water table estimated at four to six feet below the ground surface.

*Wetness, severe*, means a seasonal high water table estimated at less than four feet below the ground surface.

*Wind energy conversion system (WECS)*. See article V of this chapter.

*Wind power generating facility (WPGF)*. See article V of this chapter.

*WPGF applicant* means the entity or person who submits to the county, pursuant to section 39-267(c), an application for the siting of any WECS or substation.

*WPGF operator* means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.

*WPGF owner* means the entity or entities with an equity interest in the WECS, including their respective successors and assigns. The term "WPGF owner" does not mean:

- (1) The property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or
- (2) Any person holding a security interest in the WECS solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS at the earliest practicable date.

*WPGF substation* means the apparatus that connects the electrical collection system of the WECS and increases the voltage for connection with the utility's transmission lines.

*Yard sale* means the sale of new, used or secondhand items, held by a private party or jointly with other parties, where such items are displayed in the open or in an open building, and members of the public are invited by advertisement, either on or off the premises. Such sales are intended to be short term, held on weekends and on no more than six days in a calendar year. This shall include, but not be limited to, the terms garage, rummage, flea market, backyard or patio sales.

*Yard, front*, means an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified. a corner lot shall have two front yards.

*Yard, front; minimum or required*, means that portion of the front yard, beginning at the front lot line and extending onto the lot, a distance equal to the stated minimum front yard depth for the zoning district. Exceptions may be found in section 39-76(d)(3).

*Yard, rear*, means an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

*Yard, rear; minimum or required*, means that portion of the rear yard, beginning at the rear lot line and extending onto the lot, a distance equal to the stated minimum rear yard depth for the zoning district. Exceptions maybe found in section 39-76(d)(5).

*Yard, side*, means an open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

*Yard, side; minimum or required*, means that portion of the side yard, beginning at the side lot line and extending onto the lot, a distance equal to the stated minimum and sum for side yards for the zoning districts. Exceptions may be found in section 39-76(d)(4).

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*Zoning envelope* means the three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, minimum yard setbacks, and sky exposure plane regulations when applicable.

(Compiled Ords. 2013, §§ 19-8.1, 19-8.2; Ord. No. 10, 12-16-2003; Ord. No. 2, 12-19-2006; Ord. No. 2, 2-19-2008; Ord. No. 4, 5-20-2014; Ord. No. 4-2017, § 6, 10-17-2017; Ord. No. 2, 3-21-2018; Ord. No. 11-2019-7, 11-19-2019; Ord. No. 12-2019-3, 12-17-2019)

**Sec. 39-4. Effective date.**

This article shall be in full force and effective July 15, 1959, as passed and adopted this eighth day of June 1959, by the county board, and as amended from time to time.

(Compiled Ords. 2013, § 19-9.2)

**Secs. 39-5—39-26. Reserved.**

**ARTICLE II. ZONING DISTRICTS**

**Sec. 39-27. Generally.**

(a) *Designation of districts.*

(1) The county establishes the following zoning districts:

- a. "F-1" Floodplain District.
- b. "C-1" Camping District.
- c. "A-1" Agricultural District.
- d. "A-R" Agricultural Residential.
- e. "R-1" One-Family Residence Districts.
- f. "R-2" One- and Two-Family Residence District.
- g. "R-3" Multifamily Residence District.
- h. "B-1" Office District.
- i. "B-2" Retail and Service District.
- j. "B-3" Wholesale District.
- k. "I-1" Light Industrial District.
- l. "I-2" Heavy Industrial District.

(2) For purposes of applying rules relating to the restrictiveness of a district, the districts are listed from most to least restricted in subsection (a)(1) of this section.

(b) *Zoning map.*

- (1) The boundaries of these districts are established on the map titled "zoning map."
- (2) The zoning map accompanies and is made a part of these regulations.



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(c) *Territorial jurisdiction.*

- (1) *Territory deannexed from a municipality.* All territory that is deannexed from a municipality is classified "A-1" under this article. The county may change the zoning classification by following the rezoning procedures.
- (2) *Municipal zoning.* If a setback or distancing regulation in this chapter includes an area within a municipality:
  - a. Any setback requirements in a municipal zoning district apply to any property boundary adjoining the municipal district.
  - b. If there is a conflict between the municipal and county zoning regulations, the county regulations apply.
  - c. If the property includes both municipal and county districts, the county zoning regulations apply to the county portion unless the property is annexed to the municipality.

(Compiled Ords. 2013, § 19-2.1; Ord. No. 2 , 3-21-2018)

**Sec. 39-28. "F-1" Floodplain overlay.**

This district protects the public from flooding and flood hazards, as provided in the county's flood prevention and protection regulations (chapter 16, article II).

- (1) *Applicability.*
  - a. The "F-1" zone, as shown on the zoning maps, shows areas of potential flooding which overlay other zoning classifications. Where the "F-1" district as shown on the zoning map differs from the official federal floodplain maps, the federal maps apply.
  - b. To the extent that there are any conflicts between this section and chapter 16, chapter 16 applies.
- (2) *Permitted uses.* Permitted uses are those allowed in the base zoning district (see sections 39-29 to 39-39). All permitted uses must comply with chapter 16.
- (3) *Dimensional standards.* The regulations governing height, floor area, lot area, frontage and yards are as established in the base zoning districts when not in conflict with chapter 16.
- (4) *Variiances.* All variances granted in the "F-1" overlay zone will comply with section 39-147. To the extent that there are any conflicts, chapter 16 requirements prevail over section 39-147.

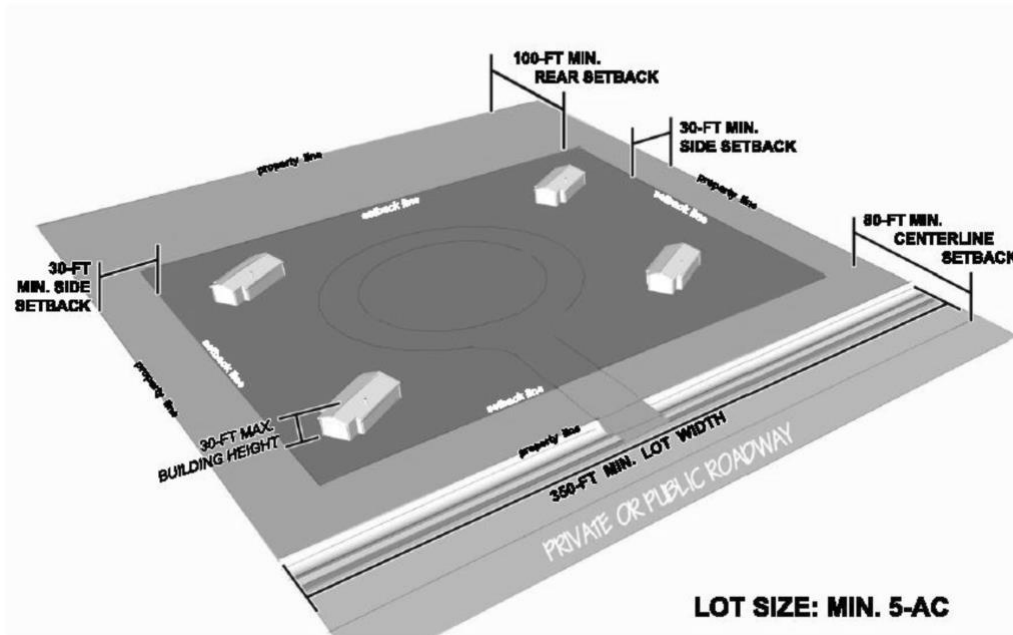
(Compiled Ords. 2013, § 19-2.2)

**Sec. 39-29. "C-1" Camping.**

The camping district provides areas for recreational uses, especially along the county's waterways. The camping district classification does not affect any requirements found in chapter 16.

- (1) *Permitted uses.* See Use matrix (section 39-41).
- (2) *Dimensional standards.* Buildings, structures and development shall comply with the following standards:

## C-1 "CAMPING" ZONING DISTRICT



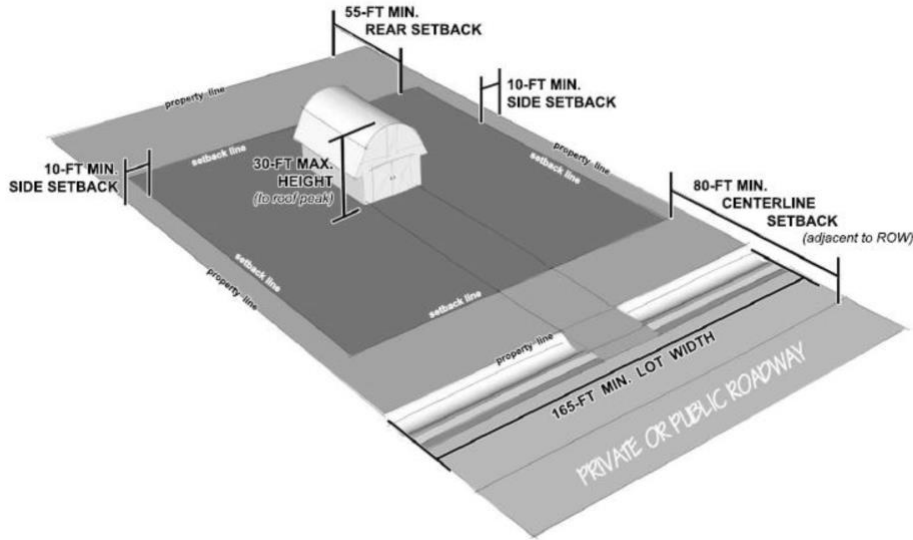
Height (maximum)	30 feet	Side setback (minimum)	30 feet
Lot size (minimum)	Five acres	Rear setback (minimum)	100 feet
Lot width (minimum)	350 feet	Centerline setback (minimum)	80 feet

(Compiled Ords. 2013, § 19-2.3)

### Sec. 39-30. "A-1" Agricultural.

The purpose of the agricultural district is to preserve, to the greatest extent possible, the agricultural base of the county. This is to be accomplished by limiting the allowable and conditional uses and also through the use of the LESA program when considering proposed changes to other zoning classifications.

- (1) *Permitted uses.* See Use matrix (section 39-41).
- (2) *Dimensional standards.*
  - a. Buildings, structures and development shall comply with the following standards:



Height (maximum)	30 feet	Side setback (minimum)	Ten feet
Lot size (minimum)	40,000 square feet	Rear setback (minimum)	55 feet
Lot width (minimum)	165 feet	Centerline setback (minimum)	80 feet

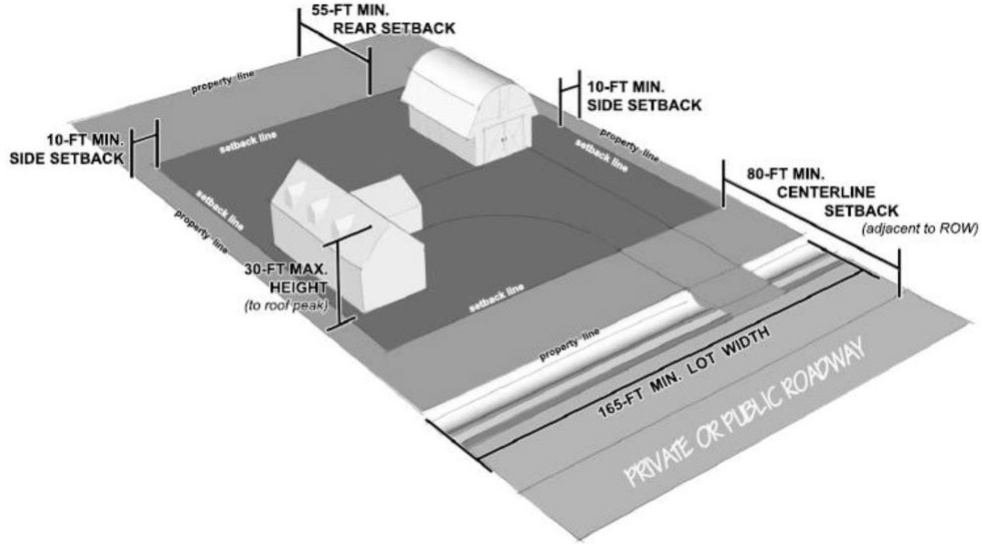
- b. Uses classified as agriculture/forestry (see section 39-41, Use matrix) are not subject to the height, lot size or width, or side or rear setback requirements. Those uses are subject to the centerline setback. The minimum lot size requirement applies to residences on land used for agricultural purposes, but not to other land used for agricultural purposes.

(Compiled Ords. 2013, § 19-2.4)

### Sec. 39-31. "A-R" Agricultural Residential.

The purpose of the agricultural residential district is to provide a special district for larger lot, residential subdivisions in agricultural areas while ensuring continued protection of the right to farm for surrounding agricultural lands.

- (1) *Permitted uses.* See Use matrix (section 39-41).
- (2) *Dimensional standards.* Buildings, structures and development shall comply with the following standards:



Height (maximum)	30 feet	Side setback (minimum)	Ten feet
Lot size (minimum)	40,000 square feet	Rear setback (minimum)	55 feet
Lot width (minimum)	165 feet	Centerline setback (minimum)	80 feet

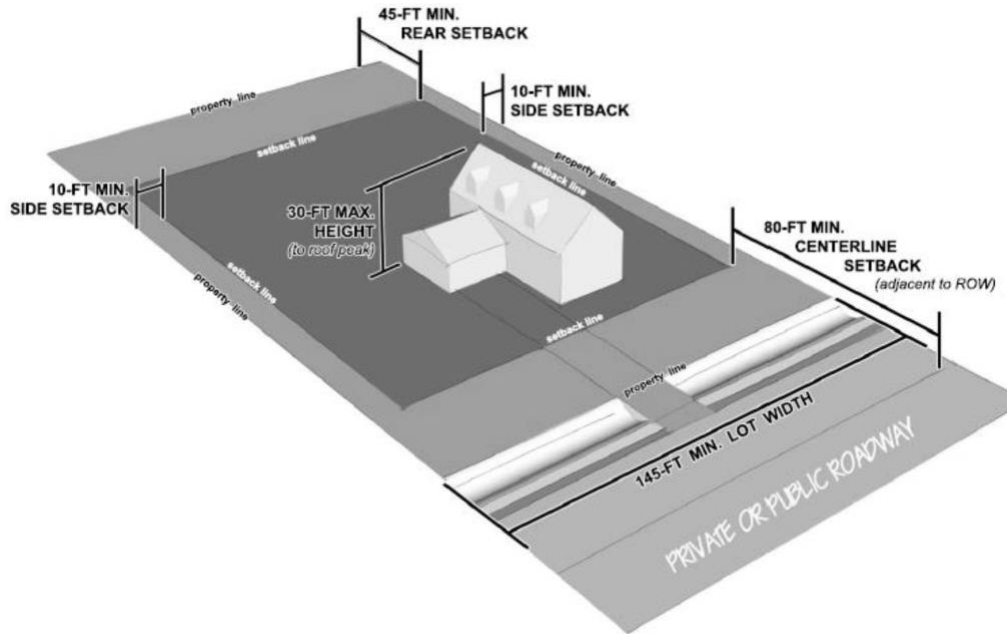
- (3) *Lot area, frontage and yard requirements.* In critical soils areas as listed in section 39-84(f), the required lot size is determined by the county health department but shall not exceed 54,000 square feet. Additional requirements, exceptions and modifications are found in section 39-76.

(Compiled Ords. 2013, § 19-2.5)

### Sec. 39-32. "R-1" One-Family Residence.

The purpose of the one-family residence district is to provide for residential uses on lots smaller than those permitted in the A-1 and A-R districts where soils allow.

- (1) *Permitted uses.* See Use matrix (section 39-41).
- (2) *Dimensional standards.* Buildings, structures and development shall comply with the following standards:



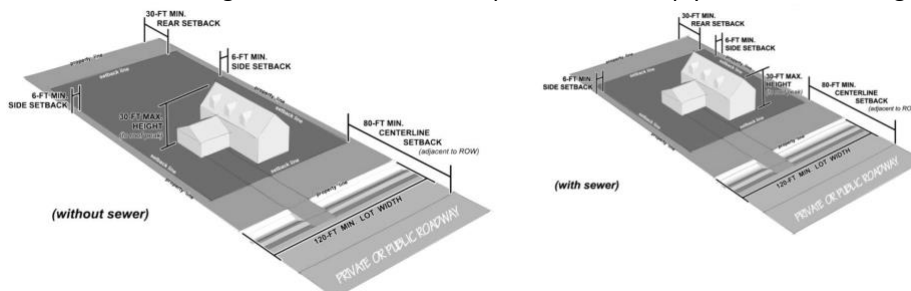
Height (maximum)	30 feet	Side setback (minimum)	Ten feet
Lot size (minimum)	33,000 square feet (or as determined by health department)	Rear setback (minimum)	45 feet
Density (buffered subdivision option only; see section 39-242)	1.5 du/ac (single-family)	Centerline setback (minimum)	80 feet
Lot width (minimum)	145 feet		

(Compiled Ords. 2013, § 19-2.6)

### Sec. 39-33. "R-2" One- and Two-Family Residence.

The purpose of this district is to allow for two-family residences.

- (1) *Permitted uses.* See Use matrix (section 39-41).
- (2) *Dimensional standards.* Buildings, structures and development shall comply with the following



standards:

Height (maximum)	30 feet	Side setback (minimum)	6 feet
Lot size (minimum: applies to lots on septic not central sewer)	33,000 square feet (or as determined by health department)	Rear setback (minimum)	30 feet
Density <sup>(1)</sup> (maximum-applies where lots are served by central sewer)	Four du/ac (single-family)	Centerline setback (minimum)	80 feet
	Six du/ac (two-family)		
Lot width (minimum)	120 feet		

<sup>(1)</sup> Applies in lieu of minimum lot size where lots are served by central sewer. Measured in dwelling units per gross acre. For projects with both single-family and two-family dwellings, the maximum density is the weighted average density. This is determined by multiplying the percent single-family units by four, and the percent two-family units by six, and adding the two figures.

$$\text{Maximum density} = (\% \text{ SF} \times 4) + (\% \text{ 2F} \times 6)$$

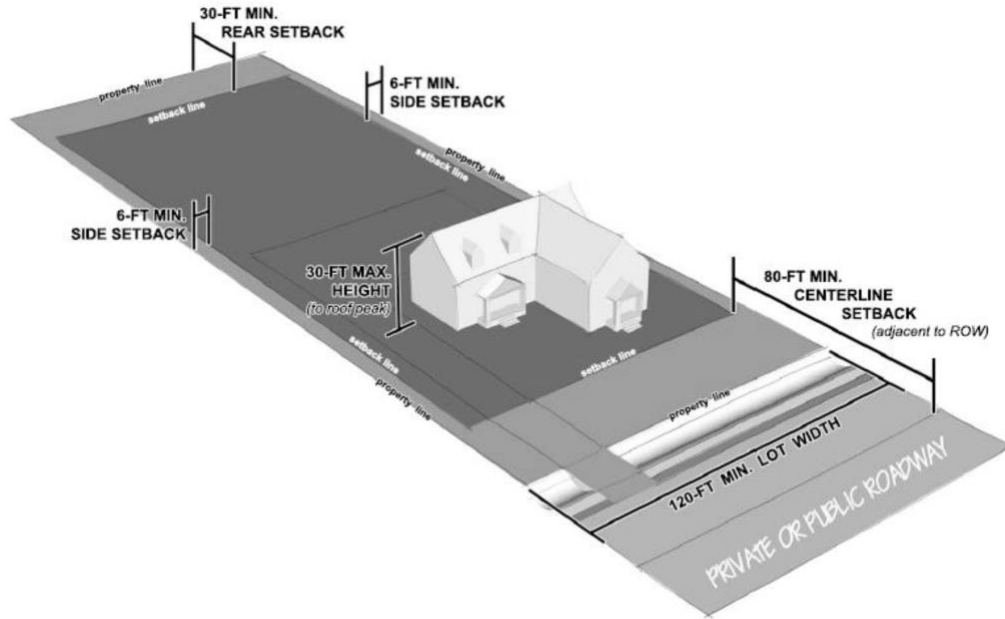
Example: An applicant proposes 75 single-family units and 25 two-family units on 50 acres. The maximum density is  $(75 \text{ percent} \times 4) + (25\% \times 6) = 4.5$ . The overall density is 100 units divided by 50 gross acres, or two units/acre. The project meets the density standard.

(Compiled Ords. 2013, § 19-2.7)

**Sec. 39-34. "R-3" Multifamily Residence.**

The purpose of the multifamily residence district is to provide for dwellings for more than two families and for mobile home parks.

- (1) *Permitted uses.* See Use matrix (section 39-41).
- (2) *Dimensional standards.* Buildings, structures and development shall comply with the following standards:



Height (maximum)	30 feet	Side setback (minimum)	Six feet
Lot size (minimum—applies to lots on septic no central sewer)	40,000 square feet (or as determined by health department)	Rear setback (minimum)	30 feet
Density <sup>(1)</sup> (maximum)	11 du/ac	Centerline setback (minimum)	80 feet
Lot width (minimum)	120 feet		

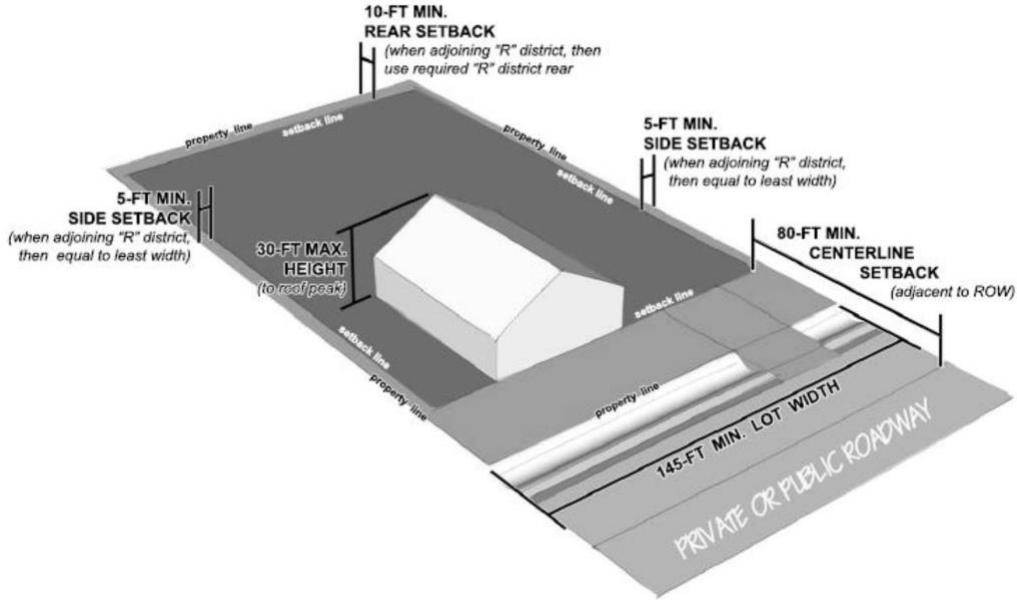
<sup>(1)</sup> Applies in lieu of minimum lot size where lots are served by central sewer.

(Compiled Ords. 2013, § 19-2.8)

**Sec. 39-35. "B-1" Office.**

The purpose of the office district is to provide a buffer commercial use which will fit in with residential uses, especially on the fringes of municipalities.

- (1) *Permitted uses.* See Use matrix (section 39-41).
- (2) *Dimensional standards.* Buildings, structures and development shall comply with the following standards:



Height (maximum)	30 feet	Side setback (minimum)	Five feet (1)
Lot size (minimum)	33,000 square feet	Rear setback (minimum)	Ten feet <sup>(2)</sup>
Lot width (minimum)	145 feet	Centerline setback <sup>(1)</sup> (minimum)	80 feet

<sup>(1)</sup> When adjoining an "R" District—then equal to that "R" District's least required setback.

<sup>(2)</sup> When adjoining an "R" District—then equal to that "R" District's required rear yard.

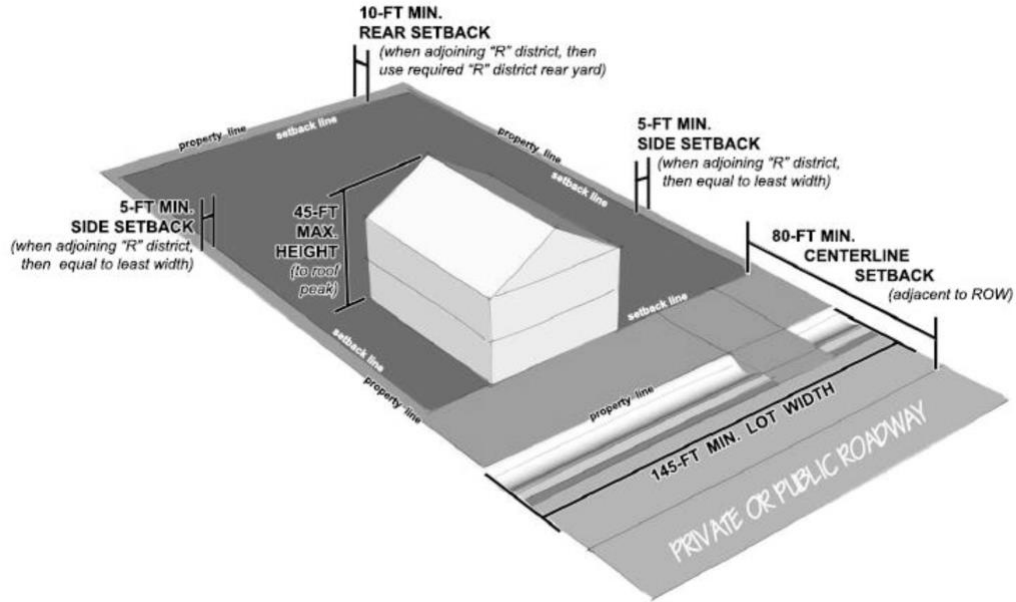
(Compiled Ords. 2013, § 19-2.9)

### Sec. 39-36. "B-2" General Commercial.

The purpose of the retail and service district is to provide a general commercial classification which will correspond to most municipal general business uses. It will cover the bulk of those commercial uses commonly found in the various types of shopping centers.

- (1) *Permitted uses.* See Use matrix (section 39-41).
- (2) *Dimensional standards.* Buildings, structures and development shall comply with the following standards:





Height (maximum)	45 feet	Side setback (minimum)	Five feet <sup>(1)</sup>
Lot size (minimum)	22,000 square feet	Rear setback (minimum)	Ten feet <sup>(2)</sup>
Lot width (minimum)	145 feet	Centerline setback (minimum)	80 feet

<sup>(1)</sup> When adjoining an "R" District—then equal to that "R" District's least required setback.

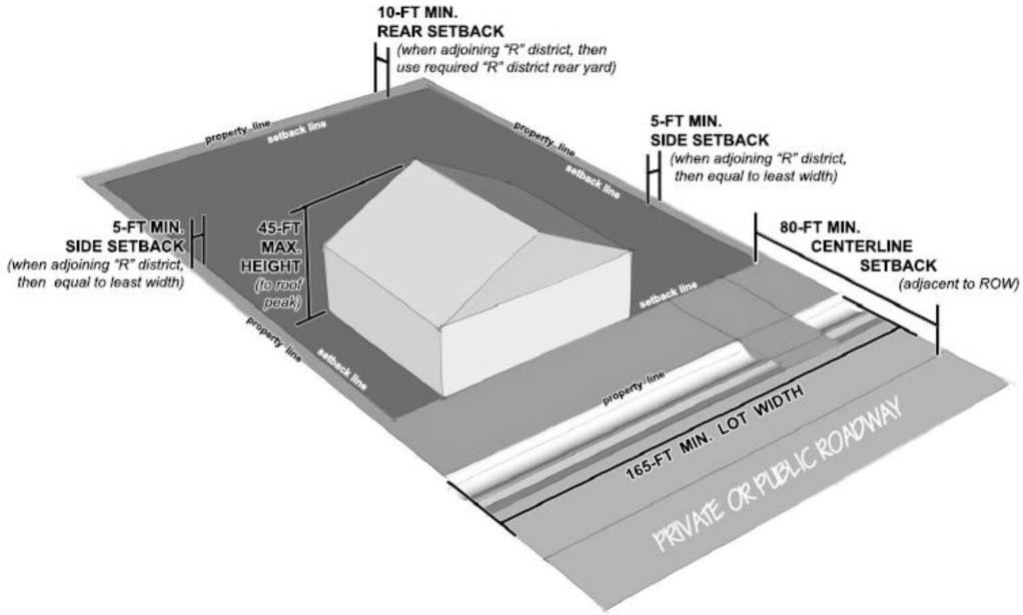
<sup>(2)</sup> When adjoining an "R" District—then equal to that "R" District's required rear yard.

(Compiled Ords. 2013, § 19-2.10)

### Sec. 39-37. "B-3" Heavy Commercial.

The purpose of the wholesale district is to provide a classification for those uses which commonly stand alone or require a large area for storage or display of goods. These uses often do not fit with the common retail or service business uses.

- (1) *Permitted uses.* See Use matrix (section 39-41).
- (2) *Dimensional standards.* Buildings, structures and development shall comply with the following standards:



Height (maximum)	45 feet	Side setback (minimum)	Five feet <sup>(1)</sup>
Lot size (minimum)	40,000 square feet	Rear setback (minimum)	Ten feet <sup>(2)</sup>
Lot width (minimum)	165 feet	Centerline setback (minimum)	80 feet

<sup>(1)</sup> When adjoining an "R" district—then equal to that "R" district's least required setback.

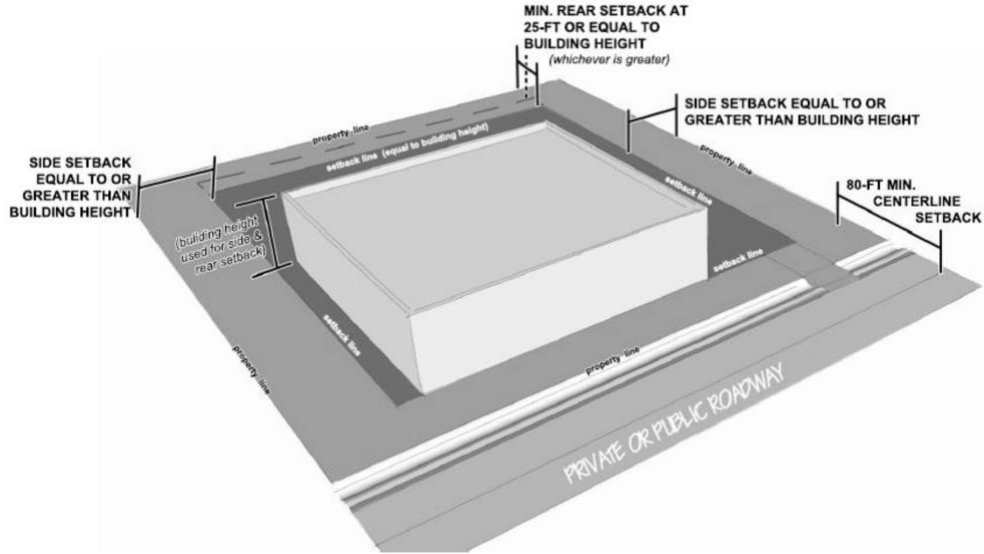
<sup>(2)</sup> When adjoining an "R" district—then equal to that "R" district's required rear yard.

(Compiled Ords. 2013, § 19-2.11)

### Sec. 39-38. "I-1" Light Industrial Districts.

The purpose of the light industrial district is to provide areas for manufacturing and certain other uses which conflict with uses in other classifications. Conflicts may be in the way of noise, odor, dust or traffic produced, but are not of a constant or unbearable nature.

- (1) *Permitted uses.* See Use matrix (section 39-41).
- (2) *Dimensional standards.* Buildings, structures and development shall comply with the following standards:



Height (maximum)	N/A	Side setback (minimum)	Equal to the building height.
Lot size (minimum)	N/A	Rear setback (minimum)	Equal to the building height, but at least 25 feet.
Lot width (minimum)	N/A	Centerline setback (minimum)	80 feet

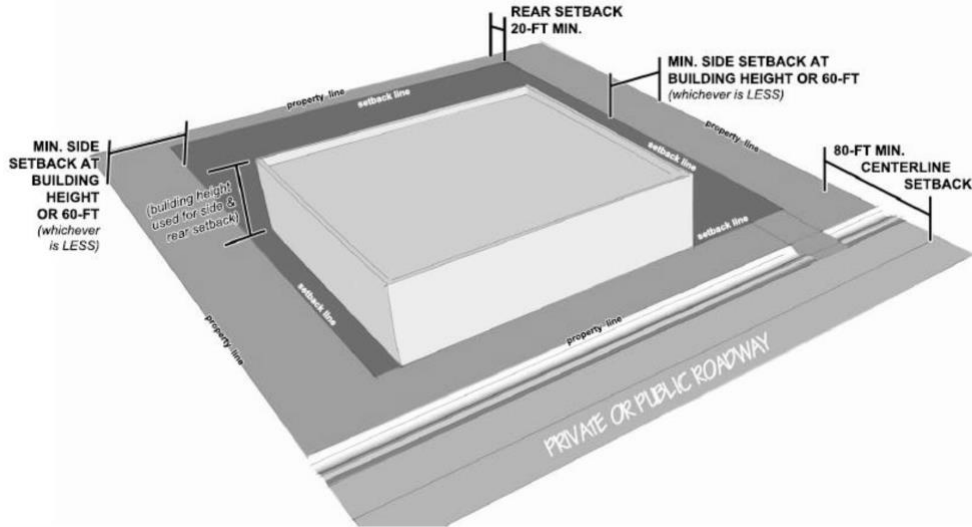
- (3) *Additional standards.* No part of a building occupied by a use classified as manufacturing/industrial (see Use matrix, section 39-41) shall have openings other than stationary windows or required fire exits within 100 feet of any "R" district.

(Compiled Ords. 2013, § 19-2.12)

### Sec. 39-39. "I-2" Heavy Industrial Districts.

The purpose of the heavy industrial district is to provide for those uses that do not fit with the character of the other classifications because of the possible effects that they may have on the surrounding environment. Such effects may be of a visual or audio nature.

- (1) *Permitted uses.* See Use matrix (section 39-41).
- (2) *Dimensional standards.* Buildings, structures and development shall comply with the following standards:



Height (maximum)	N/A	Side setback (minimum)	Equal to the building height, but no more than 60 feet is required.
Lot size (minimum)	N/A	Rear setback (minimum)	20 feet
Lot width (minimum)	N/A	Centerline setback (minimum)	80 feet

(3) *Additional standards.*

- a. Any use of land or of structures engaged in the production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products listed in the Use matrix (section 39-41), shall be located at least 200 feet from any "R" district and 50 feet from any "B" district.
- b. No use permitted under this in the I-2 district shall be so placed as to detract from a designated scenic or historic area.

(Compiled Ords. 2013, § 19-2.13)

**Sec. 39-40. Planned developments.**

This section allows planned unit developments (PUDs) to:

- (1) Provide development that accords with the comprehensive plan and promotes the goals and objectives of the plan;
- (2) Identify and obtain certain advantages over conventional development of the site that provide superior development and infrastructure;
- (3) Grant relief from fixed regulations of conventional zones by general regulatory guidelines that obtain development premiums in return for development quality of significant community benefit not otherwise available from fixed regulations;

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- (4) Provide a living, working and shopping environment within the layout of the site that contributes to a sense of community and a coherent living style;
  - (5) Encourage innovative site plans that provide and enhance pleasing and desirable cultural amenities;
  - (6) Provide a development framework that obtains commercial and industrial business activity that significantly improves the economic development of the county;
  - (7) Encourage the preservation and enhancement of the natural amenities of land and protect the natural features of the site that relates to its topography, shape and size;
  - (8) Obtain more usable open space and recreation space than that expected by the use of conventional regulations; and
  - (9) Reduce improvement costs through more efficient arrangement of varied land uses, buildings, circulation systems and infrastructure.
- a. *Applicability.* The following apply to all planned unit developments (PUDs) in the county:
    1. A PUD is designated through the rezoning process. An applicant may file a preliminary plat application concurrent with an application to rezone to a PUD district.
    2. The following eligibility criteria must apply to all proposed PUDs:
      - (i) The entire tract must have a unified design. The entire tract must be developed as a single design entity even though it may be developed in phases or contain a wide variety of uses and activities otherwise not compatible with one another.
      - (ii) The entire tract must be under single control. All land in the tract submitted in the PUD application must be under the control of the applicant. A narrative text must accompany the preliminary plan to demonstrate that this control will be workable throughout the PUD development period.
      - (iii) Minimum size of tract is required. A PUD under this article will require a minimum tract size of ten acres.
  - b. *Permitted uses.*
    1. The permitted uses in a PUD are designated in an ordinance approving a rezoning to a PUD district.
    2. An applicant may use the PUD process, along with subdivision plat approval, to process:
      - (i) A development with multiple uses, such as single-family and multifamily dwelling uses, residential and non-residential uses, or office parks with commercial uses.
      - (ii) A buffered subdivision (section 39-242).
  - c. *Design standards.*
    1. Perimeter area.
      - (i) The area of a proposed PUD site, beginning at the site boundary and extending into the site at the distance established below, is known as the perimeter area. Perimeter areas are established to ensure adjoining property owners that the proposed PUD will be compatible with existing or future abutting conventional development.

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- (ii) The standards for zone yards, spacing between buildings and minimum lot areas in the PUD perimeter area will be equal to those of the conventional zone.
    - (iii) Maximum height and allowable uses in the PUD perimeter area will be restricted to those of the uses and heights allowed by right in abutting zones. Additional height may be allowed in the PUD perimeter if greater setbacks and/or appropriate landscape screens are provided.
    - (iv) Buffers (open areas of land along the site boundary) are required on all sides of PUDs. Buffers are on the outer edge and are included in the required perimeter area.
  - 2. Specific development standards for residential PUD sites shall be regulated by conditions imposed as part of the PUD rezoning.
  - 3. PUD applicants will describe, in narrative text accompanying the preliminary plan, the proposed design principles to establish a uniform format for signs within the PUD. Illustrations must be shown in this narrative.
  - 4. Environmental concerns will also be examined. The PUD applicant will demonstrate that the proposed plan enhances the natural features of the site, minimizes environmental degradation, provides quality open spaces and does not increase runoff onto adjoining properties.
  - 5. Construction specifications for any infrastructure must be approved by the county engineer as provided in article III of this chapter.
  - 6. The spacing of buildings and landscaping, and the layout of streets, wherever possible, must be oriented on site plans to optimize solar exposure for buildings on and off the PUD tract.
- d. *Design incentives.* The incentives in this subsection encourage innovative and flexible design techniques in the design of proposed PUDs in the county.
- 1. Zero lot line.
    - (i) The application may use zero lot line techniques that shift dwellings to one side of a lot, along with usable outdoor living space in the remaining side yard.
    - (ii) The wall of a dwelling on the zero lot line shall have no windows or openings onto the abutting lot.
    - (iii) The county board may grant a density bonus of ten percent if the zero lot line technique is used.
    - (iv) If a density bonus is granted, an additional ten percent in common open space is required.
    - (v) The zero lot line technique is limited to a maximum of 30 percent of the total dwelling units.
  - 2. Cluster developments may be used on cul-de-sacs or driveway courts. Such developments will transfer the space gained from any reduction in front and side yards to common open space adjoining the rear yards.
    - (i) A density bonus of ten percent may be granted when cluster developments are used.

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- (ii) If a density bonus is granted, an additional ten percent in common open space is required.
  - 3. On-site density transfers are allowed if the maximum density imposed on the PUD tract is not exceeded. A transfer of density will not be made to the perimeter area.
  - 4. Average lot size development techniques may be used in the case of two-family dwelling units. The average size of those lots must be equal to the required lot size in the "R-2" zone. This technique does not apply to the perimeter area.
- e. *Density bonuses.*
- 1. Three types of density bonuses are established for PUDs in the county.
    - (i) A density bonus of ten percent may be granted for the use of zero lot line or cluster developments. If both techniques are used in a single site plan, a bonus of 15 percent may be granted.
    - (ii) A density bonus of ten percent may be granted for providing additional common open space and special landscaping beyond the minimum requirements.
    - (iii) A density bonus of ten percent may be granted for providing low-and moderate-priced housing or other needed community services as determined by the county board.
  - 2. These bonus densities may be added together when combinations are used in a PUD or a phase of a PUD, but the maximum bonus will be 25 percent.
  - 3. The bonus densities are calculated as a percentage of the conventional districts immediately abutting the proposed development.
  - 4. Bonus densities are figured on the net size of a PUD or phase of a PUD. This excludes public rights-of-way but includes common open space, private streets, and parking and service areas. In no case, however, shall the percentage of common open space in the PUD be reduced below the minimum.
- f. *Common open space.*
- 1. Common open space is required in all proposed PUDs in the county.
  - 2. Common open space shall be available to and usable by all occupants of the PUD.
  - 3. The width of any common open space shall be at least 100 feet.
  - 4. Documentation is required that designates the entity having ownership, maintenance and management responsibility of common open space after development of the PUD.
  - 5. Common open space shall comprise at least 15 percent of the net area of the PUD. Dedicated public parks count as part of this requirement.
  - 6. Improvements in the common open space shall be installed and paid for by the developer and shall be clearly depicted on the preliminary plat. These include:
    - (i) Site grading.
    - (ii) Planned landscaping.
    - (iii) Water bodies.
    - (iv) Walkways and/or bridle paths.

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- (v) Roads, drives and parking areas.
  - (vi) Recreation areas and buildings such as clubhouses, swimming pools or golf courses.
  - (vii) Irrigation and sprinkler systems.
  - (viii) Erosion control facilities.
- g. *Ownership documents.*
1. Developers of PUDs in the county will file documents setting forth details of ownership, leases, warranties, covenants and bylaws which will govern all aspects of the PUD upon its completion or the completion of any of its phases. These documents will be recorded with the final development plat in the recorder's office.
  2. Deeds of ownership will consist of three sections:
    - (i) The deed section will legally describe the lot which is being transferred in ownership.
    - (ii) The warrant section will guarantee the transfer of ownership conveyed and described in the deed section.
    - (iii) The covenant section will list any conditions or restrictions of ownership in the PUD.
  3. Deeds of ownership will describe the types of property being conveyed by or retained by the developer.
    - (i) Unit of ownership deeds will convey property to an individual purchaser or shareholder. The individual owner will receive such a deed from the developer or through resale by a previous owner. This deed will specify how the individual property owner's share of ownership in any common property is determined.
    - (ii) Common property will be that property retained by the developer for common use, property dedicated to a public body for such a use or put under the ownership of a PUD association. This deed will indicate the individual owner's rights regarding common property.
- h. *Leases.*
1. Leases may be either annual or long-term depending on the use of the property. Residential leases will normally be annual leases and commercial/industrial leases will normally be long-term.
  2. Residential leases need not contain the full documentation but may be limited to rules of behavior and the bylaws.
  3. Long-term leases will require full documentation accompanying the lease upon conveyance of the lease.
- i. *Association bylaws.*
1. If an association is proposed in conjunction with a PUD, bylaws will be required. They will also be filed with the recorder's office when the final plat for the PUD or phase of the PUD is filed. Bylaws will consist of three parts as follows:
  2. The bylaws will describe the organization of the PUD association including:



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- (i) Composition and function of its board of directors, executive board and its executive officers as appropriate.
    - (ii) Qualifications, duties and number of members on the board of directors of the association.
    - (iii) Number of board meetings required per year. An annual meeting of the association is required for the purpose of submitting an annual budget to the shareholders.
  3. The bylaws will describe the duties of the PUD association through its board of directors, officers, staff or contracts with others. These duties shall include at a minimum:
    - (i) Trash collection and disposal.
    - (ii) Grounds maintenance of public open space including mowing, trimming and planting.
    - (iii) Snow removal.
    - (iv) Maintenance of streets, walks, paths, drives and parking areas.
    - (v) Maintenance of buildings owned by the association.
    - (vi) Maintenance of interior portions of leased residential buildings.
    - (vii) Carrying out any programs authorized by the association budget.
  4. The bylaws will also specify the duties and obligations of the individual owners of the PUD. These duties may include:
    - (i) Rules of behavior.
    - (ii) Limitations on physical changes to buildings and lots.
    - (iii) Association dues.
    - (iv) Penalties and remedies imposed on violations of the bylaws by individual owners.
  - j. *Administration.* PUD approval is handled in the same manner as conventional zoning and platting in the county, with the following additional requirements:
    1. A PUD is designated through the rezoning process (see article IV of this chapter). The applicant shall include a preliminary plan with the rezoning application. The county board may approve the rezoning with conditions.
    2. The platting procedure for a PUD will follow the procedures set forth in article IV of this chapter. The applicant may file a sketch plan or preliminary plat with the rezoning application.
    3. After a PUD rezoning and preliminary plan is approved, the applicant shall file a final plan for each phase of the PUD. The administrator will approve the final plan if it complies with the approved preliminary plan and does not request a variance.
    4. The applicant shall file any request for a variance from a PUD condition or the approved preliminary plan with the planning and zoning commission.
      - (i) The administrator shall determine whether the variance is major or minor.
        - A. Major variances include:

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- i. A variance to reduce the minimum lot size or to increase the approved maximum density.
  - ii. A variance that would change another zoning standard in the PUD such as an increase in height.
  - iii. A variance that might create a violation of other local or state requirements for PUDs.
  - iv. Any reduction in common open space.
  - v. A reduction in the width of a perimeter area or buffer area.
  - vi. A revision to any condition designated by the county board as a major condition.
  - vii. Any other change in conditions that the administrator determines will substantially alter the character of the approval.

B. All other variances are considered minor variances.

(ii) The planning and zoning commission may approve minor variances to the plan upon recommendation of the sketch plan review committee.

(iii) A major variance requires resubmittal of the PUD for a complete review.

(Compiled Ords. 2013, § 19-2.14; Res. No. 1, 10-18-1994)



**Sec. 39-41. Use matrix.**

(a) *Generally.* The permitted, special and accessory uses within each zoning district are set out in table 2-1, Use matrix, below. The use table establishes the following categories of uses:

Notation	Category	Description
P	Permitted by right	Permitted if the use meets the standards established in the zoning district. All uses permitted by right are considered the same type of use: i.e., using a property for a use permitted by right is not considered a change in use.
S	Special use	Requires special use approval (refer to section 39-146).
A	Accessory	The use is permitted only if it is customarily incidental and subordinate to a principal permitted use located on the same lot.

(b) *Unlisted uses.* If a use is not listed in the use matrix, the planning and zoning commission may approve any other use which in the opinion of the planning and zoning commission will, when located, constructed and operated as proposed, be of the same general character as the permitted uses in the district.

Table 2-1. Use Matrix

Use	F-1	C-1	A-1	A-R	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-2	Definition
<b>Agriculture/Forestry</b>													
Agricultural uses, buildings, or structures	P	P	P	P	P	P	P	P	P	P	P	P	Land used for agricultural purposes, as defined in 55 ILCS 5/5-12001.
Greenhouse, nursery, and floriculture			P	P	P	P	P	P	P	P	P		Land or greenhouses used to raise flowers, trees, shrubs or other plants for sale. This does not include wholesale greenhouses exempt from zoning regulation by 55 ILCS 5/5-12001.
Kennel/pet care			P						P	P	P	P	A facility, either state licensed or not, housing dogs, cats or other household pets, where grooming, breeding, boarding, training or selling of animals

													is conducted as a business. This shall include the breeding of animals for the purpose of sales at other locations.
Private stable			A	A	A								A structure which is located on a lot on which a dwelling is located and which is designed, arranged, used or intended to be used for housing of horses or ponies for the private use of occupants of the dwelling, but in no event for hire.
Support functions for agriculture			P								P	P	Establishments that perform activities associated with production and distribution of forest and agricultural products, such as spraying and harvesting. Note: farm and farm labor management is classified under office, above.
<b>Residential</b>													
Single-family detached dwelling		P	P	P	P	P	P						A detached dwelling unit designed for and occupied only by one family.
Caretaker dwelling		A	A	A	A	A	A	A	A	A	A	A	Living quarters of persons employed on the premises.
Farm dwelling		A	A	A	A	A	A	A	A	A	A	A	A dwelling unit located on a tract of land for which the principal use is the pursuit of agriculture, as defined herein, with the dwelling unit being clearly accessory and subordinate to such agricultural use, subject to the limitation that such dwelling unit is

													occupied by or intended for occupancy by the owner of such tract or by a person whose principal occupation is the pursuit of agriculture on such land.
Multifamily dwelling							P	P	P	P			A single structure designed for and intended to be occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided. Included in this definition will be apartments, condominiums and townhouses or row houses. Each dwelling unit will have a minimum of 720 square feet of livable space (open porches, garages, breezeways or terraces not included).
Mixed-use building							P	P	P	P			A building with commercial, artisan or research and development uses, and with dwelling units on floors above the ground floor or behind storefronts or non-residential floor space. Examples include lofts and buildings with stores on the ground floor and apartments above.
Manufactured home			P										A single-family dwelling that complies with, and is certified by the manufacturer to comply with, the standards established under the National Manufactured Housing

																Construction and Safety Standards Act of 1974, 42 U.S.C. section 5401, et seq. The term "manufactured home" does not include a structure which otherwise complies with this chapter but which was built prior to June 15, 1976, which units are classified as mobile homes.
Manufactured home (non-complying)			S													A manufactured home that: (1) does not meet the requirements for manufactured homes in article V of this chapter; or that (2) is placed on property not owned by the owner of the manufactured home.
Mobile home			S													Any structure, built before October of 1976, designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame or undercarriage, 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. See section 39-252 for additional restrictions.
Manufactured home land lease community							S									A manufactured home land lease community is a lot upon which two or

													more occupied manufactured homes are located either free of charge or for revenue purposes, and where a space on the lot is leased to the person who owns the manufactured home. This does not include the use of mobile or manufactured homes on a farm to house farm workers.
Modular home		P	P	P	P	P	P						A building assembly or system of building subassemblies, designed and built in a factory for the habitation of one or more persons, including the necessary electrical, plumbing, heating, ventilating and other systems, of closed or open construction, transported to a building site for installation or assembly and installation on a permanent foundation. Such units shall be in compliance with the state modular housing code prepared by the state department of public health. Modular dwellings may be placed by permit alone, but will not include the placement of two or more mobile or manufactured homes which were not originally constructed to be a single unit. For purposes of this article, modular will include panelized, precut, or sectional homes.



Recreational dwelling		P											See article V of this chapter.
Rooming house							P	P	P	P			A dwelling occupied by a resident family or resident occupant and three or more rent paying persons.
Two family dwelling/duplex						P	P	P	P	P			A detached residential structure containing two dwelling units designed for occupancy by not more than two families.
<b>Accommodations</b>													
Bed and breakfast			S	S	S	S	S	S	P	P			An operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent in operation for more than ten nights in a 12-month period. Breakfast may be provided to the guests only and food preparation facilities must be licensed by the county health department. Bed and breakfast establishments shall not include motels, hotels, boardinghouses or food service establishments.
Dormitory, fraternity or sorority							P	P	P	P			A space in a building where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management. Examples include college dormitories,







													restaurants where liquor is more than incidental to the business.
Alcohol sales—retail package liquor							S	P	P	P			Establishments primarily engaged in retailing packaged alcoholic beverages, such as beer, wine, and liquor.
Armories								P	P	P	P		Structures enclosing space designed for military training. They may have incidental storage and office space within the main structure.
Automatic teller machine (ATM), stand alone							P	P	P	P	P		An electronic device used by the public to conduct financial transactions such as withdrawing or depositing cash from a bank, savings, credit union, credit card or similar account wherein the customer operates the device independently. An ATM in this category is not attached to or internal to a principal use such as a bank or retail establishment.
Automotive parts sales								P	P	P			This includes establishments that: (1) retail new, used, and/or rebuilt automotive parts and accessories (automotive supply stores); (2) automotive supply stores that repair automobiles accessory to their retail functions; and (3) establishments primarily engaged in retailing and installing automotive accessories. Examples include automotive parts

													and supply stores, truck cap stores, automotive stereo stores, used automotive parts stores, speed shops, and tire shops.
Automobile repair, major								P	P	P	P		General repair, rebuilding, replacing or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening, replacing or repair; overall painting or paint shop, vehicle steam cleaning.
Automobile repair, minor			S					P	P	P			Minor repairs, incidental body and fender work, touch-up painting and upholstery, replacement of parts and motor service to passenger automobiles and trucks, but not including any operations specified under "automobile repair, major."
Automotive sales or rental								P	P	P			The use of any building, land area, or other premise for the display and sales or rental of new or used automobiles generally, but may include light trucks or vans, trailers, or recreational vehicles. This shall also include any vehicle preparation or repair work conducted as an accessory use, but such use shall be conducted wholly inside a structure. Automobile sales shall not include the outside storage of

													vehicles which do not operate or are being used for the salvage of parts to repair other vehicles.
Bakery, retail								P	P	P	P		Bakeries whose products are sold at retail on the premises.
Cannabis dispensing organization									P	P	P		See Sec. 39-3.
Business support services (e.g., print/copy shop)								P	P	P			Establishments engaged in performing activities that are ongoing routine business support functions that businesses and organizations traditionally do for themselves. Examples include print/copy shops, document preparation services, call centers, telemarketing, and business service centers.
Car wash/automobile laundry								P	P	P	P		Establishments primarily engaged in cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, and vans, and trailers.
Catering/food preparation									P	P	P		A business that prepares food and beverages for off-site consumption, including delivery services. This classification includes catering kitchens, bakeries with on-site retail sales and the small-scale production of specialty foods, such as sweets. This classification excludes food production of an industrial character.

Convenience store (with vehicle repair)									P	P	P		A convenience store that provides vehicle repair as an accessory use.
Convenience store (without vehicle repair)								P	P	P			Establishments commonly known as convenience stores or food marts primarily engaged in retailing a limited line of goods that generally includes milk, bread, soda, and snacks. These establishments can either be in a convenience store (i.e., food mart) setting or a gasoline station setting.
Day care center, adult							P	P	P	P			A facility other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for adults for part of the 24-hour day.
Child care facility						S	S	P	P	P			Includes any day care center (225 ILCS 10/2.09), day care home (as defined by 225 ILCS 10/2.18), or group day care home (as defined by 225 ILCS 10/2.20). This includes four—16 children in a family home (including the family's natural or adopted children).
Couriers and messengers										P	P	P	Establishments primarily engaged in providing air, surface, or combined mode courier services, express delivery services of parcels, or local messenger and delivery services of small items, with local pick-up and delivery. Examples include air courier services,



													express delivery services; local delivery services for letters, documents, or small parcels; grocery delivery services (i.e., independent service from grocery store), or restaurant meals delivery services.
Drug store/pharmacy							P	P	P				Establishments that retail prescription or nonprescription drugs and medicines.
Farm feed stores			S				S	P	P	P			Establishments primarily engaged in retailing farm supplies, such as animal (non-pet) feed, fertilizers, seeds, pesticides and herbicides.
Farm implement sales, wholesale and repair									P	P	P		Establishments primarily engaged in retailing or wholesaling new outdoor power equipment for farming. This may include repair services and selling replacement parts.
Financial institutions							P	P	P				An establishment that provides retail banking, credit and mortgage, or insurance services to individuals and businesses. This classification includes banks and savings and loan establishments, brokerage firms, check cashing and currency exchange outlets and stand-alone automated teller machines.
Flea market/swap meet									P	P			An occasional or periodic market held in an open area or structure where

													groups of individual sellers offer goods for sale to the public
Food and beverage stores								P	P	P	P		Establishments that retail food and beverage merchandise from fixed point-of-sale locations. Examples include grocery stores, supermarkets and farmers markets.
Funeral and interment services									P	P	P	P	An establishment primarily engaged in the provision of services involving the care, preparation or disposition of human dead. Typical uses include cemeteries, funeral parlors, crematories, mortuaries or columbaria. The term "cemetery" means a burial ground for the interment of the human dead, including columbaria and mausoleums.
Fuel dealers			S							P	P	P	Fuel, fuel oil and liquid petroleum products dealers. Delivery is made directly to vehicles or to containers for consumption off the premises. No vehicle repair is involved.
Gas stations			S						P	P	P	P	A place where minor automobile repair is conducted and where gasoline, diesel oil, kerosene or any other motor fuel or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and

													oiling and the sale of automobile accessories on the premises. Convenience stores are not part of a gas station (compare: convenience stores).
Hardware/building material/lawn and garden stores								P	P	P			Establishments primarily engaged in retailing new building materials and supplies, such as home centers, paint and wallpaper stores, and hardware stores.
Lumberyard/building materials (including outdoor display and storage)								P	P	P			Establishments primarily engaged in retailing specialized lines of new building materials, such as lumber, fencing, glass, doors, plumbing fixtures and supplies, electrical supplies, prefabricated buildings and kits, and kitchen and bath cabinets and countertops to be installed.
Manufactured home/modular building and components sales and service									P	P			Establishments primarily engaged in retailing new and/or used manufactured or modular homes, parts, and equipment.
Medical cannabis dispensing facilities								P	P	P			
Non-store retailers								P	P				Establishments that retail merchandise through online, mass media, telephone, mail, or similar methods (infomercials, direct-response advertising, paper and electronic





													games), home health equipment, or commercial equipment, industrial machinery, and equipment. Note: outdoor storage of vehicles or equipment is allowed in the Industrial districts.
Repair services, appliance/consumer								P	P	P	P		Establishments primarily engaged in repairing electronic equipment, such as computers and communications equipment, or home and garden equipment and/or household-type appliances.
Restaurant							P	P	P	P			A building or premises where food is prepared and served to the public on a commercial basis. Examples include mobile food services, restaurants and other eating places, restaurants and other eating places, full-service restaurants, limited-service restaurants, cafeterias, buffets, snack bars, and nonalcoholic beverage bars. This may include sale or consumption of liquor only as an incidental part of the business.
Retail, generally								P	P	P			The sale of any tangible personal property for use or consumption, and not for resale. Examples include furniture and home furnishings, electronics and appliances, clothing

													and shoes, jewelry, luggage and leather goods, sporting goods and hobbies, books, periodicals and music, tobacco, flowers, office supplies and stationary, gifts and novelties, art work, and pets. Examples include stand alone shops or departments stores, art galleries, pawn shops, auction houses, consignment stores, and video stores. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification.
Retail, nursery/greenhouse products			P						P	P	P		Establishments that retail flowers or plants grown in a nursery or greenhouse on the premises.
Roadside stand		A	A	A	A	A	A	A	A	A	A	A	Buildings or structures (including greenhouses) to sell or display agricultural products raised on the premises where agriculture is the principal use.
Services to buildings and dwellings									P	P	P	P	An establishment providing carpet cleaning, carpentry, roofing, exterminator, glazing, janitorial services, electrical repair, plumbing, heating and air conditioning, upholstery, painting and paper hanging, sign painting, locksmith, or packing and crating.

Landscape contractor			S						P	P	P		A site which houses any buildings and/or equipment, necessary for the operation of a landscaping business, on which the sale of nursery and other lawn maintenance products may occur. Such a facility will not be considered a nursery.
Shopping center									P	P	P		Any neighborhood, subcommunity, or community shopping center (see section 39-3).
Small rural business		A	A	A	A	A	A	A	A	A	A	A	See section 39-247 of this chapter (home occupations and small rural businesses).
Truck stop/travel plaza									P	P	P	P	Establishments primarily engaged in one of the following: (1) retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline, alternative fuels); or (2) retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.
Used merchandise sales (e.g., antique store)								P	P	P	P		Establishments primarily engaged in retailing or wholesaling used merchandise, antiques, and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes).



													Examples include antique stores, used book stores, and used clothing stores.	
Veterinary clinics			S					P	P	P	P	P	Licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, animal surgery, or testing services for licensed veterinary practitioners. Examples include animal hospitals, veterinary clinics, veterinarians' offices, and veterinary testing laboratories.	
<b>Arts/Entertainment/Recreation</b>														
Adult use												P	P	Any adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, or massage parlor. These are defined in section 39-3.
Community service facility							S	P	P	P			A noncommercial facility established primarily for the benefit and service of the populations of the communities in which they are located, such as YMCA or YWCA facilities, boy's and girl's clubs and offices of community councils, nonprofit civic, religious, welfare or philanthropic organizations.	
Community centers				S	S	S	S	P	P	P			A building or place operated by a public entity or neighborhood organization and used for meetings or activities of neighborhood organizations such as nonprofit	

													corporations; homeowners associations; condominium associations; or similar entities. In Residential Districts, special use permits are required only for community centers that are a principal use. Community centers that are approved as part of a subdivision plat and accessory to a development, such as a clubhouse that is part of a residential subdivision, require no separate approval and are considered accessory to the residential uses.
Cultural facility			P	S	S	S	S	P	P	P			A nonprofit institution engaged primarily in the performing arts or in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes concert halls and performing arts centers for theater, dance and events, museums, historical sites, art galleries, zoos, aquariums and observatories.
Guest ranch		P	S										A ranch or similar facility where people have transient accommodations for lodging and food and ride horseback and participate in other recreational activities.

Gun/shooting club		P	S							S	P	P	Any building or premises where a business or organization has facilities (such as indoor or outdoor shooting ranges) for the firing of handguns, rifles, or other firearms by its customers or members. This may include areas reserved for public or private hunting of wildlife, fishing, target ranges, trap or skeet shooting, and accessory structures that support those activities.
Hunting and fishing resort		P	S										Areas reserved for public or private hunting of wildlife, fishing, and accessory structures in support of those activities.
Marina/docking facility		P	S						P	P	P		A facility that includes a boat dock, with accessory services to recreational watercraft and their occupants, including sanitary and other minor servicing and repair to watercraft while in the water and the sale of fuel and supplies. A marina may provide food, lodging, goods, beverages, recreation and entertainment as accessory uses. This classification includes public docks, yacht clubs, boat clubs and boatels.
Movie theaters								P	P	P	P		Establishments primarily engaged in operating motion picture theaters

													(except drive-ins) and/or exhibiting motion pictures or videos at film festivals, and so forth.
Theaters, drive-in			S					S	S	S	S		A facility that includes an outdoor movie screen, a projection booth, a concession stand and a parking area for automobiles, and where customers view movies from their parked automobiles.
Open space/natural or conservation areas	P	P	P	P	P	P	P	P	P	P	P	P	Natural areas or settings that are preserved for their community values or for public exhibition. Examples include bird or wildlife sanctuaries, natural wonders (e.g., cavern, waterfall), conservation areas, and nature centers or preserves.
Parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	An area, not for commercial use, improved with playground equipment, recreation center buildings, athletic fields, swimming pools, tennis courts, walking/jogging trails, or other active recreational facilities. The park may include accessory buildings and areas of natural quality for outdoor recreation such as viewing, sitting and picnicking, or other active open space improvements.

Lake	P	P	P	P	P	P	P	P	P	P	P	P	A man-made lake or similar water feature that is not accessible to the general public.
Recreation, indoor		P	S					P	P	P	P		Facilities that provide recreation activities primarily in an enclosed building. Examples include fitness centers, gymnasiums, handball, racquetball or tennis club facilities, ice or roller skating rinks; bingo parlors, billiard parlors, bowling centers, poolrooms, miniature golf courses and amusement arcades.
Recreation, outdoor		P	S	S	S				P	P	P		See section 39-259 of this chapter (recreational uses).
Private recreational dwelling		P											A detached building where lodging is provided for transient guests, along with food and drink.
Public stable		S	S						S	S	P		A structure or area used to lodge, feed, sell or rent horses or ponies for compensation.
RV park/campground		P	S										Any area, public or private, whether or not for hire, where three or more campsites housing tents, cabins, camping trailers, camping vehicles or trailer coaches, motor homes, travel trailers, recreational vehicles or other permanent or nonpermanent type shelters are erected and maintained for camping or where space is

													provided for camping, temporary parking of recreational vehicles or placing of such tents, cabins, recreational vehicles or other permanent or non-permanent type shelters of any kind for ten or more persons for six or more camping days during a calendar year. Includes any campground as defined by 210 ILCS 95/2. Any such recreational area shall fall under and abide by regulations of the state department of public health.
<b>Institutional/Civic</b>													
Cemetery			P	S	S	S	S						Property restricted in use for the interment of the human dead by formal dedication or reservation by deed. A cemetery may include columbaria and mausoleums.
Club, private		P						P	P	P	P		A building or premises owned and/or operated by a corporation, association, person for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business. Examples include clubs, lodges, meeting rooms, clubhouses, recreational buildings, assembly halls, and community centers.

Colleges or universities (public or private)							S	P	P	P			An institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes personal instructional services.
Correctional institutions/detention facilities										P	P		Facilities that are designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.
Government office/public building			P	P	P	P	P	P	P	P	P	P	Government administrative or public service buildings or properties, including clerical or public contact offices of a government agency, along with incidental storage and maintenance of vehicles. Examples include government administrative offices, libraries and post offices. This does not include storage yards, warehouses, garages, or other uses customarily conducted as gainful business.
Hospital						S	S	P	P	P			Any institution, place, building, buildings on a campus, or agency,

													public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities or the diagnosis and treatment or care of two or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and nursing, care of illness, disease, injury, infirmity, or deformity. This includes any facility not preempted from local regulation that meets this definition, whether or not it is subject to the Hospital Licensing Act (210 ILCS 85). This definition includes both hospitals and sanitariums. A heliport/helistop is an accessory to a principal hospital use.
Medical clinic						S	P	P	P				A place where patients who are not lodged overnight are admitted for examination or treatment by a physician and/or practitioners practicing together. Examples include medical or dental offices, ambulatory or outpatient care services, family planning and outpatient care centers, medical and diagnostic laboratories, and blood and organ banks.



Public safety facility			S	S	S	S	S	S	S	S	S	S	A facility for public safety and emergency services, such as police, fire protection, police and fire training facilities, and ambulance and emergency services, administrative facilities for emergency medical care, and blood and organ banks. This includes accessory transportation services and vehicle maintenance.
Religious assembly (e.g., church)		P	P	P	P	P	P	P	P	P			A building or place used for religious assembly or worship, including accessory uses or structures such as child care for employees or persons attending worship services, and education buildings associated with the assembly. Examples include churches, chapels or parish houses.
School (trade and miscellaneous)			S						P	P	P	P	Establishments primarily engaged in providing: (1) vocational and technical training in a variety of technical subjects and trades, such as graphic arts, aviation and flight training, computer repair, cosmetology, or truck driving; (2) business, office, management, and secretarial and stenographic skills; (3) fine arts, dance, sports and recreation, martial arts, gymnastics, or other athletics; (4) foreign or sign language instruction; or

													(5) miscellaneous instruction such as academic tutoring services, public speaking, automobile driving, speed reading instruction, or exam preparation.
School (elementary, middle, secondary, trade)			P	P	P	P	P	P	P				A facility for educational purposes that offers a general course of study at primary, middle, or high school levels and vocational and trade programs that are incidental to the operation of the schools.
Social services								P	P	P	P		Establishments that provide social assistance services directly to clients such as children, elderly persons, disabled persons, homeless persons, or veterans. Social assistance may include food, medical relief, counseling or training. Examples include adoption agencies, youth centers (except recreational only), child guidance organizations, youth self-help organizations, foster care placement services, community action services agencies, marriage counseling services (except by offices of mental health practitioners), crisis intervention centers, multipurpose social services centers, family social services agencies, self-help organizations (except for



Cannabis processing organization or processor											P	P	See Sec. 39-3.
Data processing, hosting, and related services								P	P	P	P	P	Establishments that provide infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services or application hosting; provide application service provisioning; or may provide general timeshare mainframe facilities to clients. An example is a data center.
Flex space										P	P		A building that combines office with manufacturing, wholesale, warehousing, or training facilities that relate to the office uses. Retail or showroom uses that are accessory to those uses may occupy up to 25 percent of the gross floor area.
Junkyard												S	An open or fenced-in area where junk, as defined herein, is bought, sold, exchanged, stored, baled, packed, disassembled, or handled including automobile and building wrecking yards, but excluding uses located in the applicable industrial district and properly licensed by the county,



													subtitling, credits, closed captioning, and computer-produced graphics, animation and special effects, and developing and processing motion picture film. Examples include motion picture film laboratories, stock footage film libraries, postproduction facilities, teleproduction services, and sound recording studios
Medical cannabis cultivation centers											P		
Medical research facility, including biological and genetic			S							S	P	P	Establishments primarily engaged in conducting research and experimental development in the physical, engineering, and life sciences, such as agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary, and other allied subjects.
Oil and gas extraction			S									S	Establishments that operate and/or develop oil and gas field properties. Activities may include exploration for crude petroleum and natural gas; drilling, completing, and equipping wells; operating separators, emulsion breakers, desilting equipment, and

													field gathering lines for crude petroleum and natural gas; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property.
Outdoor storage lot											S	S	Keeping commercial goods, equipment or raw materials in an open lot.
Pollution control facility			S								S	P	See section 39-257 of this chapter.
Printing, publishing and related trades								P	P	P	P	P	Establishments that print products, such as newspapers, books, labels, business cards, stationery, business forms, and other materials, and perform support activities, such as data imaging, platemaking services, and bookbinding.
Production, artisan									S	S	P	P	Establishments primarily engaged in on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale equipment, for sale on the premises.
Production, general											P	P	Manufacturing of products, from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of those products and materials. These include food, beverage and tobacco products (including bottling), textiles, apparel, leather and allied products, wood products, paper, rubber, fabricated









Wholesale distribution and sales											P	P	A facility for storage and wholesale distribution of merchandise and bulk goods and nonretail store sales, including electronic shopping, mail-order houses and other direct-selling establishments. This use classification excludes retail sale of goods at discount prices for individual consumption.
Mini-warehouse			S								P	P	Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.
<b>Construction</b>													
Construction											P	P	Establishments primarily engaged in the building construction, engineering projects (e.g., highways and utility systems), and preparing sites for new construction.
Temporary construction activities	P	P	P	P	P	P	P	P	P	P	P	P	See section 40-263 of this chapter.
Special trade contractors									P	P	P	P	Carpentry, floor, tile, concrete, electrical, glass and glazing, masonry and drywall, painting, wall covering, roofing, siding, sheet metal, and sign production. These have no outside storage of materials or equipment.
<b>Transportation and Utilities</b>													

Airport/landing field/heliport			S								P	P	Any area of land or water used or intended for use for the landing and taking off of aircraft, and any accessory areas used or intended for use for airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located on the site. This includes runways, aircraft storage buildings, public terminal buildings and parking, helicopter pads and support activities such as airport operations and air traffic control. This may include accessory fueling, refueling, or service facilities.
Cannabis transportation organization or transporter											P	P	See Sec. 39-3.
Water transportation											P	P	Facilities for launching, mooring, docking, loading, unloading and servicing river barges, including backup land for storage and transshipment.
Bus stations									P	P	P	P	Facilities for passenger transportation operations, holding facilities and maintenance operations, which includes bus terminals, urban and regional transit stations and scenic and sightseeing facilities, but does not include airports and heliports.

Ground passenger transportation (e.g. taxi, charter bus)										P	P	P	P	Establishments that provide passenger transportation by bus, charter bus, automobile, limousine, van, or shuttle. This also includes scenic or sightseeing transportation services. Some services (such as taxi) are not operated over regular routes and on regular schedules. Examples include charter bus, special needs transportation, taxicab owner/operators, taxicab fleet operators, or taxicab organizations. This does not apply to publicly operated bus or mass transit systems.
Hazardous waste collection or disposal													S	Establishments that: (1) operate treatment and disposal facilities for hazardous waste; (2) combine, collect, or haul hazardous waste materials; (3) remediate and clean contaminated buildings, mine sites, soil, or ground water; (4) provide mine reclamation activities, including demolition, soil remediation, waste water treatment, hazardous material removal, contouring land, and revegetation; or (5) provide asbestos, lead paint, and other toxic material abatement. The term "hazardous waste" includes any chemical or substance classified as hazardous under state or federal law.

Helistop			S							P	P	P	An area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo. It has no fueling, refueling, or service facilities.	
Incineration												S	Any use of land or structures engaged in the incineration of hazardous or nonhazardous wastes.	
Oil or gas pipelines			S									P	A facility for the distribution of oil, petroleum, or gas energy.	
Parking structures and lots									P	P	P	P	Establishments primarily engaged in providing parking space for motor vehicles, usually on an hourly, daily, or monthly basis and/or valet parking services.	
Public maintenance facility										P	P	P	A governmentally owned facility providing maintenance and repair services for vehicles and equipment and areas for storage of equipment and supplies. This classification includes governmentally owned construction yards, equipment service centers and similar facilities.	
Railroad freight station			S									P	P	Railroad switching, storage, or terminal facilities.
Septic tank services										P	P	P	Establishments that: (1) install or pump (i.e., clean) septic tanks and cesspools; (2) rent or service portable toilets; and (3) provide other waste	

														management services (except waste collection, waste treatment and disposal, remediation, operation of materials recovery facilities, and waste management consulting services). No outdoor storage of equipment or vehicles permitted in the B-3 District.
Solar farms			S							S	S	P		See Sec. 39-268
Telecommunications carriers/AM broadcast stations	S	S	S	S	S	S	S	S	P	P	P	P		Any telecommunications carriers or AM broadcast station: (1) defined as a qualifying structure (55 ILCS 5/5-12001.1(c)); or (2) meeting the requirements of 55 ILCS 5/5-12001.1(g)(1). See section 39-262.
Towing and other road and ground services											P	P		Establishments primarily engaged in towing light or heavy motor vehicles, along with incidental services such as storage and emergency road repair services.
Truck transportation											P	P		A facility for the storage of commercial goods within an enclosed building for distribution by truck. This includes bulk mail handling facilities.
Utilities, essential services	P	P	P	P	P	P	P	P	P	P	P	P		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, including poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other equipment and accessories in connection therewith, 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. This includes transformer stations and booster or pressure-regulating stations without a service yard or storage.
Utilities, alternative energy sources		S	S	S	S	S	S	S/A	S/A	S/A	S/A	S/A	S/A	Power generation from alternative sources such as solar, or geothermal sources.
Vehicle storage												P	P	A building or enclosed area that is used to store: (1) recreational vehicles, campers, buses, or similar vehicles; or (2) towed, temporarily unused, or inoperable vehicles. This includes any impoundment lot, recreational vehicle or boat storage lot, bus and camper storage lot, or wrecked vehicle storage lot.



Wind energy conversion system (WECS), commercial			S									S	See section 39-267 of this chapter.
Wind energy conversion system (WECS), noncommercial and private		S	S	S	S	S	S	S	S	S	S	S	See section 39-267 of this chapter.
<b>Mining/Extraction</b>													
Oil or gas production			S									S	Oil and gas field and support activities, including exploration for crude petroleum and natural gas; drilling, completing, and equipping wells; operating separators, emulsion breakers, desilting equipment, and field gathering lines for crude petroleum and natural gas; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property.
Mine/quarry			S									S	The extraction, removal and loading of limestone, minerals, sand or gravel, or similar metallic minerals and nonmetallic minerals. This includes mine site development, beneficiating (i.e., preparing), and support activities. Activities or structures include equipment, buildings or structures for screening, crushing, mixing, washing

														and storage, customarily done at the mine site.
Sand and gravel pits			S										S	A type of open pit mine, or strip mine, from which the mineral removed is restricted to sand and gravel.
<b>Accessory</b>														
Barns/silos accessory to residential or commercial uses (farms are exempt)		A	A	A	A	A	A	A	A	A	A	A	A	An accessory building used exclusively to store grain, hay, and other farm products, or the sheltering of livestock or farm equipment.
Central laundry facilities		A	A	A	A	A	A	A	A	A	A	A	A	An area of a building equipped with washing, drying, and/or ironing machines for the exclusive use of residents or employees.
Convenience stores attached to residential development							A	A	A	A				A convenience store (as defined above) located on a single platted lot in a residential subdivision, and that has direct access and pedestrian connections to the residential development. Not to include any repairs or gas station.
Garages			A	A	A	A	A	A	A	A				An accessory building or structure, or part of a building or structure, used or designed to be used for the parking and storage of vehicles in conjunction with residential uses.
Home occupations			A	A	A	A	A	A	A	A				Customary home occupations including the professional office or studio of an architect, artist, dentist,

													doctor, engineer, lawyer, planner, scientist, teacher, beautician, barber, or occupations such as handicraft, dressmaking, millinery, laundry, preserving and home cooking; provided that: (1) such occupations shall be conducted exclusively by resident occupant; (2) that not more than one-fourth of the area of one floor of said residence shall be used for such purposes; (3) that no structural alterations or constructions involving features not customarily found in dwellings are required; (4) an unlighted sign of not more than one square foot of area, and attached flat against the building, shall be permitted; (5) no equipment shall be used which creates offensive noise, vibration, smoke, dust, odor, heat, or glare; and (6) a home occupation shall not include the operation of a restaurant or auto body shop.
Irrigation facilities	A	A	A	A	A	A	A	A	A	A	A	A	Canals, laterals, ditches, conduits, gates, pumps, and allied equipment necessary for the supply, delivery and drainage of irrigation water and related construction, operation, and maintenance.

Kennel, private		A	A	A	A	A	A	A	A	A	A	A	Any building or land designed or arranged for the care of dogs and cats belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets.
Outdoor display								A	A	A	A		Outdoor merchandise display, as defined in article V of this chapter, which is accessory to an indoor retail use. Retail uses that customarily occur outdoors, such as flea markets/swap meets, roadside stands, and farmer's markets, are allowed as a principal uses where listed under the commercial category above, and may be subject to supplemental regulations as provided in section 39-256 of this chapter.
Outdoor storage, accessory								A	A	A	A	A	An area outside of a building which is used to store usable goods and materials for sale or for use in the business.
Parking, on-site		A	A	A	A	A	A	A	A	A	A	A	An area reserved for parking vehicles for persons living or working on the site, or for customers of a business on the site.
Parking, off-site							S	A	A	A	A		Parking areas accessory to a use in an adjoining less restricted district, when abutting or directly across an alley.

Residential development office and maintenance buildings				A/S	A/S	A/S	A/S	A/S	A/S	A/S			Offices or maintenance facilities located in a residential subdivision or a multifamily building. These are used to support occupants of, or to sell or rent dwelling units in, the subdivision or building.
Incidental institutional											A	A	Schools, clinics and other institutions for human care, except when incidental to a permitted principal use.
Signs		A	A	A	A	A	A	A	A	A	A	A	See section 39-3.
Storage structures			A	A	A	A	A	A	A	A	A	A	Detached or attached structures that are subordinate to the principal structure in size, and that store items or equipment used by occupants or employees on the premises. Storage structures shall not exceed 200 square feet in size in the A-1, A-R, and R-1 districts.
Outdoor residential swimming pool			A	A	A	A	A	A	A	A			See section 39-261 of this chapter.
Temporary construction building		A	A	A	A	A	A	A	A	A	A	A	Temporary buildings that house offices, equipment storage, or other functions incidental to construction and development activities.

(Compiled Ords. 2013, § 19-2.15; Ord. No. 4, 5-20-2014; Ord. No. 1-2017(2), 4-18-2017; Ord. No. 2, 3-21-2018; Ord. No. 12-2019-3, 12-17-2019)

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**Secs. 39-42—39-70. Reserved.**

### **ARTICLE III. DEVELOPMENT STANDARDS**

#### **Sec. 39-71. Generally.**

- (a) *Applicability.* This article applies to any use, development, or subdivision of land. Individual sections have limited applicability (for example, some sections apply only to subdivision plats).
- (b) *Subdivisions.* In laying out a subdivision, the subdivider shall comply with the general principles and requirements of this article.
- (c) *Number of uses on one lot.*
  - (1) Under normal circumstances, each zoning lot will contain only one permitted use, with the principal building constituting that principal use.
  - (2) If more than one use is to be allowed, whether through re-zoning, special use or both, the zoning lots will then require an area equal to the sum of the areas required for each use as required by the zoning district regulations. A legal description of the areas involved will be required. The administrator will determine the area required for any special uses.

(Compiled Ords. 2013, § 19-3.1; Res. No. 20, 12-19-1989)

#### **Sec. 39-72. Access.**

- (a) All entrances shall fall under the entrance permit policies of the designated road authority for the road in question.
- (b) Any permits required by the road authority will be obtained prior to receiving a zoning permit from the zoning office. Those permits should be issued in a timely manner by the road authority. A lack of reasonable cooperation on the part of the designated road authority will not preclude the administrator from issuing a certificate.

(Compiled Ords. 2013, § 19-3.2)

#### **Sec. 39-73. Buildings/height.**

- (a) Building codes. Pursuant to Whiteside County Ordinance #18 dated June 20, 2017, all construction in the unincorporated areas shall comply with the 2015 International Building Codes, as adopted by the county board.
- (b) Height limitations stipulated elsewhere in these regulations do not apply:
  - (1) To barns, silos or other farm buildings or structures on farms that are at least 50 feet from every lot line.
  - (2) To church spires, belfries, cupolas and domes, monuments, water towers, fire and base towers, masts and aerials.
  - (3) To parapet walls extending up to four feet above the limited height of the building.

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- (4) To places of public assembly such as churches, schools and other permitted public and semipublic buildings not to exceed six stories or 75 feet. For each foot by which the height of the building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width and depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
  - (c) The planning and zoning commission may approve additional height for bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts, monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders, or other structures where the manufacturing process requires a greater height than specified in the district regulations.
- (Compiled Ords. 2013, § 19-3.3; Ord. No. 2 , 3-21-2018)

### **Sec. 39-74. Endangered species.**

- (a) *Applicability.* Pursuant to the Endangered Species Protection Act, the applicant shall initiate a consultation process with, and pay all applicable fees to, the state department of natural resources for:
  - (1) Any requests for zoning amendment for land currently zoned as agricultural or other open space designation to one that would allow development; and
  - (2) Any requests for approval of a planned development, special use permit and preliminary and final subdivision plans.
- (b) *Exemptions.* The following are exempt from the endangered species consultation process:
  - (1) Any requested amendments for land currently zoned, developed and used in its entirety for residential, commercial or industrial purposes; and
  - (2) The issuance of zoning permits and other non-discretionary decisions by administrative officials.

(Compiled Ords. 2013, § 19-3.4)

### **Sec. 39-75. Improvements.**

- (a) *Applicability.* This section applies only to applications for subdivision plat approval.
- (b) *Standards and time of construction.*
  - (1) Improvements shall be installed in accordance with the minimum requirements and regulations of this article prior to the filing of the final plat for final approval.
  - (2) All of the improvements required under this article shall be constructed under contract acceptable to the county engineer in respect to construction details and proper inspection of the improvements to be installed, and shall be completed prior to the filing of the final plat and request for final approval, in accordance with the specifications and under the supervision of the highway and public works department or highway and public works department's duly designated representative.
  - (3) In lieu of completing all the improvements as required in subsection (2) of this section, the subdivider shall furnish the county with good and sufficient security instrument, sufficient to cover the cost of any or all of the improvements required to be installed by the subdivider, based on engineer's estimates and approved by the county engineer thereby to secure the actual construction and installation of such improvements within one year after the approval of the final plat, subject to extension by the planning and zoning commission.



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- (4) Preliminary transfer to highway authority agreement. If agreeable to both the developer and highway commissioner, jurisdiction can be transferred by written agreement prior to completion of bituminous surface. See sample agreement at section 39-390 (certificates and forms).
- (c) *Improvement guarantees.* Before the plat officer approves and signs a final plat, the subdivider shall submit to the plat officer a letter from the county engineer stating:
- (1) That the required improvements have been installed; or
  - (2) That in lieu of constructing the planned improvements prior to approval of a final plat, the developer has filed with the highway and public works department a construction guarantee in the amount of 110 percent of the estimated cost of the required improvements for the development of property subject to the final plat of subdivision. This guarantee is to ensure the satisfactory installation of said improvements in accordance with the approved plans and specifications and according to good engineering and construction practices; and to ensure the satisfactory completion of those improvements within the prescribed time limits;
    - a. The cost of each improvement shall be itemized in a list prepared, signed and sealed by the design engineer on his letterhead stationery and approved by the county engineer.
    - b. The guarantee shall be one of the following formats and form, amount and type subject to approval by the county engineer:
      1. A certificate of deposit, or an escrow account, at a federally insured bank or savings and loan association. The certificate of deposit or escrow account shall be in a form to allow the county to procure the funds to complete the land improvements if construction of the improvements is not completed in accordance with the provisions of these regulations, and shall otherwise be in a form acceptable to the county;
      2. An undertaking by the subdivider guaranteeing completion of the land improvements remaining to be completed, as secured by an irrevocable letter of credit certifying that adequate funds are and will be available at a sound and reputable banking or financial institution as federally insured and authorized to do business in the state. The irrevocable letter of credit shall be in effect for a period of two years from the date of approval of the improvement plans, shall run in favor of the county, and shall indicate there are sufficient funds available for 110 percent of the estimated cost of all the land improvements remaining to be completed, and that the funds are held for that purpose only and for no other purposes. The undertaking and irrevocable letter of credit shall be in a form to allow the county to procure the funds to complete the land improvements if construction of the improvements is not completed in accordance with the requirements of this article, and shall otherwise be in a form acceptable to the county;
      3. Other good and sufficient security as approved by the appropriate legal authority of the county to guarantee the proper installation of land improvements.
    - c. A construction guarantee shall be reduced only by authorization of the county engineer upon:
      1. Application for payout by the subdivider in amounts such that funds remaining will always equal 110 percent of the value of the uncompleted work, as determined by the county engineer. No more than 90 percent of the construction guarantee shall be released prior to one year after the satisfactory completion of the required improvements;
      2. Where the required improvements have not been installed in accordance with these regulations, the county may then declare the construction guarantee to be in default and may draw from the guarantee amount for use in matters related to ensuring the

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satisfactory construction of said improvements, including attorney's fees and court costs encumbered in the enforcement of the provisions of this section; or

3. When all improvements have been completed or as provided by an agreement pursuant to subsection (b)(4) of this section, with the exception of the bituminous surface course, the county engineer may release the construction guarantee, and the appropriate highway agency will then accept maintenance of the improvements. The guarantee shall be replaced by a cash escrow in the amount of 105 percent of the engineer's estimate of cost to complete the improvements. This cash escrow shall be held by the county and then utilized by the highway agency accepting the improvements for placement of the bituminous surface course. This final lift will be scheduled for completion by the accepting highway agency during the next construction season.
- d. The county engineer shall not release a construction guarantee prior to the satisfactory installation of all required improvements, as determined:
    1. One year after the completion of all improvements required for the approved final plat; or
    2. After submission of the project engineer's certification, if improvements include either a system for community water distribution or sanitary sewer system, or both, or as otherwise required by the county engineer, or when the project installation has been observed in the field and completed in substantial compliance with the plans and specifications and with all applicable ordinances and laws;
    3. After the submission of as-built construction drawings (see subsection (d) of this section);
    4. Placement of the cash escrow for road completion as described in subsection (c)3(iii) of this section; and
    5. After the county engineer's acceptance of the improvements.
  - e. The subdivider shall maintain all capital improvements until the release of the construction guarantee. Capital improvements include, but are not limited to, streets, storm sewers and other drainage appurtenances, sanitary sewage systems and facilities, water supply and distribution systems, street lighting equipment, sidewalks, guard rails and landscaping. Public improvements specifically excluded from maintenance responsibilities of the subdivider, after acceptance of the improvements by the county engineer, are the replacement of light bulbs, electricity charges for public street lighting, snow removal and mowing of grass within a public right-of-way.
- (d) *As-built construction drawings.*
- (1) When, for any reason, the actual construction of subdivision improvements will vary from the original plans, as submitted and approved, the developer will submit the proposed changes to the plat officer and the county engineer for review. If the proposed changes are ten percent or less of the approved plans and do not exceed the requirements of this article, the plat officer and the county engineer can approve the changes. If the changes are more than ten percent of the approved plans or exceed the requirements of this article, a further review will be conducted by the planning and zoning commission.
  - (2) Where the construction as performed varies from the plans filed and approved as required above, two sets of as-built construction drawings shall be filed with the plat officer and the county engineer.
  - (3) If such construction does not vary from such plans, an affidavit executed by a registered professional engineer so certifying shall be filed prior to acceptance of a final plat or acceptance of improvements for maintenance.
- (e) *Maintenance bond.*

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- (1) The subdivider shall post a maintenance bond for ten percent of the original construction cost covering any improvement to be accepted for maintenance by the county or township.
  - (2) The bond shall be held by the county highway and public works department and shall become effective upon acceptance of the roads by the road district highway commissioner.
  - (3) Maintenance bonds shall run for two years on street construction and two years on sewer and water improvements.

(Compiled Ords. 2013, § 19-3.5)

### **Sec. 39-76. Layout; lots, blocks and setbacks.**

(a) *Layout generally.*

- (1) This subsection applies only to subdivision plats.
- (2) The layout must conform to the transportation plan, other parts of the adopted county plan, adopted municipal plans and other adopted regulations of the county.
- (3) Whenever a tract to be subdivided embraces any part of a highway or road designated on the county comprehensive plan or a municipal plan, that part of the public way must be platted by the subdivider in the location and at the width indicated on the plan.
- (4) Where a proposed park, playground, or other recreational area, proposed school site or public ground, shown on the adopted community facilities plan or other adopted part of the county comprehensive plan, is located in whole or in part within the proposed subdivision, the proposed public ground, if not dedicated to the appropriate board of education or other public agency, must be reserved and no action taken on the subdivision for a period of at least 90 days to allow the county or other public agency the opportunity to consider and take action toward acquisition of the public ground by purchase or other means. If the responsible agency does not take action to acquire the land, the subdivider may then use the land for any purpose permitted.
- (5) Where considered desirable by the subdivider and held appropriate by the planning and zoning commission, open spaces suitably located and of adequate size for parks, playgrounds, or other recreational purposes for local or neighborhood use may be provided for in the design of the proposed subdivision and if not dedicated to the public and accepted by the appropriate public body, may be reserved for the common use of all property owners in the proposed subdivision by covenant in the deeds.

(b) *Lots.*

- (1) The area and dimensions of lots shall conform to all zoning district requirements (see article II of this chapter). Reductions in lot sizes for nonconforming lots are provided in article VI of this chapter.
- (2) Lot sizes are subject to the requirements of the zoning district in which they are located and to any restrictions (based on soil types and other information) required by the county health department.
- (3) For subdivision plats:
  - a. The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.
  - b. Excessive depth in relation to width ordinarily is prohibited.
  - c. Every lot shall abut on a public right-of-way dedicated for street purposes. Where property being subdivided runs to the centerline of an existing road, at least 33 feet will be formally dedicated to the public.

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- d. Residential lots on curves and turn-arounds shall be at least 50 feet wide at the front lot line and shall be adequate for a building of practicable width.
  - e. Lots larger than the minimum called for by health and land use regulations may be required where topographic or other considerations may limit the buildable or usable portion of such lots.
  - f. Corner lots for residential use ordinarily shall be platted wider than interior lots in order to permit conformance with the required front yards.
  - g. Double-frontage lots and reversed-frontage lots are prohibited, except that reversed-frontage lots are required along any state or federal highways and along any county designated highways or township roads where required by the county engineer.
  - h. Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot fronts.
  - i. Side lot lines on curved streets shall be radial to the right-of-way line of the street on which the lot fronts.
  - j. Lots not served by public sewer systems and/or public water systems shall meet all requirements established by the county health department to protect public health in the county.

(c) *Blocks.*

- (1) Blocks shall have sufficient width for two tiers of lots of appropriate depth, at least 150 feet per tier, unless the planning and zoning commission finds that this is prevented by exceptional topography or other physical conditions.
- (2) Block length shall be appropriate to the development's neighborhood and the type of development contemplated, but shall not exceed 1,600 feet.
- (3) In any block over 800 feet in length, a crosswalk or pedestrian way, at least ten feet wide may be provided near the center and entirely across the block.

(d) *Yards.*

- (1) *Generally.* Yards shall comply with all zoning district requirements (see article II of this chapter), and any restrictions (based on soil types and other information) required by the county health department.
- (2) *Yard reductions.* The following requirements apply to yards in all districts:
  - a. No lot, yard, court, parking area or other open space shall be reduced in area or dimension to make the area or dimension less than the minimum required by the zoning district regulations.
  - b. If a yard is already less than the minimum required, it shall not be further reduced.
  - c. No required yard provided for a building or structure shall be included as part of any required yard for another building or structure.
  - d. The space occupied by a required private garage or parking area is considered part of any required yard.
- (3) *Front yard exceptions and modifications:*
  - a. Front yard requirements do not apply to:
    - 1. Bay windows or balconies occupying in the aggregate up to one-third of the front wall, if these projections are entirely within planes drawn from either main corner of the front wall, making an interior angle of 22½ degrees in the horizontal plane with the front wall;

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2. Chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches, plantings, fences or similar features up to three feet high above the average finished grade.
  - b. Open-type fencing, such as woven wire, is allowed up to five feet high above the average natural grade.
  - c. Fences in the front yard maybe used as a property line boundary but in no case shall they have posts larger than four inches wide by four inches deep.
  - d. Contextual reductions.
    1. This subsection applies to subdivisions in any district, where no setbacks were platted and where the average depth of two or more existing front yards on lots within 600 feet of the lot in question and within the same block front of 1,800 feet is less or greater than the required front yard depth.
    2. If subsection (d)(3)d.1 of this section applies, the required, front yard is:
      - (i) The average of the existing front yards;
      - (ii) The average depth on the two lots immediately adjoining; or
      - (iii) In the case of a corner lot, the depth of the front yard on the lot immediately adjoining.
    3. Notwithstanding subsection (d)(3)d.2 of this section, the depth of a front yard on a lot in any "R" district shall be at least 15 feet and need not exceed 100 feet.
- (4) *Side yards.*
- a. Side yards may be measured to the centerline of adjoining alleys, but in no case shall a building or structure for which a side yard is required be erected within five feet of an alley.
  - b. On a corner lot, the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street.
  - c. Exceptions.
    1. Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have at least equal width to that required in the more restrictive district. Where a lot in an "I" or "B" district abuts a lot in an "R" district, the side yard is increased by three feet for each story that the building proposed on that lot exceeds the height limit of the "R" district.
    2. Required side yards increase in width by two inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds 40 feet in an "R-1" district or 50 feet in any "R-2" district.
    3. For buildings no taller than 24 feet, required side yards are reduced by three inches from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of this chapter is narrower than the lot width specified for the district in which the lot is located. This exception applies only if the owner of record does not own any adjoining property. This subsection supersedes the side yard requirements above.
  - d. Projections into side yards are permitted as follows:
    1. Fences, plantings or walls not over six feet above the average natural grade when used as property line boundary. Fences, walls or plantings up to eight feet above average natural grade must conform to stated building and accessory building setback requirements.

2. Fire escapes, three feet from side lot lines.
  3. Bays and balconies not more than three feet from the building, if these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of 22½ degrees in the horizontal plane with the side wall. The sum of the lengths of the projections shall not exceed one-third of the length of the wall of the main building.
  4. Chimneys, flues, belt course, leaders, sills, pilasters, and lintels, ornamental features, cornices, eaves, gutters and the like into or over a required side yard not more than 1½ feet.
  5. Terraces, steps, uncovered porches, stoops or similar features not higher than the elevation of the ground story of the building and at least three feet from a side lot line.
- (5) *Rear yard exceptions and modifications are allowed as follows:*
- a. For buildings no taller than 24 feet, the required rear yard is reduced by three inches from the required least depth for each foot by which a lot which at the time of enactment of these regulations is less than 100 feet deep. This applies only if the owner of record does not own adjoining property to the rear. However, no required rear yard shall be less than ten feet deep.
  - b. Rear yards may be measured to the centerline of adjoining alleys, but in no case shall a building or structure be erected within ten feet of an alley.
  - c. Projections into rear yards are permitted as follows:
    1. When used as a property boundary, fences, planting or walls not over six feet above the average natural grade.
    2. Fire escapes, six feet.
    3. Bays and balconies, not more than eight feet if these projections are entirely within the planes drawn from either main corner of the rear wall, making an interior angle of 22½ degrees in the horizontal plane with the rear wall. The sum of the length of such projections shall not exceed one-half of the width of the rear wall. Uncovered porches, steps or decks of any depth when no higher above the existing grade than the first floor height of the structure.
    4. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like into or over a required rear yard not more than 1½ feet.
  - d. The required rear yard in the A-1, A-R, R-1, and R-2 are increased based on the lot width, required field sizes and soils as follows:

TABLE 3-1. REAR YARD IN A-1, A-R, R-1, AND R-2

Zone	Lot Width	Lot Depth	Rear Yard	Zone	Lot Width	Lot Depth	Rear Yard
Category 1 soils—(field size = 6,500 square feet)							
A-1/A-R	165	242.42	51	R-1/R-2	145	227.59	58
	170	235.29	50		150	220	56
	175	228.57	48		155	212.9	55
	180	222.22	47		160	206.25	53
	185	216.22	46		165	200	51
	190	210.53	44		170	194.12	50

	195	205.13	43		175	188.57	48
	200	200	42		180	183.33	47
	250	160	34		185	178.38	46
	255	156.86	33		190	173.68	44
	260	153.85	33		195	169.23	43
	265	150.94	32		200	165	42
	270	148.15	31		250	132	34
	275	145.45	31		255	129.41	33
	280	142.86	30		260	126.92	33
	285	140.35	30		265	124.53	32
	290	137.93	29		270	122.22	31
Category 2 soils—(field size = 10,500 square feet)							
A-1/A-R	165	242.42	83	R-1/R-2	145	227.59	94
	170	235.29	80		150	220	91
	175	228.57	78		155	212.9	88
	180	222.22	76		160	206.25	85
	185	216.22	74		165	200	83
	190	210.53	72		170	194.12	80
	195	205.13	70		175	188.57	78
	200	200	68		180	183.33	76
	250	160	55		185	178.38	74
	255	156.86	54		190	173.68	72
	260	153.85	53		195	169.23	70
	265	150.94	52		200	165	68
	270	148.15	51		250	132	55
	275	145.45	50		255	129.41	54
	280	142.86	49		260	126.92	53
	285	140.35	48		265	124.53	52
	290	137.93	47		270	122.22	51

(6) *Traffic visibility across corner lots.*

- a. In any district on any corner lot, no solid fence, structure or planting over three feet above the average grade of adjoining roads shall be erected or maintained within 200 feet of the corner so as to interfere with traffic visibility across the corner.
- b. Open fences, such as woven wire, may be allowed to a height of five feet, if the administrator is furnished with a letter of approval from the township road commissioner, the county engineer of the county, or the department of transportation of the state, whichever agency has jurisdiction over the roads in question.

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- (e) *Setback requirements.* No building, structure, concrete or masonry wall, no fence which cannot be viewed through, or other improvement shall be erected or structurally altered so that any part is nearer to the centerline of an adjacent road than the centerline setback in the applicable zoning district.
- (f) *Flag lots.*
- (1) A flag lot shall not be four times deeper than it is wide, exclusive of the pole of a flag lot.
  - (2) The "flagpole" length shall not exceed 500 feet.
  - (3) The natural grade of the "flagpole" shall not be so steep as to prevent the construction of a driveway with a grade not exceeding 18 percent.
  - (4) No more than two adjacent flag lots shall be created.
  - (5) The "flagpole" may alter course or direction if:
    - a. The change in direction will not result in confusing the address on the public road with the location of the building site for mail delivery or access by emergency vehicles; and
    - b. A driveway can be constructed wholly within the "flagpole" with a turn that does not exceed a 50-foot radius.
  - (6) The "flagpole" shall not cross a live stream, ravine, irrigation ditch, or similar topographic feature without provision of an adequate structure or fill and culvert, according to the standards established by the planning commission. The planning commission may waive this requirement where it finds that the proposed development will represent an efficient use of land and will not endanger the public health, safety and welfare.
  - (7) No more than one flag lot is permitted to the rear of another parcel or lot which fronts on a county approved road. Both parcels or lots shall meet all applicable requirements of the applicable zoning district.
  - (8) A flag lot shall not be created which would create a flagpole that is generally parallel to a public or private road, unless the flagpole is separated from the road by at least 275 feet. This standard may be modified where unique topographic conditions would effectively prevent access from the proposed lots or parcels to the existing private or public road.
  - (9) The "flagpole" shall maintain a width of at least 25 feet as minimum access at the point of abutment to a public road and throughout its length.
- (g) *Small lots.* Refer to section 39-84(d) for development on lots under 33,000 square feet.

(Compiled Ords. 2013, § 19-3.6)

### **Sec. 39-77. Land evaluation and site assessment (LESA).**

Purpose and authority:

- (1) Pursuant to the authority vested in the county board under 70 ILCS 405/22.02a and 55 ILCS 5/5-3001, the county uses a land evaluation and site assessment (LESA) system to evaluate the viability of sites for agricultural uses as an aid in determining the advisability of a requested zoning change or subdivision of land. The two-part LESA system is used in conjunction with the county's land use goals and policies and zoning and subdivision regulations.
- (2) It is the county's policy that prime agricultural soils are an important natural resource of the county and effort shall be made to retain these soils in agricultural production. Prime agricultural soils shall be defined as Class I, II, and III soils.



a. *Applicability.*

1. Generally. The LESA system is used as a factor in approving:
  - (i) Proposed subdivisions;
  - (ii) Special uses;
  - (iii) Land divisions of at least ten acres where frontage variances are required; and
  - (iv) Rezoning where the land is presently vacant.
2. Exemptions. This section does not apply to:
  - (i) Parcels of land that are less than ten acres;
  - (ii) Parcels within one-eighth of a mile from a municipality having a central sewer and water system, and that are already developed, or in a use other than farming, at the time of application.
3. One acre is the maximum size of vacant land not covered by LESA.

b. *Land evaluation.*

1. All soils in the county are ranked and grouped into agricultural value groups according to three criteria:
  - (i) Land capability classification;
  - (ii) Important farmland identification; and
  - (iii) Soil productivity.
2. Each soil group is assigned a relative value with the best group receiving a relative value of 100 and all other groups receiving lower relative values.
3. The following chart governs the determination of relative values:

TABLE 3-2. LESA LAND EVALUATION FACTORS

Agricultural group	Adjusted Productivity Index for the Group Divided by the Highest Adjusted Productivity Index	Product		
		Relative Productivity Index	Times 100	Relative Value
1	154/154	1.00	100	100
2	146/154	0.95	100	95
3	137/154	0.89	100	89
4	133/154	0.86	100	86
5	127/154	0.82	100	82
6	115/154	0.75	100	75
7	114-154	0.74	100	74
8	101/154	0.66	100	66

9	89/154	0.58	100	58
10	78/154	0.51	100	51
11	0/154	0.00	100	0

c. *Calculating land evaluation values.*

1. Land evaluation values are calculated whenever a petition is filed for a subdivision plat or a map amendment (rezoning).
2. The calculation is made by using the following steps:
  - (i) Outline the tract of land to be subdivided or rezoned on a soils map. Soils maps may be obtained at the county soil survey office or at the county soil and water conservation district office.
  - (ii) Determine the acreage of individual soil types within the area of concern by using a planimeter or other appropriate method or by obtaining the acreage from the county soil and water conservation district.
  - (iii) Select the appropriate agricultural value group for each soil type.
  - (iv) Select the relative value for each corresponding agricultural value group.
  - (v) Multiply the number of acres of each soil type by the relative value for each soil type.
  - (vi) Total the product (acres × relative value) of each soil type and divide this number by the total number of acres in the area of concern. This figure is the land evaluation value.
3. The maximum land evaluation value possible for any given parcel of land is 100 points.

d. *Site assessment.*

1. Agricultural land use, site feasibility, service availability, and planning/zoning considerations are taken into account when reviewing the conversion of farmland to other uses. These categories are the site assessment portion of LESA.
2. The site assessment categories are represented by using the factors listed below and their point values. The point values for each factor are added together to determine an area's site assessment total points. The maximum number of total points is 200.

TABLE 3-3. LESA SITE ASSESSMENT FACTORS

	Factor	Rating	Point Value
	<b>Part I: Agricultural land use</b>		
1	Percent of adjacent land currently in agricultural use. There can be any number of land uses around a proposed development site, depending on the location. Usually, as development moves away from developed communities, the number of uses around the site diminishes to only agricultural. This criterion looks strictly at the percent of adjacent land in agricultural use.	90 percent or more	20

		70—89 percent	18
		50—69 percent	15
		25—49 percent	10
		Under 25 percent	0
2	Type of agricultural uses within one-fourth mile of the proposed development. Some land uses can disrupt or be disrupted by nearby land uses. Concentrated livestock operations are the least acceptable due to the odors which emanate from the site. This is followed closely by a mix of livestock and row cropping which can have odors, spraying and dust. Row cropping follows with spraying and dust. Other agricultural uses, such as orchards, tree farms, sod growing, etc., are generally more acceptable due to a lack of some of the previously mentioned factors.	Concentrated livestock operations	15
		Mixed livestock/crop	12
		Row crops	8
		Other agricultural uses	0
3	Percent of land in non-agricultural uses within one-fourth mile of the proposed development. The more that non-agricultural uses exist within an area, the more likely that other non-agricultural development will occur. Pristine agricultural areas can be harmed if non-agricultural development is allowed to casually move into the area. This criterion looks at the amount of infiltration that already exists.	0—20 percent	10
		21—40 percent	8
		41—60 percent	6
		61—80 percent	2
		81—100 percent	0
4	Percent of site in agricultural use. Some sites may partially be in uses other than agricultural already. It may be a question of expanding those uses or allowing new ones on that particular site. This criterion looks at mixed uses on a site to determine	75—100 percent	10

	the viability of the site for continued agricultural use.		
		50—74 percent	8
		25—49 percent	4
		Under 25 percent	0
5	Amount of land being removed from production. The express purpose of LESA is to reduce the amount of land taken out of production. It follows that more weight should be given as the amount of land to be taken from production increases. This criterion looks at the amount of land being removed from agricultural production.	More than 15 acres	10
		11 to 15 acres	8
		Five to ten acres	5
		Less than five acres	0
	<b>Part II: Site feasibility</b>		
6	Soil limitations for septic systems. There are soil limitations which can affect some development activities. These limitations can require certain development techniques that tend to increase the costs. This criterion looks at the soil limitations which affect septic systems.	Severe	10
		Moderate	5
		Slight	0
7	Soil limitations for building foundations. These soil limitations can also affect other development activities which also require techniques that increase the costs. This criterion looks at those soil limitations which affect building foundations.	Severe	5
		Moderate	3
		Slight	0
8	Suitability for row crops. Some features including vegetation, slope, internal barriers (drainage ditches or wooded fence rows), field shape and size, buildings, buried foundations or disturbed soil can make row crop farming difficult. This criterion assesses existing features of a site that have a negative effect on row crop farming.	91—100 percent	20

		71—90 percent	16
		51—70 percent	12
		31—50 percent	8
		11—30 percent	4
		0—ten percent	0
9	Feasibility of operations (60 percent or more tillable). Larger parcels are becoming necessary for efficient farm operations that use modern techniques and larger equipment. More land-intensive agricultural pursuits, such as truck farming, may require less land to be self-supporting. This criterion recognizes the fact that even small parcels of land, may be viable for agricultural purposes.	100 acres or more	10
		81—99 acres	8
		61—80 acres	6
		41—60 acres	4
		20—40 acres	2
		Less than 20 acres	1
		Less than 60 percent tillable	0
	<b>Part III: Services availability</b>		
10	Availability of central water system. The provision of a central water system reduces the risk of any water contamination, especially in an area using septic systems. This criterion recognizes the importance of central water systems. This includes an on-site, private water system when approved by the state department of health.	No water within one-half mile	10
		Water within one-half mile	8
		Water within one-quarter mile	4
		Water within 500 feet	2
		Water on site	0
11	Availability of central sewer system. The availability of a central sewer system eliminates the potential environmental hazard of septic systems. This	No sewer within one-half mile	10

	<p>criterion indicates the importance placed on a central sewer system and includes EPA approved, on-site central sewer systems.</p>		
		Sewer within one-half mile	8
		Sewer within one-fourth mile	4
		Sewer within 500 feet	2
		Sewer on site	0
12	<p>Distance from fire/ambulance protection service. The further development moves out from emergency services, the greater the risk of a loss of life or permanent injuries. It is better for development to be as close as possible to such services.</p>	Five miles or more	10
		2½ to five miles	5
		0 to 2½	0
13	<p>Level of emergency service. Though all emergency responders are expected to do a proper job of responding, the length of time to get into a position to do that job can matter. Volunteers and part time responders may not be available as quickly as full time responders.</p>	Volunteer fire/ambulance district	10
		Part time fire/ambulance district	5
		Full time fire/ambulance district	0
14	<p>Transportation availability. A good road system is essential for access to proposed development sites. Increases in traffic on roads not designed to handle such increased traffic can be devastating to the integrity of those roads. This criterion assesses the type of roads that provide access to the development.</p>	Township aggregate	20
		Township blacktop-seal coat	8

		Township blacktop-hot mix	6
		County highway	4
		State highway	0
	<b>Part IV: Planning and zoning</b>		
15	Compatibility with comprehensive plans. A comprehensive plan, whether county or municipal, is intended to guide future development. Such plans must be considered when new development is proposed so that development goals and policies are upheld. This criterion looks at the compatibility of proposed development with applicable county or municipal plans.	Incompatible with county or municipal plans	10
		Compatible with county or municipal plans	0
16	Compatibility with surrounding land uses. How a proposed development fits with adjacent uses is extremely important. This criterion assesses the proposed use of a site in relation to the type of land uses immediately adjacent, to reduce the potential conflicts. Conflicts may be related to natural features such as drainage patterns and not just physical uses. A compatibility chart is provided below.	Not compatible	10
		Somewhat compatible	9
		Compatible	0
17	Environmental considerations. This factor addresses the potential effect or impact that the proposed use or zoning change will have on neighboring properties due to surface runoff. This factor is also concerned with environmentally sensitive areas such as floodplains, wetlands and aquifer recharge areas. It looks at the measures taken to collect and divert surface runoff in order to reduce the likelihood of damage to adjoining properties. The selection and design of such measures will depend on varying local conditions such as soils, topography, physical features and the extent of impervious surface. Refer to the county	Substantial negative impact	10

	zoning regulations for the range of permitted uses in the proposed zoning district.		
		Minor negative impact	5
		No negative impact	0
	Total possible points		200

TABLE 3-4. LESA USE COMPATIBILITY CHART

Type of agricultural use	Proposed Use						
	R	C	I	U	OS	P	QP
Row crops	SC	SC	C	C	C	C	C
Livestock	NC	NC	C	C	NC	NC	NC
Dairy	NC	SC	C	C	C	C	NC
Poultry	NC	NC	C	C	C	SC	SC
Floriculture	C	SC	C	C	C	C	C

Key:

Proposed uses:	Compatibility:
R = Residential	C = Compatible
C = Commercial	SC = Semi-compatible
I = Industrial	NC = Not compatible
U = Utilities, transportation	
OS = Parks, open space	
P = Public facilities	
QP = Quasi-public	

e. *Decision-making under LESA.*

1. The following steps are used to assess sites where farmland is being proposed for conversion to other uses:

Step 1.	Determine the land evaluation by using the land evaluation section of the LESA system. This will require the use of the National Cooperative Soil Survey Maps available from the county.
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Step 2.	Based on local plans, land use information and site inspections, assess the site for each factor shown in the site assessment section of the LESA system.
Step 3.	Add the land evaluation value to the site assessment total points. A maximum of 300 points is possible for any site.

2. By selecting those sites with the lowest LESA points for conversion, those areas best suited to farmland in agriculturally viable areas will be protected from prematurely losing their importance for food and fiber production.

f. *Rating for agricultural protection.* The following LESA total points shall govern an area's rating for agricultural protection:

LESA total value	Rating
0—100	No rating for protection; LESA may be disregarded in decision.
101—175	Low rating for protection; may be retained in agricultural use if a need for conversion is questionable.
176—200	Medium rating for protection; should be retained in agricultural use if a public need for conversion is not clearly demonstrated.
201—275	High rating for protection; must be retained in agricultural use unless a greater public need is demonstrated and there is no other viable alternative to its conversion.
276—300	To be left in agricultural use.

g. *Administration.* The county zoning officer shall conduct the site assessment review and the county soil and water conservation district office shall conduct the land evaluation review.

h. *Appeals and appeals board.*

1. Upon written appeal by an applicant from a LESA decision, made within 30 days from the date of the decision, review shall be made by a LESA appeals board.
2. The LESA appeals board members shall be recommended for appointment by the county board chairman and approved by the county board. The appeals board shall consist of three members, and will serve staggered terms of three years each. Appeals from decisions of the appeals board shall be governed by the Administrative Review Act, 735 ILCS 5/3-101 et seq.

i. *Modification.*

1. The LESA system is designed to be based upon existing land conditions in the county. The county will periodically review and modify, if necessary, the LESA system to address changing needs and conditions.
2. Initial review shall occur two years from the system's effective date and subsequent review shall take place at least every five years thereafter.
3. All changes will be approved by the county board.

(Compiled Ords. 2013, § 19-3.7)

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### **Sec. 39-78. Monuments.**

- (a) *Applicability.* This section applies only to applications for subdivision plat approval.
- (b) *Location.*
  - (1) The accurate location of all permanent reference monuments shall be in accordance with the Land Survey Monuments Act, 765 ILCS 220/0.01 et seq. Any pins disturbed by construction or grading shall be reset.
  - (2) Prior to building construction, lot pins based on actual survey shall be set and if disturbed by construction or grading shall be reset in their proper location.
- (c) *Public record of land section monuments.*
  - (1) Whenever a land survey is made in the county, and land section monuments are identified or set (section corner, one-half section corner, one-fourth section corner) this information with adequate tie points shall be given to the county highway and public works department by the land surveyor and certified as part of the plat.
  - (2) The county highway and public works department shall maintain a permanent public record of all land section monuments in the county.

(Compiled Ords. 2013, § 19-3.8)

### **Sec. 39-79. Parking and loading.**

- (a) *Applicability.* This section applies to all zoning districts.
- (b) *Off-street parking areas and loading spaces.*
  - (1) Loading. This subsection applies to any building (in whole or in part) with a gross floor area of at least 2,500 square feet, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise.
  - (2) One off-street loading space plus one additional loading space for each 20,000 square feet (or major fraction) of gross floor area.
  - (3) The required loading spaces:
    - a. Shall be provided and maintained on the same premises with the building;
    - b. Shall be accessible from an alley, easement of access, or (when there is no such alley or easement of access) from a street; and
    - c. May occupy all or any part of a required rear yard or, with authorization of the planning and zoning commission, part of any other yard or court space on the same premises.
- (c) *Parking.*
  - (1) *Generally.* In all districts off-street accessory parking areas in the open or in a garage shall be provided in connection with the uses set forth below and to the extent indicated in table 3-5 parking spaces required, in addition to the above loading and unloading spaces.
  - (2) *Location.*
    - a. In "R" districts and for dwellings in other districts, required off-street parking shall be on the premises intended to be served.

- b. In "B-1," "B-2," "B-3," "I-1," or "I-2" districts, and in connection with uses other than dwellings, required off-street parking areas shall be on the premises intended to be served or on adjoining or nearby property within 100 feet of any part of the premises and in the same or less restricted district.
- (3) *Number of off-street parking spaces required.*
- a. The following parking spaces, by use, are required.
- b. If a use is not specifically mentioned below, the provisions for that use are based on a similar use that is mentioned in the following parking schedule. The determination of what constitutes a similar use is made by the administrator as provided in section 39-41 (Use matrix).
- c. The number of required parking spaces for the handicapped will be determined by state capital development board standards.

TABLE 3-5. PARKING SPACES REQUIRED

Use	Required Off-Street Parking Spaces (Refers to number of spaces; "sf" refers to building square feet unless otherwise indicated; "N/A" means not applicable)
<b>Agriculture/Forestry</b>	
Agricultural uses, buildings, or structures	N/A
Greenhouse, nursery, and floriculture	One per 500 square feet
Kennel/pet care	One per 500 square feet
Private stable	N/A
Support functions for agriculture	N/A
<b>Residential</b>	
Single-family detached dwelling	Two per dwelling unit
Caretaker dwelling	Two per dwelling unit
Farm dwelling	N/A
Multifamily dwelling	1.5 per dwelling unit
Mixed-use building	One per dwelling unit plus one per 500 square feet of non-residential floor area
Manufactured home	Two per dwelling unit
Manufactured home (non-complying)	Two per dwelling unit
Mobile home	Two per dwelling unit
Manufactured home land lease community	Two per space
Modular home	Two per dwelling unit
Recreational dwelling	Two per dwelling unit
Rooming house	Two per dwelling unit plus one per renter
Two-family dwelling/duplex	1.5 per dwelling unit
<b>Accommodations</b>	
Bed and breakfast	One per room plus one per employee on maximum shift
Dormitory, fraternity or sorority	One per five active members plus one for the manager
Group home (eight or fewer persons)	Two per dwelling unit
Group home (more than eight persons)	One per eight residents plus one per employee
Hospice	One per dwelling unit or eight beds, whichever is greater
Hotels or motels	One per room plus one per employee on maximum shift
Nursing home	One per four beds plus one per two employees (other than staff doctors) plus one per doctor assigned to the staff

<b>Commercial</b>	
Alcohol sales: bar or tavern	One per two seats plus one per two employees on maximum shift
Alcohol sales: retail package liquor	One per 500 square feet
Armories	One per three fixed seats, or per 50 sf of main assembly area where there are no fixed seats
Automatic teller machine (ATM), stand alone	N/A
Automotive parts sales	One per 500 square feet
Automobile repair, major	One per employee plus two per service bay
Automobile repair, minor	One per employee plus two per service bay
Automotive sales or rental	One per 300 square feet of floor area
Bakery, retail	One per 500 square feet
Financial institutions	One per 500 square feet of floor area or one per 200 square feet of auction display space. Drive-in: three stacking spaces per customer service window
Business support services (e.g., print/copy shop)	One per 500 square feet
Car wash/automobile laundry	One per employee plus 20 stacking spaces per wash rack
Catering/food preparation	One per 1,000 square feet
Convenience store (with vehicle repair)	One per 500 square feet
Convenience store (without vehicle repair)	One per 500 square feet
Day care center, adult	One per employee plus one per 5 adults served
Child care facility	One per employee plus one per 5 children served
Couriers and messengers	One per 1,000 square feet
Drug store/pharmacy	One per 500 square feet
Farm feed stores	One per 1,000 square feet
Farm implement sales, wholesale and repair	One per 1,000 square feet
Flea market/swap meet	One per 500 square feet of site area
Food and beverage stores	One per 500 square feet
Funeral and interment services	Ten per chapel or parlor plus one per funeral vehicle kept on the premises and stacking space for ten vehicles for funeral procession assembly
Fuel dealers	One per 1,000 square feet
Gas stations	One per 500 square feet
Hardware/building material/lawn and garden stores	One per 500 square feet
Lumberyard/building materials (including outdoor display and storage)	One per 500 square feet
Manufactured home/modular building and components sales and service	One per 2,000 square feet sales area
Non-store retailers	One per 500 square feet
Office	One per 500 square feet
Personal services	One per 500 square feet
Photography or photofinishing	One per 500 square feet
Plumbing and heating shop	One per 1,000 square feet
Radio and television studios	One per 1,000 square feet
Rental and leasing	One per 500 square feet

Repair services, appliance/consumer	One per 1,000 square feet
Restaurant	One per 200 square feet
Retail, generally	One per 500 square feet of floor area or one per 200 square feet of auction display space drive-in; three stacking spaces per customer service window
Retail, nursery/greenhouse products	One per 500 square feet
Roadside stand	N/A
Services to buildings and dwellings	One per 1,000 square feet
Landscape contractor	One per 1,000 square feet
Shopping center	One per 500 square feet
Small rural business	One per 500 square feet
Truck stop/travel plaza	One per 500 square feet
Used merchandise sales (e.g., antique store)	One per 500 square feet
Veterinary clinics	One per 1,000 square feet
<b>Arts/Entertainment/Recreation</b>	
Adult use	One per 200 square feet
Community service facility	One per 500 square feet
Community centers	One per employee plus one per 300 square feet
Cultural facility	One per 1,000 square feet
Guest ranch	One per sleeping room or rental unit
Gun/shooting club	One per range position plus one per 200 square feet of indoor meeting area
Hunting and fishing resort	N/A
Marina/docking facility	One per 500 square feet
Movie theaters	One per four seats
Theaters, drive-in	Reservoir parking space equal to ten percent of vehicle capacity of the theater plus one on-site stacking space per ten automobiles at the ticket sales booth
Open space/natural or conservation areas	N/A
Parks and playgrounds	N/A
Lake	N/A
Recreation, indoor	One per 200 square feet
Recreation, outdoor	50 percent of the capacity in persons
Private recreational dwelling	One per rental unit
Public stable	One per 5 stalls
RV park/campground	One per camp or RV space
<b>Institutional/Civic</b>	
Cemetery	Ten per chapel or parlor plus one per funeral vehicle kept on the premises and stacking space for ten vehicles for funeral procession assembly
Club, private	One per 200 square feet
Colleges or universities (public or private)	One per three employees plus one per four students based on the maximum number of students attending classes on the premises during any 24-hour period
	One per three auditorium seats plus adequate space for buses used in connection with the activities of the institution

Correctional institutions/detention facilities	One per ten inmates plus two per three employees on the largest shift
Government office/ public building	One per 500 square feet
Hospital	One per two hospital beds plus one per two employees, other than staff doctors, plus one per doctor assigned to the staff
Medical clinic	One per examining room plus one per laboratory and x-ray room plus one per two seats in the patient waiting rooms plus one per staff doctor and employee
Public safety facility	One per 1,000 square feet
Religious assembly (e.g., church)	One per three employees plus one per four students based on the maximum number of students attending classes on the premises during any 24-hour period
	One per three auditorium seats plus adequate space for buses used in connection with the activities of the institution
School (trade and miscellaneous)	One per employee plus ten per 100 students for a high school
School (elementary, middle, secondary, trade)	One per employee plus ten per 100 students for a high school
	One per three auditorium seats plus adequate space for buses used in connection with the activities of the institution
Social services	One per 500 square feet
Social services, accessory	One per employee on largest shift
<b>Manufacturing/Industrial</b>	
Bakery	One per two employees plus one per vehicle used in the conduct of the enterprise
Data processing, hosting, and related services	One per two employees plus one per vehicle used in the conduct of the enterprise
Flex space	One per two employees plus one per vehicle used in the conduct of the enterprise
Junkyard	One per two employees plus one per vehicle used in the conduct of the enterprise
Laboratory, testing or experimental	One per two employees plus one per vehicle used in the conduct of the enterprise
Machine shop	One per two employees plus one per vehicle used in the conduct of the enterprise
Media production	One per two employees plus one per vehicle used in the conduct of the enterprise
Medical research facility, including biological and genetic	One per two employees plus one per vehicle used in the conduct of the enterprise
Oil and gas extraction	One per two employees plus one per vehicle used in the conduct of the enterprise
Outdoor storage lot	One per two employees plus one per vehicle used in the conduct of the enterprise
Pollution control facility	One per two employees plus one per vehicle used in the conduct of the enterprise
Printing, publishing and related trades	One per two employees plus one per vehicle used in the conduct of the enterprise
Production, artisan	One per two employees plus one per vehicle used in the conduct of the enterprise

Production, general	One per two employees plus one per vehicle used in the conduct of the enterprise
Production, intensive high impact	One per two employees plus one per vehicle used in the conduct of the enterprise
Production, limited	One per two employees plus one per vehicle used in the conduct of the enterprise
Recycling/waste collection	One per two employees plus one per vehicle used in the conduct of the enterprise
Research and development	One per two employees plus one per vehicle used in the conduct of the enterprise
Waste collection or transfer	One per two employees plus one per vehicle used in the conduct of the enterprise
Wrecking yard	One per two employees plus one per vehicle used in the conduct of the enterprise
<b>Wholesale/Storage</b>	
Warehouse and freight storage	One per two employees plus one per vehicle used in the conduct of the enterprise
Wholesale distribution and sales	One per 600 square feet of floor area
Mini-warehouse	One per employee plus one per ten rental bays
<b>Construction</b>	
Construction	One per 1,000 square feet
Temporary construction activities	N/A
Special trade contractors	One per 1,000 square feet
<b>Transportation and Utilities</b>	
Airport/landing field/heliport	One per four seating accommodations for waiting passengers plus one per two employees on largest shift
Water transportation	One per 1,000 square feet
Bus stations	N/A
Public utility distribution system	One per three employees
Ground passenger transportation (e.g. taxi, charter bus)	One per 500 square feet
Hazardous waste collection or disposal	One per three employees
Helistop	N/A
Incineration	One per three employees
Oil or gas pipelines	One per three employees
Parking structures and lots	N/A
Public maintenance facility	One per 1,000 square feet
Railroad right of way	N/A
Railroad freight station	One per 1,000 square feet
Septic tank services	One per 1,000 square feet
Telecommunications carriers/AM broadcast stations, Type 1	See 55 ILCS 5/5-12001.1.
Telecommunications carriers/AM broadcast stations, Type 2	See 55 ILCS 5/5-12001.1.
Towing and other road and ground services	One per 1,000 square feet
Truck transportation	One per 1,000 square feet
Utilities, essential services	N/A

Utilities, alternative energy sources	One per three employees
Vehicle storage	One per three employees
Wind energy conversion system (WECS)	One per three employees
Wind energy conversion system (WECS), noncommercial and private	One per three employees
Wind power generating facility (WPGF)	One per three employees
<b>Mining/Extraction</b>	
Oil or gas production	One per 1,000 square feet
Mine/quarry	One per 1,000 square feet
Sand and gravel pits	One per 1,000 square feet
<b>Accessory</b>	
Barns/silos accessory to residential or commercial/uses (farms are exempt)	N/A
Central laundry facilities	N/A
Convenience stores, attached to residential development	N/A
Garages	N/A
Home occupations	N/A
Irrigation facilities	N/A
Kennel, private	N/A
Outdoor display	N/A
Outdoor storage, accessory	N/A
Parking, on-site	N/A
Parking, off-site	N/A
Residential development office and maintenance buildings	N/A
Incidental institutional	N/A
Signs	N/A
Storage structures	N/A
Outdoor residential swimming pool	N/A
Temporary construction building	N/A

- (d) *Mixed uses.* When two or more uses are located on the same zoning lot within the same building, parking spaces equal in number to the sum of the separate requirements for each use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless authorized by the planning and zoning commission.
- (e) *Units of measurement.* The following units of measurement apply:
- (1) Each parking space rectangular in shape shall be at least eight feet wide and 20 feet long, or at least 170 square feet in area exclusive of access drives or aisles.
  - (2) Off-street loading spaces size requirements are as follows:

Truck Type	Width (feet)	Length (feet)	Clearance (feet)
Pickup	Ten	20	12
Single-unit, van	12	30	14



Semitrailer (small)	12	45	14
Semitrailer (large)	14	60	15

- (3) The term "floor area," in the case of merchandising or service types of uses, means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons or clients, but does not include areas used principally for nonpublic purposes, such as toilet or rest rooms, utilities or dressing rooms.
  - (4) Hospital bassinets are not counted as beds.
  - (5) Benches in places of public assembly, such as in stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, have each 20 inches of such seating facilities counted as one seat toward the requirements for off-street parking facilities.
  - (6) Development standards. Off-street accessory parking areas for commercial and industrial uses shall be of usable shape and shall be improved within one year to a hot mix surface, so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate the parking areas shall be arranged to reflect the light away from adjoining premises and away from main traveled ways in any district.
- (f) *Exceptions.* The planning and zoning commission may authorize on appeal a modification, reduction or waiver of any part of this section if it finds that it is justified by the peculiar nature of the use or other exceptional situation or condition.

(Compiled Ords. 2013, § 19-3.9)

**Sec. 39-80. Signs.**

- (a) *Standard measurement.* The following requirements apply when determining sign measurements:
  - (1) The total area of all signs permitted on a lot shall include:
    - a. The total area of the faces of all permanent exterior signs visible from a public way; plus
    - b. The area within the outline enclosing the lettering, modeling or insignia or signs integral with the wall and not designed as a panel.
  - (2) A building or use having frontage on a second street may include 20 percent of the length of the lot facing the second street.
- (b) *Signs allowed in various districts.* Signs will be allowed in the various districts as follows:
  - (1) Signs permitted in the "C-1" district are as follows:
    - a. Temporary signs, not exceeding two in number per lot and not larger than 12 square feet in size, set back at least 20 feet from any road right-of-way.
    - b. Freestanding signs (typically used to indicate a brand of plant being grown, fertilizer being used or seed being sold), not to exceed four square feet in area. These signs may be at the road right-of-way if facing the road. If perpendicular to the right-of-way, the sign must be set back at least 20 feet from the right-of-way.
    - c. Signs accessory to roadside stands limited to two signs per stand, no larger than 32 square feet per sign and set back at least ten feet from any road right-of-way.

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- d. Highway directional signs and markers, made and installed in accordance with the specifications of the state department of transportation or the county highway and public works department, announcing the location of or directing traffic to given locations. This does not include off-premises business advertising signs.
  - e. Signs pertaining to permitted uses. These signs will not exceed 32 square feet in area when placed 20 feet from a road right-of-way or 50 square feet in area when placed flat against the building housing the special use.
  - f. Signs not exceeding 20 square feet in area within a permitted recreational use or area of scenic beauty. The sign shall be set back at least 30 feet from any right-of-way and separated by at least 300 feet between any other sign.
- (2) Signs permitted in the "A-1" district are as follows:
- a. Signs as permitted in subsection (b)(1) of this section.
  - b. Freestanding signs, not over six square feet in area and set back 20 feet from any road right-of-way or not over 18 square feet and placed within five feet of the structure containing the uses for which the sign is intended, for any permitted principal or accessory uses of a nonresidential nature.
  - c. A sign or signs, pertaining to a nonconforming use on a premises, when flat against the building containing that nonconforming use and not exceeding 50 square feet in aggregate.
- (3) Signs permitted in the "R-1" district are as follows:
- a. Signs as permitted in subsection (b)(1) of this section.
  - b. One nameplate per dwelling unit not exceeding two square feet.
  - c. Signs, not exceeding 40 square feet in area and set back 20 feet from any road right-of-way, at the entrance to a subdivision, not to exceed two signs per subdivision.
- (4) Signs permitted in the "R-2" district are as permitted and regulated in subsection (b)(1) of this section.
- (5) Signs permitted in the "R-3" district are as permitted and regulated in subsection (b)(1) of this section.
- (6) Signs permitted in the "B-1" district are as permitted and regulated in subsection (b)(1) of this section, except:
- a. Freestanding signs up to 50 square feet in area and not located closer than 20 feet from any road right-of-way.
  - b. Billboards or signboards not exceeding 700 square feet in area.
- (7) Signs permitted in the "B-2" district are as permitted and regulated in subsection (b)(1) of this section.
- (8) Signs permitted in the "B-3" district are as permitted and regulated in subsection (b)(1) of this section, except: one freestanding sign for each business enterprise on the premises of up to 500 square feet per sign face, not exceeding 50 feet in height from the established grade.
- (9) Signs permitted in the "I-1" district are as permitted and regulated in subsection (b)(1) of this section.
- (10) Signs permitted in the "I-2" district are as permitted and regulated in subsection (b)(1) of this section.
- (c) *Sign setbacks.* The following setbacks apply to off-premises signs to be located along county highways or township roads only:
- (1) All signs will be located off of the road right-of-way and no part of the sign shall extend closer than 38 feet from the centerline of the road.

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- (2) At intersections, a minimum of 50 feet for a sight triangle will be used to determine the setback from the intersection. The triangle will be based on the intersection of right-of-way lines.
  - (3) Signs may be single or double faced, with a face no larger than 40 square feet. The bottom of the sign shall be no more than five feet above the existing grade and the top of the sign shall be no more than ten feet above the existing grade.
  - (4) All off-premises sign locations shall be approved by the county engineer and, in the case of a township road, by the appropriate township road commissioner.
- (d) *Variations.* In considering a request for a variance from these regulations concerning signs, the planning and zoning commission or administrator shall consider and make a finding on the following:
- (1) Shape and area of lot in question.
  - (2) Bulk and floor area of the main building or structure.
  - (3) Setback of proposed sign from all property lines.
  - (4) Zoning and use of surrounding parcels.
  - (5) Unusual or exceptional topography.
  - (6) Compatibility with the general intent of the zoning regulations to encourage development without detracting from the use and enjoyment of surrounding property.

(Compiled Ords. 2013, § 19-3.10)

### **Sec. 39-81. Stormwater management and flood control.**

- (a) Every subdivision shall provide a surface stormwater drainage system in coordination with the requirements of the county stormwater management regulations (chapter 16, article IV).
- (b) In addition to the requirements of chapter 16, article I, all subdivisions located in whole or in part in a designated flood hazard area shall provide that:
  - (1) They are designed so that, where possible, each proposed lot contains a building envelope which is located entirely outside of the flood hazard area.
  - (2) They are designed to minimize flood damage to the proposed subdivision or development site as well as to other properties in the same watershed.
  - (3) Where and when possible, all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated and constructed to minimize or eliminate flood damage in accordance with the standards and intent of chapter 16.

(Compiled Ords. 2013, § 19-3.11)

### **Sec. 39-82. Streets.**

- (a) *Applicability.* This section applies only to applications for subdivision plat approval.
- (b) *Street and block layout.*
  - (1) The street layout of the subdivision shall accommodate the most advantageous development of adjoining and nearby areas.

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- (2) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.
  - (3) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless:
    - a. Prevented by topography or other physical conditions; or
    - b. The planning and zoning commission finds that the extension is not necessary or desirable to coordinate the subdivision's layout with existing layouts or the most advantageous future development of adjacent tracts.
  - (4) The planning and zoning commission may approve cul-de-sacs of reasonable length where topography necessitates or where they are appropriate for the type of development contemplated.
  - (5) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit.
  - (6) If there is a dedicated or platted and recorded half-width street or alley adjoining the tract to be subdivided, the applicant may:
    - a. Plat the other half-width of the street or alley; or
    - b. Submit a traffic impact analysis that documents the traffic that the subdivision will generate, trip distribution, and the applicant's share of off-site dedications and improvements. The planning and zoning commission shall consider the traffic impact study and any comments by the county engineer, and require improvements that are proportionate to the proposed subdivision's impacts.

(c) *Street design.*

- (1) *Generally.*
  - a. *Township roads.* See individual township requirements as found in the Township Road Requirements Handbook, which is incorporated by this reference. A copy of the appropriate township page will be provided to the developer and/or his agent at the sketch plan review.
  - b. *Adoption of state design manual.* There is hereby adopted a manual entitled State of Illinois, Department of Transportation, Bureau of Local Roads and Streets, Administrative Policies, as revised.
  - c. *Adoption of state standard specifications.* Material specifications shall be those included in the State of Illinois Standard Specifications for Road and Bridge Construction, as revised.
- (2) *Rights-of-way.*
  - a. The street right-of-way in subdivisions shall be 66 feet.
  - b. Service roads or streets with curb and gutter may be permitted on a 50 foot right-of-way.
- (3) *Grading and surfacing.*
  - a. Streets shall be graded to full right-of-way width.
  - b. Surfacing shall be, at a minimum, an A3 type surface and in accordance with the specifications and meeting the approval of the county engineer.
  - c. Sidewalks, if required, shall be constructed of Portland cement concrete four inches in thickness, and not less than four feet in width.
- (4) *Minimum pavement widths.* The portion of the pavement required to be installed at the subdivider's expense shall be as follows:

- 
- a. Pavement width shall be 24 feet.
  - b. Overall pavement widths shall be as designated by the transportation plan. The differences, if any, between the cost of the portion to be provided at the expense of the subdivider and that of the total width designated by the transportation plan shall be borne by the appropriate governmental body, unless the planning and zoning commission determines that the greater width will benefit the subdivider in proportion to its cost.
- (5) *Street grades, curves and sight distances.*
- a. Street grades shall be at least 0.5 percent and no more than eight percent.
  - b. All changes in street grades above one percent shall be connected by vertical curves which meet the standards set forth in the state department of transportation, bureau of local roads and streets, administration policies.
  - c. The radii of curvature on the center line of residential streets shall not be less than 150 feet.
- (6) *Intersections.*
- a. Curb or pavement returns at street intersections shall be rounded by radii of at least 25 feet.
  - b. Streets shall intersect as close to a 90 degree angle as possible.
  - c. Minimum radii of curb or pavement returns shall increase where the angle of intersection is less than 90 degrees.
  - d. Streets shall not intersect at less than a 60 degree angle.
- (d) *Alleys.*
- (1) Alleys, if platted, shall be:
    - a. In the rear of all lots to be used for business; and
    - b. In the rear of residential lots fronting on primary thoroughfares (unless service roads are provided in front) as a means of safe access to the lots.
  - (2) Alleys shall be paved to a width of 16 feet.
  - (3) Alleys shall be graded to the full width of the right-of-way.
  - (4) Alley easements shall be at least 40 feet in width.
  - (5) Alleys shall have a satisfactory all-weather surface.
- (e) *Cul-de-sacs and dead-end streets.*
- (1) Cul-de-sacs shall not exceed 1,500 feet in length measured along the center line from the centerline intersection at origin through the end of the circle at the end of the right-of-way.
  - (2) Dead-end streets shall terminate in a circular turn-around having a minimum outside diameter of 90 feet. The paved portion of the circular turn-around shall have a minimum 45-foot radius unless the city engineer or planning and zoning commission determines that a larger radius is required to address unique topography or safety considerations.

(Compiled Ords. 2013, § 19-3.12)

### **Sec. 39-83. Utilities/right-of-way.**

- (a) *Applicability.* This section applies only to applications for subdivision plat approval.

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(b) *Minimum rights-of-way and utility easements.*

- (1) Easements for utilities, where required, should be at least ten feet wide centered on rear or side lot lines.
- (2) Other right-of-way requirements are found in sections 39-82, 39-83 and 39-84.

(c) *Utility placement.* Poles or underground conduits for electric lights, telephone lines or other utilities shall be placed in easements provided along rear or side lot lines, wherever this is practicable.

(Compiled Ords. 2013, § 19-3.13)

**Sec. 39-84. Water/sewer/septic.**

(a) *Sanitary sewage.*

- (1) Every subdivision shall provide for the satisfactory disposal of sanitary sewage.
- (2) Where a public sanitary sewer main is accessible, the subdivision shall provide a complete sanitary sewer system connected with the sewer main, including a service connection to within one foot of a lot line of each lot. The system shall be approved by the state environmental protection agency.
- (3) Where a public sanitary sewer main is not reasonably accessible:
  - a. Proper provisions shall be made for the disposal of sanitary waste subject to approval of the county health department. The subdivider shall ascertain the feasibility of any proposed individual systems. Subdivision plat or zoning approval does not constitute approval of any individual systems.
  - b. If individual disposal systems are provided, they shall be located on each lot.
  - c. The soil types, surface drainage and topography shall be the criteria for determining whether or not the installation of individual, on-site sewage disposal systems are feasible.
  - d. Unless otherwise approved by the county health department, individual disposal systems shall be located outside of areas subject to ponding such as floodplains, drainage ways, or depressions.

(b) *Backfilling of trenches.* Wherever excavations for storm sewer, sanitary sewer, and/or water mains and appurtenances lie beneath existing or proposed pavement, sidewalk, or drive areas, the excavation shall be back filled by a method and with trench fill of a type approved by the county engineer.

(c) *Well and septic permit requirements.* Prior to obtaining a zoning certificate, the applicant shall obtain any required well and/or septic permits from the county health department.

(d) *New buildings on small lots.*

- (1) For purposes of this section, small lots include any lot with less than 33,000 square feet of land. New buildings include any proposed structure over 200 square feet in floor area.
- (2) An application for a new building (on either a vacant or already developed small lot) shall be taken to the environmental health office of the county health department for review and sign-off. The applicant shall provide the health department with a drawing of the lot showing:
  - a. The location of any existing structures on the lot marked with an "X."
  - b. The location of any existing well marked "W."
  - c. The location of any existing septic field surrounded by a dashed line.
  - d. The proposed location of the new buildings marked with a "P."

- 
- (3) The health department's environmental health office will review the application in terms of the availability of sufficient space for a septic field and a backup septic field. This may require the health department to do a site feasibility study.
  - (4) Possible actions by the health department can include:
    - a. Determine that the lot is sufficient to accommodate the proposed structure and still allow for a backup septic field area on the lot.
    - b. Determine that the lot cannot accommodate the proposed structure at its requested size but a smaller structure would be allowed.
    - c. Determine that the lot is developed to its fullest extent and no further development can take place without jeopardizing future health concerns for the occupants of the lot.
  - (5) Based on the recommendations of the health department, the administrator will either approve the application as submitted, approve the application if amended or not approve any further development on the lot for health reasons.
  - (6) All final, joint administrative decisions of the director of environmental health and the administrator, under this section, are subject to judicial review.
- (e) *Sanitation plans.* Where required (see section 39-388), sanitation plans shall include the following information and requirements:
- (1) Proposed well locations for each lot in the subdivision with the following restrictions:
    - a. In category 1 soils (see subsection (f) of this section), wells will be located at least 100 feet from any sewage absorption areas;
    - b. In category 2, 3 and 4 soils (see subsection (f) of this section), wells will be located at least 75 feet from any sewage absorption areas;
    - c. All wells shall be constructed with state approved pit adaptors/units and a minimum of 40 feet of casing which shall be noted in the subdivision covenants.
  - (2) Proposed sewage absorption area for each lot with the following restrictions:
    - a. Where there is a community water source, there shall be a minimum of 25 feet between the sewage absorption areas and any water distribution lines;
    - b. Sewage absorption areas will not be located in any fill/altered areas.
  - (3) On-site sewage absorption areas will be reserved for the original and future expansion of sewage absorption fields only and will be maintained free of encroachment by driveways, accessory buildings, swimming pools, parking areas, buried lawn sprinkler systems, underground utility services, patios, slabs and additions to the original structures.
  - (4) The buildable area for each lot as determined by the zoning district requirements.
  - (5) Locations of all borings and observation pits used by the soil classifier:
    - a. There will be a minimum of three borings or two observation pits per each sewage absorption area;
    - b. The borings or pits shall be at least 50 feet apart;
    - c. The borings or pits shall be to a minimum depth of 60 inches.
  - (6) The results of each investigation shall be submitted as an addendum to the sanitation plan and shall include:

- a. Boring or pit number.
  - b. Sample method.
  - c. Seasonal water table.
  - d. Permanent water table.
  - e. Observed water table.
  - f. USDA soil textural changes.
  - g. USDA soil structural changes.
  - h. Slope.
  - i. Compaction and depth.
  - j. Soil coloration.
  - k. Depth of limiting layer.
  - l. Depth of soil mottling.
  - m. Internal drainage classification.
  - n. Permeability range (inches/hour).
  - o. Depth to bedrock.
  - p. Presence/depth of glacial till. Glacial till, shallower than 60 inches below grade, shall not be present in the on-site sewage absorption area.
- (7) Where results of the soil investigation deviate from the soil maps found in the soil survey of the county the soil classifier must clearly delineate the boundaries between soil types during the preliminary plat phase.
- (8) Where any sewage absorption areas are proposed to be located on severe slopes, an installation feasibility report will be required by the health department. The feasibility report will:
- a. Be prepared by a professional engineer;
  - b. Include system design choices available (in accordance with the Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code) to overcome potential slope limitations; and
  - c. Be added as an addendum to the soil investigation report and all affected lots in the subdivision will be indicated on the sanitation plan.
- (f) *Minimum lot size/absorption area size by soil types.* Soil categories: the county has a variety of soil types, requiring a variety of on-site sewage disposal strategies and applications. However, many soil types share similar characteristics that influence on-site sewage disposal design. Therefore, in order to ensure consistency in subdivision development in the county, the county health department has grouped every known soil type, identified in the 1995 USDA Soil Survey of the county, into soil categories and has assigned to each category a minimum lot size and minimum on-site, sewage absorption area. These soil categories and their related minimum lot sizes/on-site sewage absorption areas follow:
- (1) *Category 1 (moderately rapid to rapid permeability).* Minimum lot size: 33,000 square feet. Minimum absorption area: 6,500 square feet.\*

\* Based on an application rate of 0.84 and a loading rate of 1600 gallons; 2) four bedroom units.

8E3	87A	88E	175F	564B	565D2	917D2
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8F2	87B2	98B	354B	564C2	727	7349B
54C	88A	175B2	562B	565B	785G	
54E	88C	175D2	564A	565C2	917C2	

- (2) *Category 2 (moderate permeability)*. Minimum lot size: 33,000 square feet. Minimum absorption area: 10,500 square feet.\*\*

\*\* Based on an application rate of 0.52 and a loading rate of 1600 gallons; 2) four bedroom units.

21C2	268C2	274D2	280C2	430B	486C2
171B	268D2	277B	412B	485B	943D3
171C2	274B	277C	412C	485C2	943000
268B	274C2	280B	430A	486B	943F2

- (3) *Category 3: (moderate wetness or slow perc)*.

- a. Minimum lot size: 50,000 square feet. Minimum absorption area: must be equal to or greater than (1600 gallons divided by the application rate assigned by an engineer or classifier) × 3.33.
- b. Code 1 = moderate wetness; Code 2 = slow permeability.

36B 1	279B 1	386B 1	763 2	7073 1
36C2 1	279C2 1	386C2 1	802B 1	

- (4) *Category 4: (severe wetness, flooding, thin layer and fill/altered soil)*.

- a. Minimum lot size: 50,000 square feet. Minimum absorption area: to be determined.

Due to the severity and diversity of limiting factors, minimum lot size and minimum absorption area will be determined by the health department on a lot by lot basis. Non-traditional, on-site sewage disposal designs, approved by a professional engineer, will be required for Code 4 lots. Code 4 lots shall also be identified on the recorded plat and the need for an engineered design shall be a part of the covenants. It should further be noted that developments in category 4 soils will most likely incur inordinately high development costs.

- b. Code 3=severe wetness; Code 4=occasional to frequent flooding; Code 5=fill/altered; Code 6=thin layer.

41 <sup>3</sup>	201 <sup>3</sup>	575 <sup>3</sup>	1107 <sup>3</sup>	3302 <sup>4</sup>	7082 <sup>3</sup>	7603 <sup>3</sup>
49 <sup>3</sup>	206 <sup>3</sup>	638 <sup>3</sup>	1334 <sup>4</sup>	3321A <sup>4</sup>	7100 <sup>3</sup>	7682 <sup>3</sup>
<sup>3</sup> 61	233C <sup>3</sup> 2	647 <sup>3</sup>	1381 4	3333 <sup>4</sup>	7103 <sup>3</sup>	7777 <sup>3</sup>
<sup>3</sup> 68	<sup>3</sup> 261	<sup>3</sup> 767	1400 <sup>4</sup>	3400 <sup>4</sup>	7107 <sup>3</sup>	8107 <sup>3</sup>
<sup>3</sup> 69	<sup>3</sup> 262	<sup>3</sup> 770	2087B <sup>5</sup>	3404 <sup>4</sup>	7210 <sup>3</sup>	8125 <sup>3</sup>
<sup>3</sup> 81	<sup>3</sup> 275	<sup>3</sup> 772	<sup>5</sup> 2198	3415 <sup>4</sup>	7302 <sup>3</sup>	8153 <sup>3</sup>
<sup>3</sup> 104	410D <sup>6</sup> 2	<sup>3</sup> 777	<sup>5</sup> 2408	3428 <sup>4</sup>	7345 <sup>3</sup>	8201 <sup>3</sup>
<sup>3</sup> 152	411B <sup>6</sup>	<sup>5</sup> 865	2485B <sup>5</sup>	3451 <sup>4</sup>	7404 <sup>3</sup>	
<sup>3</sup> 172	<sup>3</sup> 447	<sup>5</sup> 868	<sup>4</sup> 3076	3452 <sup>4</sup>	7428 <sup>3</sup>	
<sup>3</sup> 198	509B <sup>6</sup>	<sup>5</sup> 869	<sup>4</sup> 3077	7070 <sup>3</sup>	7452 <sup>3</sup>	
<sup>3</sup> 200	<sup>5</sup> 533	<sup>3</sup> 1082	<sup>4</sup> 3107	7076 <sup>3</sup>	7516 <sup>3</sup>	

**Secs. 39-85—39-111. Reserved.**

***ARTICLE IV. PROCEDURES***

***DIVISION 1. GENERALLY***

**Sec. 39-112. Summary and purpose.**

- (a) This article establishes procedures for zoning and subdivision plat decisions. These include:
- (1) Legislative decisions, including rezoning or amendments to this chapter. These involve the development of countywide land development policy.
  - (2) Quasi-judicial decisions, including special uses, variances and appeals. These proceedings require a weighing of the evidence, a balancing of the equities, an application of rules, regulations and ordinances to facts, and a resolution of specific issues. These also involve a public hearing and the exercise of discretion by the decision-making agency.
  - (3) Administrative decisions, such as zoning permits and temporary use permits. These apply the rules in this chapter or conditions of a quasi-judicial or legislative decision to a specific project that is either clearly defined in this chapter or that has already obtained all necessary legislative and quasi-judicial approvals. Because these involve the application of non-discretionary rules to specific projects, these decisions are made by county staff without a public hearing.
- (b) This article sets up rules for procedures, such as pre-application, neighborhood notification, notices and public hearings. It then describes the process for specific land use decisions. The procedures all have a common workflow and description, as follows:

Element	What does this mean?
Applicability	The type of development or situation that is subject to the process.
Initiation	This is how the applicant begins the process, including the department or official that an applicant files the application with.
Completeness	This is how the county determines that the application has sufficient information to be processed.
Notice	This states how notice is provided.
Decision	This states who approves the application and the type of proceeding that leads to the decision.
Approval criteria	These are any particular standards that determine whether the application is approved. All applications are subject to this chapter and zoning district regulations.
Subsequent applications	If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.
Appeal or review	This provides a way to review an application that is denied, or that have conditions that the applicant disagrees with.
Scope of approval	This states the activities that the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.

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Recordkeeping	This states how the formal decision of approval is maintained.
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This chart shows a typical process for an applicant who requires every type of decision, including a text amendment, rezoning, special use permit, variance, and plat.

(Compiled Ords. 2013, § 19-4.1)

### **Sec. 39-113. Illustration of process.**

(Compiled Ords. 2013, § 19-4.1)

### **Sec. 39-114. Public hearings.**

Public hearings will follow the rules prescribed by the agency conducting the hearing and any requirements of state law.

- (1) *Failure to appear at hearing.* In the event a petitioner or his agent fails to appear at the designated time and place for a scheduled public hearing, the planning and zoning commission may vote to revoke the petition on the basis that it was not represented. In such cases, subsection (b) of this section will then apply. If the petitioner requests in writing, at least ten days prior to the scheduled public hearing date, that the public hearing on the petition be postponed, the planning and zoning commission may vote to table the matter to their next scheduled hearing date. In such instances, the petitioner will pay a fee equal to the original fee for the public hearing.
- (2) *Rehearing of cases.* Upon the rendering of a final decision on a variance or a special use by the planning and zoning commission or a final decision on a rezoning by the county board, a rehearing of the same request will not be scheduled until the passage of one year, beginning on the date of the final decision.

(Compiled Ords. 2013, § 19-4.2)

### **Sec. 39-115. Fees.**

- (a) *Establishment.* The county board may, from time to time, establish by separate resolution, certain fees to be charged by the administrator. These changes are made no more than one time in any given calendar year. Applications required by this chapter are not processed until the appropriate fee is paid.
- (b) *Hearing fee refunds.* If a fee is paid to the county to hold a hearing, a partial refund of that fee may be made if that hearing is not officially scheduled. A refund is made only if the petitioner withdraws the application in writing. The county will retain a sum of \$50.00 for expenses incurred.
- (c) *How fees are used.* All fees shall be deposited in the general fund.
- (d) *Withdrawal and refund.* If the application is withdrawn prior to any required publication of legal notice, the fee will be returned upon the applicant's written request.

(Compiled Ords. 2013, § 19-4.3)

### **Sec. 39-116. Completeness.**

- (a) Applications filed under this chapter must include the information required by article IX of this chapter (submittal requirements). The county will not process incomplete applications.

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- (b) A time period required by this chapter to process an application does not commence until the administrator determines that the application is properly submitted and the applicant has corrected any deficiencies in the application. Review for completeness of application forms is solely to determine whether preliminary information required for submission with the application is sufficient to allow further processing. It does not constitute a decision as to whether an application complies with this chapter.
  - (c) The administrator shall determine whether the application is complete and shall transmit the determination to the applicant. If the administrator determines that the application is not complete, the administrator will specify those parts of the application that are incomplete and will indicate how they can be made complete, including a list and description of the specific information needed to complete the application.

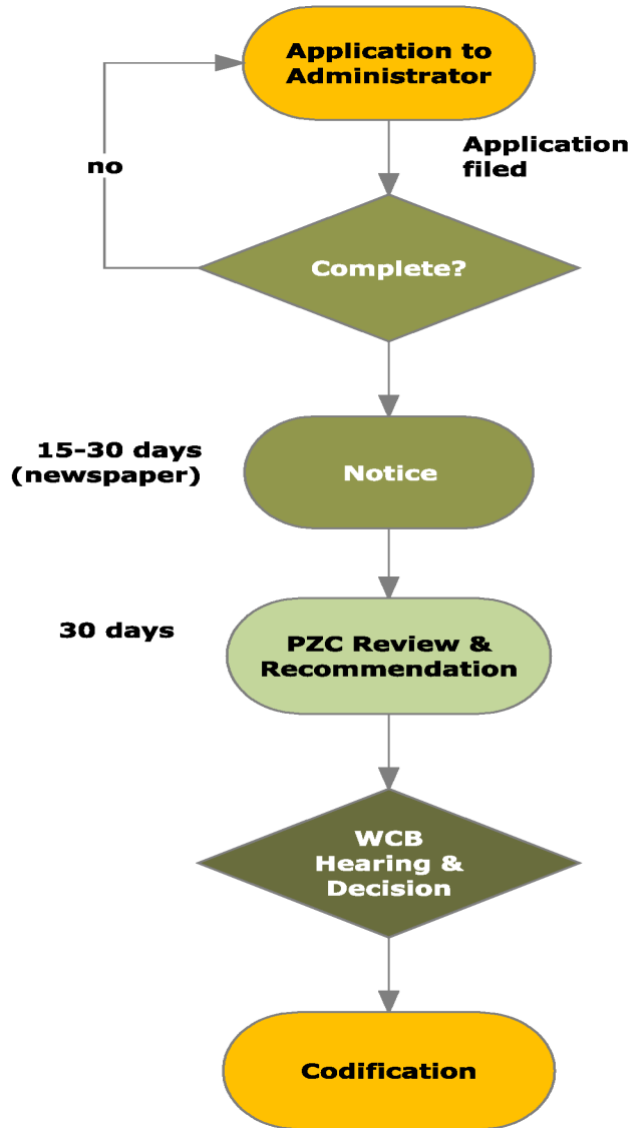
(Compiled Ords. 2013, § 19-4.4)

**Secs. 39-117—39-143. Reserved.**

*DIVISION 2. ZONING PROCEDURES*

**Sec. 39-144. Text amendments.**

- (a) *Applicability.* In accordance with the provisions of 55 ILCS, the county board may from time to time amend or change this chapter.
- (b) *Initiation.* The applicant shall file a proposed amendment with the information required by article IX of this chapter.
- (c) *Completeness.* The administrator will review the application for completeness.
- (d) *Notice.* The applicant shall give at least 15 and no more than 30 days' notice of the time and place of such hearing by publication of a notice in a newspaper whose general circulation covers the entire county.
- (e) *Decision.*
  - (1) *Planning and zoning commission referral.*
    - a. The resolution proposing an amendment or change shall first be submitted to the planning and zoning commission for hearing and action.
    - b. The planning and zoning commission shall be allowed a reasonable time, not less than 30 days, for consideration and report.
    - c. The planning and zoning commission shall hold a public hearing on the proposed text amendment, supplement or change.



- d. Changes on file. During the 15 days prior to the public hearing the text or copy of the text of the resolution or petition will be on file, for public examination, in the office of the secretary of the planning and zoning commission.
- (2) *County board.*
  - a. The county board will review the planning and zoning commission's recommendation at a county board meeting.
  - b. The county board will approve, approve with revisions, remand, or disapprove the proposed text amendment.
- (3) *Protests.* The county board meets once each month. In order for a petition of protest to a text amendment to be considered by the county board, it must be filed with the county clerk's office on the Friday just prior to the county board meeting at which the text amendment will be considered. A copy should also be filed with the development office. Protests against text amendments must be in written form and must contain the signatures of five percent of all land owners of the county. The filing of a

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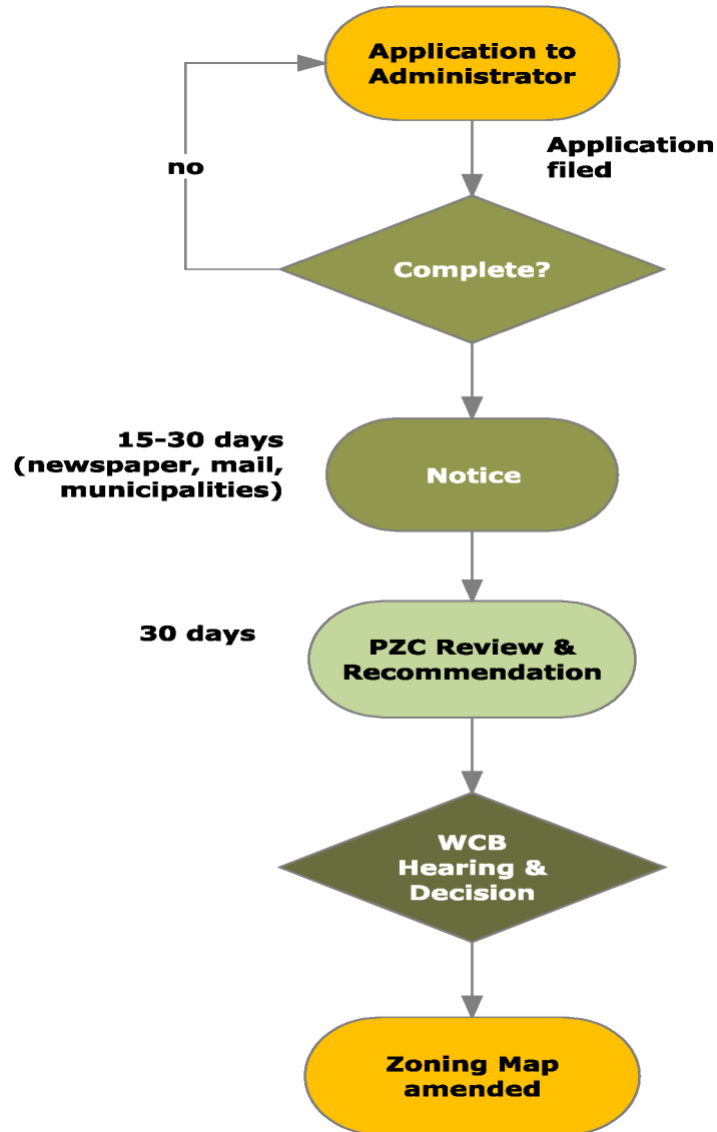
legitimate petition of objection will require a supermajority vote of the county board in order to approve the proposed text amendment.

- (f) *Approval criteria.* An amendment is a legislative decision that is committed to the planning and zoning commission or county board's discretion. The agencies will consider whether the amendment is reasonable, including:
  - (1) Whether amendment is consistent with the comprehensive plan;
  - (2) Whether the amendment is internally consistent with other parts of this chapter and this Code;
  - (3) Whether the amendment is consistent with sound planning principles;
  - (4) Whether the amendment is consistent with state and federal law; and
  - (5) Any other factors those agencies deem appropriate.
- (g) *Review.* Any text amendment to this chapter, adopted by the county board, shall be subject to de novo judicial review as a legislative decision, regardless of whether the process of its adoption is considered administrative for other purposes. This is per the state supreme court decision in *Klaeren v. Village of Lisle*.
- (h) *Scope of approval.* A text amendment does not authorize development. Any development that occurs after the amendment is adopted is subject to all applicable requirements of this chapter.
- (i) *Recordkeeping.* An adopted text amendment becomes part of this Code.

(Compiled Ords. 2013, § 19-4.5)

### **Sec. 39-145. Rezoning (zoning map amendments).**

- (a) *Applicability.* In accordance with 55 ILCS 5/5-12014, the county board may, from time to time, amend or change by resolution the number, shape or area of districts established on the zoning maps.
- (b) *Initiation.* The applicant shall file an application with the information required by article IX of this chapter.
- (c) *Completeness.* The administrator will review the application for completeness.
- (d) *Notice.* The applicant shall give not less than 15 or more than 30 days' notice of the time and place of the hearing by:
  - (1) Publication in a newspaper of general circulation in the area affected by the change; and
  - (2) Mailing notices to:
    - a. Other owners of the property involved;
    - b. All property owners contiguous to the site of the area proposed to be rezoned; and
    - c. Any zoned municipality whose corporate limits are within 1½ miles of the site.



(3) Failure to provide notice. This section provides for timely notice of a proposed map amendment to be given to property owners and municipalities affected by the amendment. The failure to provide notice as directed by subsection (d)(2) of this section does not automatically invalidate any action on the proposed amendment if the failure was not intentional. If, however, in the opinion of the planning and zoning commission, the omission was intentional and could invalidate any resolution passed under this section, it may take any steps it sees fit to correct the situation including the requirement that the public notice and mailings to adjoining property owners be started over.

(e) *Decision.*

(1) *Planning and zoning commission.*

- a. The rezoning application shall first be submitted to the planning and zoning commission for hearing and action. The commission has a reasonable time (at least 30 days) for consideration and report.
- b. Public hearing. The commission shall hold a public hearing on the proposed rezoning.

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- c. Changes on file. During the 15 days prior to the public hearing the text or copy of the text of the resolution or petition, together with the maps or plans (or copies), shall be on file, for public examination, in the office of the secretary of the commission.
  - d. Finding of fact/recommendation. Within a reasonable time after the close of the hearing on a proposed amendment, the commission shall make written findings of fact and shall submit the findings and its recommendation to the county board.
- (2) *County board.*
- a. The county board will review the planning and zoning commission's recommendation at a county board meeting.
  - b. The county board will approve, approve with revisions, remand, or disapprove the proposed rezoning.
- (3) *Protests.*
- a. If a protest is filed against a proposed amendment in the boundaries of a district, the amendment shall not be passed or become effective except by a favorable vote of three-fourths of all members of the county board. This supermajority vote of the county board is required when:
    - 1. The protest is signed and acknowledged by 20 percent of the ownership of the property proposed to be changed;
    - 2. The protest is signed and acknowledged by a person who owns adjacent property constituting an equivalent of 20 percent of the total perimeter of the site of the proposed change;
    - 3. The protest is in the form of a resolution to that effect, passed by a zoned municipality whose corporate limits are within 1½ miles of the site of the proposed change; or
    - 4. The protest is in the form of a resolution passed by a township board of trustees, upon the recommendation of that township's plan commission.
  - b. The county board meets once each month. In order for a petition of protest to a map amendment to be considered by the county board, it must be filed with the county clerk's office on the Friday just prior to the county board meeting at which the map amendment will be considered. A copy should also be filed with the administrator. A copy must also be forwarded to the applicant or the applicant's agent, by certified mail with a return receipt. A protest by a township must be filed with the county clerk's office within 30 days of the close of the county board meeting. The filing of a legitimate petition of objection requires a supermajority vote of the county board in order to approve the proposed map amendment.
- (f) *Approval criteria.*
- (1) The planning and zoning commission shall make findings based on the evidence presented to it in each specific case about:
- a. Existing uses and zoning of nearby property;
  - b. The extent property values will be diminished by the zoning restrictions;
  - c. The extent to which the destruction of property values promotes health, safety and welfare of the public;
  - d. The relative gain to the public versus the hardship to the individual property owner;
  - e. The suitability of the subject property for zoned purposes;

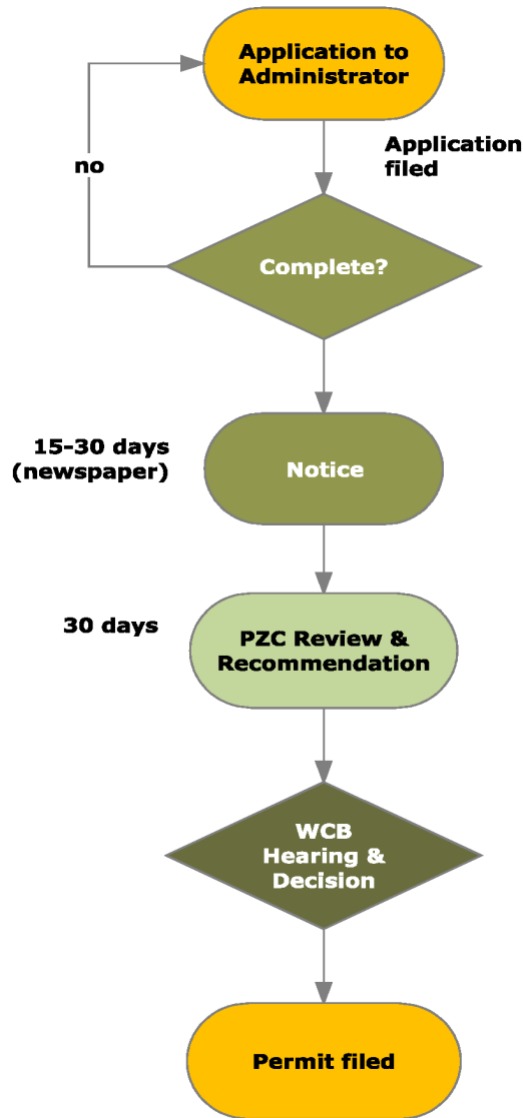


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- f. The length of time the property has been vacant as zoned, considered in context of land development in the vicinity of the subject property;
  - g. Whether the ordinance is based upon adequate planning;
  - h. Whether there is a public need in the neighborhood for the proposed use.
- (2) Spot zoning not to be allowed. The planning and zoning commission shall not recommend the adoption of a proposed amendment unless it finds that the amendment is in the public interest and is not solely for the interest of the applicant.
  - (3) Commission may recommend higher classification. The planning and zoning commission may recommend an amendment changing the zoning classification to any higher classification than that requested by the applicant. For the purpose of this subsection, the C-1 district is considered the highest classification and the I-2 district is considered the lowest classification.
  - (4) L.E.S.A. When reviewing any application for amendments to the zoning maps of the county, the planning and zoning commission will consider the L.E.S.A. report, if one is required under this subsection, in making their recommendation to the county board.
- (g) *Review.* Any map amendment to the county zoning regulations, adopted by the county board, is subject to de novo judicial review as a legislative decision, regardless of whether the process of its adoption is considered administrative for other purposes. This is per the state supreme court decision in Klaeren v. Village of Lisle.
  - (h) *Scope of approval.* Optional revocation of zoning. If property zoned by the county after March 1, 1983 is not used within one year from date of the zoning, for purposes permitted in classification to which said property has been zoned, or, if the use of the property is discontinued for a continuous period of three years, the planning and zoning commission may institute proceedings on its own motion to rezone the property to its original classification. In these cases, the rezoning procedures established in this section apply.
  - (i) *Recordkeeping.* After the rezoning is approved, the administrator causes the zoning map to be revised to reflect the new zoning classification for the property.

(Compiled Ords. 2013, § 19-4.6)

### **Sec. 39-146. Special uses.**

- (a) *Applicability.* In accordance with 55 ILCS 5/5-12009.5, the county board may, by resolution, grant special uses in districts established on the zoning maps.
- (b) *Initiation.* The applicant shall file an application with the information required by article IX of this chapter.
- (c) *Completeness.* The administrator will review the application for completeness.
- (d) *Notice.*
  - (1) *Type and timing.* The applicant shall give at least 15 and no more than 30 days' notice of the time and place of the hearing by publication in a newspaper of general circulation in the area affected by the change and by mailing notices to:
    - a. Other owners of the property involved;
    - b. All property-owners contiguous to the site proposed to be altered; and
    - c. Any zoned municipality whose corporate limits are within 1½ miles of the site.



(2) *Failure to provide notice.* It is the intention of this article to provide for timely notice of a proposed special use to be given to property owners and municipalities directly affected by the use. If the planning and zoning commission determines that the petitioner or his agent knowingly failed to provide proper notice, as required by subsection (1) of this section, the board shall require that the public hearing process be started over including the publishing of the public notice and the certified mailings to the adjoining property owners be started over.

(e) *Decision.*

(1) *Planning and zoning commission.*

- a. The planning and zoning commission shall consider a petition requesting the special use. The board has a reasonable time (at least 30 days) to consider and report on the application.
- b. Public hearing. The planning and zoning commission shall hold a public hearing on the proposed special use.

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- c. Changes on file. During the 15 days prior to the public hearing the text or copy of the text of the resolution or petition, together with the maps or plans (or copies) shall be on file, for public examination, in the office of the secretary of the planning and zoning commission.
  - d. Examination by planning and zoning commission. Before making a recommendation to the county board, the planning and zoning commission shall hold a public hearing and review special use applications
  - e. Finding of fact/recommendation. Within a reasonable time after the close of the hearing on a special use, the planning and zoning commission shall make written finding of fact and shall submit same together with its recommendation to the county board. The planning and zoning commission shall make its findings based on the evidence presented to it in each specific case with respect to the standards found in subsection (f) of this section.
- (2) *County board.*
- a. The county board will review the planning and zoning commission recommendation at a county board meeting.
  - b. The county board will approve, approve with revisions, remand, or disapprove the proposed special use permit.
- (3) *Final action on special use requests.* Special uses shall be granted or denied by a simple majority vote of the county board.
- (f) *Approval criteria.* When considering an application for a special use, the planning and zoning commission, based on evidence presented, shall find:
- (1) That the special use shall, in all other respects, conform to the applicable regulations of the county zoning regulations for the district in which it is located, except as such regulations may in each instance be modified by the county board pursuant to the recommendations of the planning and zoning commission. Special uses, when combined with variances for this same property, shall be considered compliant for the purposes of this section.
  - (2) That the special use will be consistent with the purposes, goals, objectives, and standards of an officially adopted county comprehensive land use plan and these regulations or of any officially adopted comprehensive plan of a municipality with a 1½ mile planning jurisdiction.
  - (3) That the petitioner has provided the information required by article IX of this chapter, and has provided, in writing, a narrative on how the requested special use meets the standards required in this section of the zoning regulations.
  - (4) That in presenting any application for a special use, the burden of proof shall rest with the applicant to clearly establish that the proposed special use shall meet the following standards:
    - a. That the establishment, maintenance or operation of the special use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the neighboring vicinity.
    - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood, and will be located and operated to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility.
    - c. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

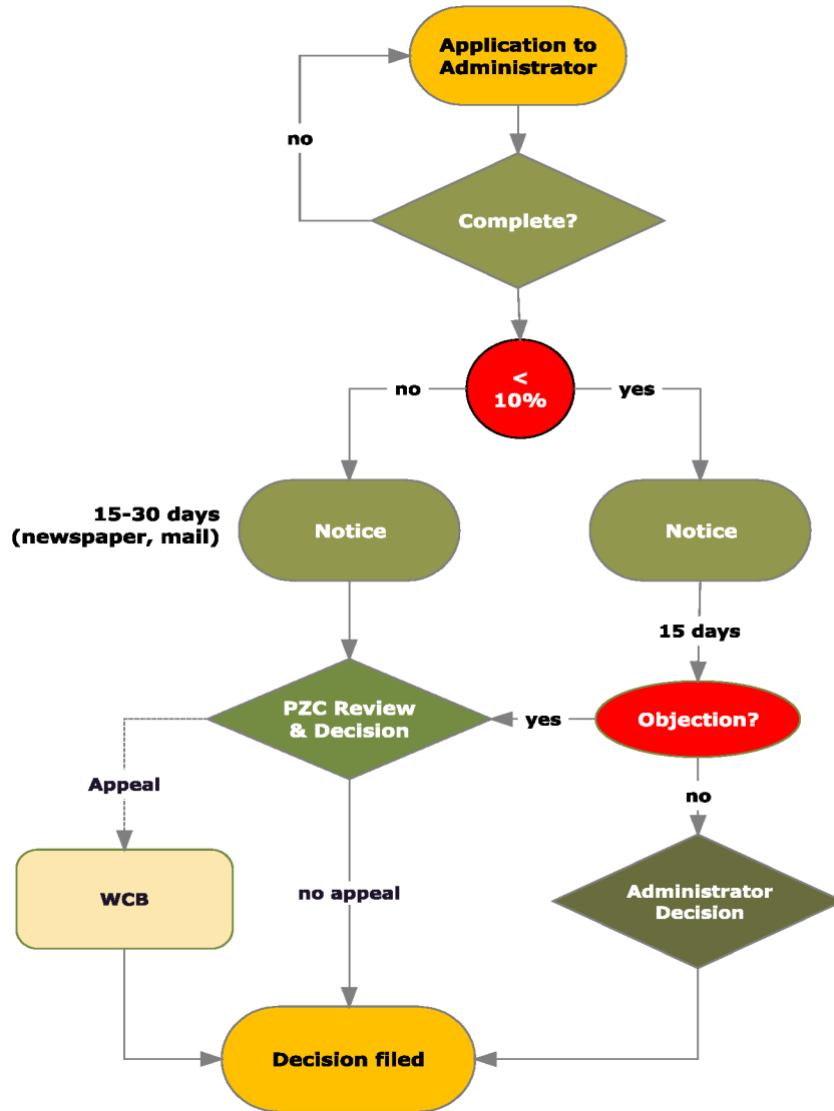
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- d. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard on the public streets.
  - e. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  - f. That consideration is given to any special facilities such as churches, schools or hospitals located near the proposed special use.
- (5) The requirement of certain safeguards may be needed at times. Such safeguards may include, but are not to be limited to:
- a. Special setback and buffers.
  - b. Fences and/or walls.
  - c. Lighting.
  - d. Sewer and water.
  - e. Paving or parking areas.
  - f. Regulation of time for certain activities.
  - g. Regulation of points of vehicular ingress and egress.
  - h. Regulation of noise, vibrations, orders, etc.
  - i. Regulation of signs.
  - j. Landscaping and maintenance thereof.
  - k. Other conditions which may be necessary to ensure orderly and proper development.
- (6) L.E.S.A.. When reviewing any application for amendments to the zoning maps of the county, the planning and zoning commission will consider the L.E.S.A. report, if one is required under section 39-146(f)(4), in making their recommendation to the county board.
- (g) *Review.* A final decision regarding a special use is subject to de novo review pursuant to 55 ILCS 5/5-12012.1.
- (h) *Scope of approval.*
- (1) *Noncompliance.* The failure to comply with any of the conditions or restrictions imposed on a special use permit is a violation of this chapter. Any permit is subject to restriction or revocation at any time by the county board, on its own motion or on the recommendation of the planning and zoning commission, if:
- a. The operator of such special use fails to comply with any conditions or restrictions imposed on the permit and, after 30 days' notice of such failure to comply, fails to remedy the noncompliance; or
  - b. The operator of the special use or any affiliate is engaged in any other area of the county in any activity for which a special use permit is required but for which no permit has been obtained, or if the operator or affiliate fails to remedy any noncompliance with any conditions or restrictions on any other special use permit after 30 days' notice.
- (2) *Revocation.* Where an approved special use is not started within one year from date of approval, or is discontinued for a continuous period of one year, the planning and zoning commission may institute proceedings on its own motion to revoke the special use. The special use hearing procedures in this section apply, with the county acting as the applicant. Notice of the public hearing shall be provided to the owner of the parcel in question.

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- (i) *Recordkeeping.* The administrator and the applicant shall maintain copies of the special use permit approval, and all supporting documentation.

(Compiled Ords. 2013, § 19-4.7)

**Sec. 39-147. Variances.**

- (a) *Applicability.*
- (1) *Generally.* This section applies to any application to vary the terms of this chapter. This section does not apply to applications to vary the terms of standards that apply to subdivision plats.
  - (2) *Nonconforming uses.* The planning and zoning commission or administrator shall not approve a variance to establish a nonconforming use where none previously existed.
- (b) *Initiation.* The applicant shall file an application with the information required by article IX of this chapter.
- (c) *Completeness.* The administrator will review the application for completeness.
- (d) *Notice.*



(1) *Planning and zoning commission decisions.* The applicant for a variance to be heard by the planning and zoning commission shall give at least 15 and no more than 30 days' notice of the time and place of the hearing by:

- a. Publication in a newspaper of general circulation in the area affected by the variance; and
- b. Mailing copies of the notice to all property owners contiguous to the site of the proposed variance, whether those owners be private or public. The administrator will determine who specifically should receive notification.

(2) *Administrator decisions.* See subsection (e)(2)b of this section.

(e) *Decision.*

(1) Planning and zoning commission.

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- a. The planning and zoning commission shall hold public hearings on any proposed variance not subject to subsection (e)(2) of this section. After the public hearing is closed, the planning and zoning commission may approve, approve with conditions, or deny the variance.
  - b. The applicant or a party with standing under state law may appeal the planning and zoning commission's decision to the county board. The county board will consider the application at a county board meeting. After reviewing the application and the record, the county board may approve, approve with conditions, deny, or remand the application.
- (2) The administrator may grant a variance if:
- a. The variance request for either the location of a building or for bulk requirements under this chapter are ten percent or less than required;
  - b. A notice of intent to grant the variance is sent by certified mail to all adjoining property owners; and
  - c. No adjoining owner files with the administrator a written objection to the variance request within 15 days of receipt of the notice of intent. Filing of a written objection within 15 days requires that the variance request be heard by the planning and zoning commission in a public hearing as provided in subsection (e)(1) of this section.
- (3) Findings of fact. The planning and zoning commission or administrator shall make a finding of fact with regard to the standards listed in subsection (f) of this section. The findings are part of the record of the hearing. The finding shall indicate how each standard is met by the applicant and, in general, how the planning and zoning commission or administrator arrived at their decision.
- (f) *Approval criteria.*
- (1) General requirements. A variance from strict application of this chapter may be granted by the decision making agency (see subsection (e) of this section) where:
- a. By reason of:
    - 1. Exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of these regulations;
    - 2. By reason of exceptional topographic conditions; or
    - 3. Other extraordinary and exceptional situation or condition of a property, or the use of the property, or the use or development of property immediately adjoining the piece of property in question.
  - b. The literal enforcement of this chapter would result in:
    - 1. Peculiar and exceptional practical difficulties; or
    - 2. Exceptional and undue hardship, other than economic, upon the property owner; and
  - c. The variance observes the spirit and purpose of this chapter and does substantial justice.
- (2) In authorizing a variance, the decision making agency (see subsection (e) of this section) may attach conditions regarding the location, character and other features of the proposed building, structure or use that it deems advisable in the interest of the purposes of the regulations.
- (3) Standards. No variance shall be authorized unless findings are made beyond reasonable doubt that all of subsections (f)(4) or (5) of this section, as applicable, are met.
- (4) Area variances. The following standards apply where variances in area requirements are requested:

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- a. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
  - b. The conditions on which a variance is based would not apply generally to other property in the same zoning classification;
  - c. The purpose of the variance is not based exclusively upon a desire to obtain a higher financial return on the property;
  - d. The alleged difficulty or hardship is not created by the present owner of the property;
  - e. The variance is not detrimental to the public safety or welfare or will not injure the value of other property or improvements in the neighborhood where the property is located; and
  - f. The proposed variance will not substantially increase the congestion in the public streets or increase the danger of fire.
- (5) Use variances. The following standards apply to variances which affect the uses allowed on a parcel of land:
- a. The use requested in the petition for a variance does not require a specific zoning class or special use;
  - b. The purpose of the variation in use is not based exclusively upon a desire to obtain a higher financial return on the property;
  - c. The proposed use cannot be economically conducted elsewhere and would result in an unnecessary hardship if the owner were not able to conduct the proposed use on this property;
  - d. The proposed use will not be detrimental to the public safety or welfare;
  - e. The proposed use will not injure the value of other property or improvements in the neighborhood where the property is located; and
  - f. The proposed use will not substantially increase the congestion in the public streets or increase the danger of fire.
- (6) No grant or variance shall be authorized unless the decision making agency (see subsection (e) of this section) specifically finds the condition or situation of the specific piece of property for which the variance is sought is not so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of these regulations, for the conditions or situations.
- (g) *Review.* All final administrative decisions of the planning and zoning commission or administrator are subject to judicial review pursuant to the Illinois Administrative Review Act.
- (h) *Scope of approval.* If the variance is approved, the applicant may apply for any permits or approvals required for development or establishment of the use, as provided in this chapter.
- (i) *Recordkeeping.* The administrator will maintain a record of approved variances. The applicant must maintain a copy of the approved variances, including any attachments.

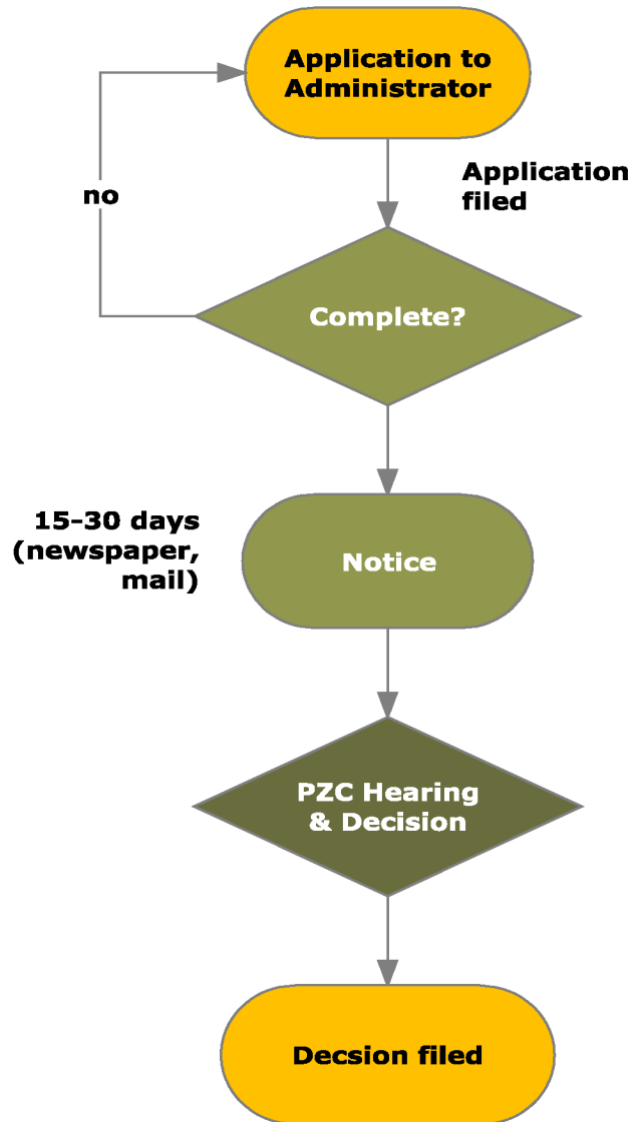
(Compiled Ords. 2013, § 19-4.8)



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**Sec. 39-148. Appeals.**

- (a) *Applicability.* An appeal to the planning and zoning commission may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the administrator.
- (b) *Initiation.*
  - (1) The applicant shall file an application with the information required by article IX of this chapter.
  - (2) Time limit. The appeal shall be taken within 20 days of the date of the action for which the appeal is being taken, specifying the grounds for the appeal.
  - (3) Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrator certifies to the board that, by reason of the facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In that case, proceedings are not stayed other than by an order which may, on due cause shown, be granted by the board on application, after notice to the administrator, or by a court of record.



- (c) *Completeness.* The administrator will review the application for completeness.
- (d) *Notice.* The applicant shall give at least 15 days' prior notice of the time and place of the hearing shall be given by:
- (1) A public notice, furnished by the administrator, in a newspaper of general circulation published in the county; and
  - (2) Certified mail to the property owners of record adjoining or adjacent to the premises in question at least five days before the time fixed for the hearing. Such notice of adjoining owners will also be done by the applicant.
- (e) *Decision.*
- (1) *Hearing date established.*

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- a. The secretary of the board shall establish a date for a hearing and transmit to the board the notice of appeals, and all the plans and papers constituting the record upon which the action appealed from was taken.
  - b. A fee as required by article IX of this chapter shall accompany the appeal. Should the appeal be withdrawn prior to the publication of legal notice, the fee will be returned upon written request of the applicant.
- (2) *Administrative review.* All final administrative decisions of the planning and zoning commission are subject to judicial review pursuant to the provisions of the Administrative Review Act.
- (f) *Approval criteria.* The planning and zoning commission may approve the appeal if the decision subject to the appeal:
- (1) Is the result of an incorrect interpretation of this chapter;
  - (2) Would violate state or federal statutes; or
  - (3) Would violate the applicant's state or federal constitutional rights.
- (g) *Appeals.* A final decision of the planning and zoning commission is subject to review pursuant to 55 ILCS 5/5-12012.
- (h) *Scope of approval.* If the appeal is approved, the applicant may apply for any permits or approvals required for development or establishment of the use, as provided in this chapter.
- (i) *Recordkeeping.* The planning official will maintain a file of the final decision on appeal. The applicant must maintain a copy of the final decision on appeal, including any attachments.

(Compiled Ords. 2013, § 19-4.9)

### **Sec. 39-149. Zoning certificates.**

- (a) *Applicability.*
- (1) Generally. This section applies to any certificate or permit for the use of land or buildings issued by any officer, department or employee of the county.
  - (2) Permanent zoning certificates. A zoning certificate is required before:
    - a. Any building or addition to a previously existing building is occupied;
    - b. Any land vacant on the effective date of these regulations is used for any purpose; or
    - c. Any change in use occurs, other than that of a permitted use to another similar permitted use.
  - (3) Temporary zoning certificates.
    - a. The administrator may issue a temporary zoning certificate for up to 60 days where a hardship will exist for a petitioner who is awaiting the outcome of a rezoning, special use or a variance request.
    - b. The planning and zoning commission may approve:
      - 1. The temporary use of a building or premises in any district for a purpose or use that does not conform to the standards prescribed by these regulations, provided that such use is of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

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2. The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the standards prescribed by these regulations, provided that such structure or use is of a true temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings.
- (4) The administrator shall not issue zoning certificates:
    - a. For any structure on a lot in any subdivision until the final plat is approved; or
    - b. For any structure on any lot of less than five acres which has been created through the recording, within a two-year period, of two property deeds, the second deed returning a portion of the property of the first deed to its original owner.
  - (b) *Initiation.* The applicant shall file an application with the information required by article IX of this chapter.
  - (c) *Completeness.* The administrator will review the application for completeness.
  - (d) *Notice.* Not required.
  - (e) *Decision.*
    - (1) The administrator will review and approve or deny the application for a zoning certificate.
    - (2) Temporary zoning certificates approved by the planning and zoning commission require approval in the same manner as a special use (section 39-146).
    - (3) Reasons in writing for refusal to issue a zoning certificate must be forwarded to the applicant no later than 14 days after the request for said permit.

#### Zoning Certificate

- (f) *Approval criteria.* The administrator will issue a zoning certificate if the proposed building or structure complies with all applicable provisions of this chapter.
- (g) *Subsequent applications.* There is no limit on subsequent applications.
- (h) *Appeals.* See section 39-148.
- (i) *Scope of approval.*
  - (1) Every zoning permit shall state that the use or occupancy complies with the provisions of the regulations.
  - (2) The planning and zoning commission may grant an extension to a temporary zoning certificate for up to 60 days while the petition is being considered.
  - (3) A temporary zoning certificate does not imply any official approval by the county.
  - (4) Construction permitted by a permanent certificate must begin within 90 days of issuance and must be completed within one year. The administrator may grant an extension for another year when the applicant shows good cause and requests an extension in writing. If the extension expires, a new permit is required.
  - (5) Any permit issued in conflict with the provisions of these regulations is null and void.
- (j) *Recordkeeping.*
  - (1) The administrator will sign and return one copy of the approved plans to the applicant, together with the approved permit.

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- (2) The administrator will maintain a record of approved zoning certificates. The applicant must maintain a copy of the approved zoning certificate, including any attachments.

(Compiled Ords. 2013, § 19-4.10)

**Sec. 39-150. Temporary use permits.**

Refer to section 39-263.

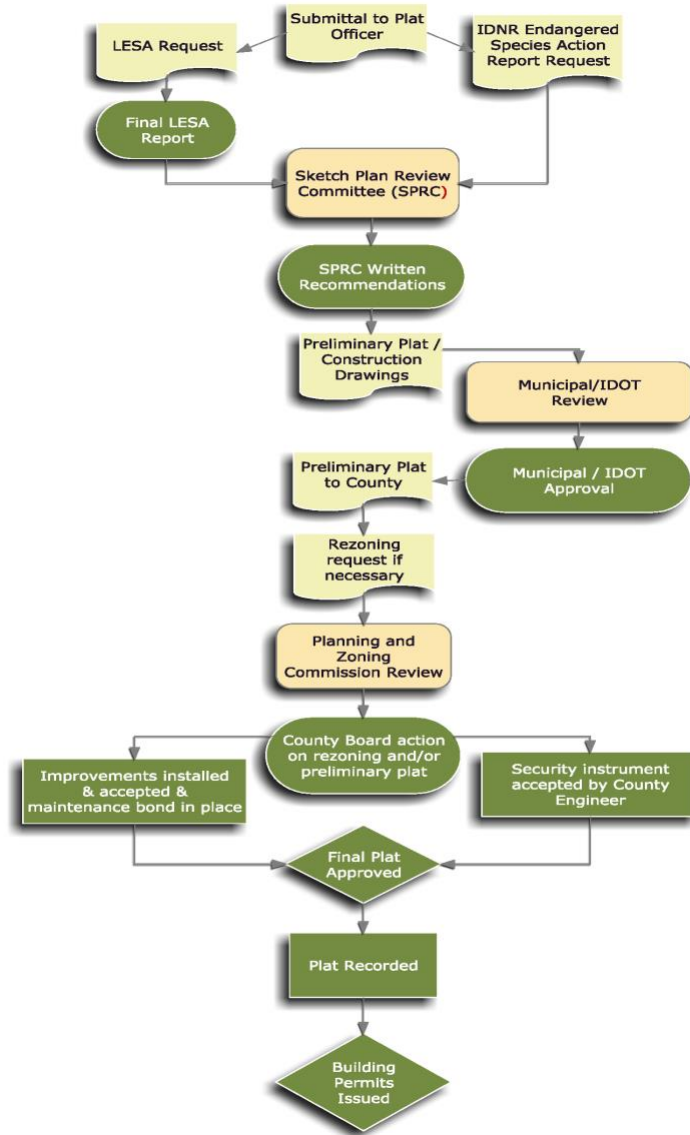
(Compiled Ords. 2013, § 19-4.11)

**Secs. 39-151—39-168. Reserved.**

*DIVISION 3. SUBDIVISION PLATS*

**Sec. 39-169. Applicability.**

- (a) *Generally.* A preliminary plat (and the requirements of 765 ILCS 205/0.01-14) is required before any of the following may occur:
- (1) Change, re-subdivision, or rearrangement of the boundary or division line of any lot or parcel of land;
  - (2) Any division of any lot or parcel of land by any means into lots for any purpose; and
  - (3) Any construction work in a proposed subdivision, including grading.
- (b) *Enforcement through building permits.* The administrator shall not issue building or repair permits for any structure on a lot in any subdivision, nor shall the county or its townships accept any public improvements or services in a subdivision, until a required final plat is approved.
- (c) *Municipal review.*
- (1) The rules and standards governing plats and subdivisions of land contained in this chapter apply to all land not within an incorporated municipality. However, no plat purporting to lay out land within 1½ miles of a municipality having a duly adopted plan and subdivision regulations shall be approved until it has first been approved by the governing body of the municipality under whose jurisdiction the proposed subdivision falls. In the event of overlapping municipal jurisdictions, the extent of jurisdiction hereunder shall be a line equidistant between the incorporated municipalities.
  - (2) Where the proposed subdivision lies outside the corporate limits of a zoned municipality but within 1½ miles of the corporate limits of said jurisdiction, a copy of the preliminary plat shall be transmitted to the city or village clerk for review and approval by that jurisdiction. The county will not officially accept the preliminary plat or begin its formal review of same until said municipal review has been concluded and their findings or recommendations have been forwarded in writing to the county.
- (d) *IDOT review.* Where the proposed subdivision is bounded on one or more sides by a state or federal highway, the preliminary plat will be forwarded to the state department of transportation, district 2 office for their review and comment. The county will not officially accept the preliminary plat or begin its formal review of same until said department of transportation review has been concluded and their findings or recommendations have been forwarded in writing to the county.



Subdivision Platting Sequence

(Compiled Ords. 2013, § 19-4.12)

**Sec. 39-170. Sketch plan.**

- (a) *Applicability.* A sketch plan is required before a subdivider files a formal preliminary plat application.
- (b) *Initiation.* The applicant shall file an application with the information required by article IX of this chapter.
- (c) *Completeness.* The administrator will review the application for completeness.
- (d) *Notice.* No public notice is required.
- (e) *Decision.*

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- (1) *Sketch plan conference.* The subdivider or his engineer/surveyor shall first submit his proposed plat in sketch form to the plat officer at a pre-scheduled conference. The subdivider or his engineer/surveyor will explain the proposed plan to the plat officer and answer any questions. The plat officer will be provided with five copies of the sketch plan for the sketch plan review committee.
  - (2) *LESA report.* Upon receipt of a sketch plan, the plat officer will direct the developer to initiate a land evaluation and site assessment (LESA) report at the the county Soil And Water Conservation District (WCS and WCD). The zoning officer will prepare the site assessment portion of the report and combine it with the land evaluation from the WCS and WCD. Upon completion of the LESA report, the plat officer will schedule a meeting of the sketch plan review committee.
  - (3) *Review by committee.* The plat officer will then schedule a meeting of the sketch plan review committee within 15 days of the presentation of the sketch plan. The committee, the developer or his engineer/surveyor, along with any other agencies deemed necessary, will meet and review the sketch plan and preliminary LESA report as follows:
    - a. The health administrator or his representative will review the sketch plan in terms of soils information to determine lot size and well septic system requirements. There may be instances where the soil mapping, as published in the soil survey of the county, indicates the presence of category 4 soils as the predominant soil type on part of the site proposed for development. In such cases, the health department may require a more detailed soils investigation, to a minimum depth of 72 inches, by a soil classifier. The sketch plan review will be halted at that point and resumed at a later date when the detailed soils report is complete. That report will be accompanied by a sanitation plan and an engineered, on-site sewage system design. The specific information required is found in section 39-84.
    - b. The county engineer or his representative will review the sketch plan in terms of, at a minimum, the adequacy of access roads, lot entrance points and the proposed layout of any subdivision streets.
    - c. The administrator or his representative will review the sketch plan in regard to the requirements of the zoning regulations, airport zoning regulations and the flood protection regulations.
    - d. The district conservationist or his representative will review the sketch plan with regard to potential soil erosion problems, disruption of natural drainage systems and potential loss of prime farm lands.
  - (4) *Recommendations to developer.* The committee shall prepare a report of its recommendations within ten days of the adjournment of their sketch plan review meeting and forward said report to the developer or his engineer/surveyor for consideration when preparing the preliminary plat.
  - (f) *Approval criteria.* The committee's recommendations to the applicant will relate to whether the sketch plat complies with the applicable requirements of this chapter.
  - (g) *Subsequent applications.* Not applicable.
  - (h) *Appeals.* There is no appeal process, because a sketch plan does not result in a formal determination by the county.
  - (i) *Scope of approval.* The applicant may submit a preliminary plat application after the committee submits its recommendations.
  - (j) *Recordkeeping.* Not applicable.
- (Compiled Ords. 2013, § 19-4.13)

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## Sec. 39-171. Preliminary plat.

- (a) *Applicability.* Preliminary plat approval is required before a subdivider files an application for final plat approval.
- (b) *Initiation.*
  - (1) The subdivider, after submitting the plat in sketch form to the plat officer and receiving the report of the sketch plan review committee, shall prepare a preliminary plat of the proposed subdivision and construction plans for improvements along with plans for any improvements, signed and stamped by a registered professional engineer, showing that said improvements conform with the requirements set forth in article III of this chapter.
  - (2) The applicant shall file an application with the information required by article IX of this chapter.
- (c) *Completeness.* The administrator will review the application for completeness.
- (d) *Notice.* Not applicable.
- (e) *Decision.*
  - (1) *Transmittal.* The plat officer shall transmit one copy of the plat submission to the office of the county soil and water conservation district for a final review pertaining to soil erosion control and other appropriate conservation measures. The soil and water conservation district will be allowed 35 days to complete its report from the date of mailing. The plat officer will also forward one copy of the plat to the health and highway and public works departments for their final review and comments.
  - (2) *Staff review.* The plat officer will check the preliminary plat as to its conformity with the adopted county plan, the county zoning resolution, resource information recommendation of the soil and water conservation district, comments from the county departments and principles, standards and requirements set forth in this chapter. The plat officer will check the construction plans of proposed improvements.
  - (3) *Sketch plan review committee final review.* Upon completion of the preliminary plat and construction drawings, the plat officer may call a meeting of the sketch plan review committee for a final review. The need for this meeting will be determined at the final sketch plan review committee members during the sketch plan phase. The purpose of this review will be to go over the construction drawings, soil mapping and sanitation plans.
  - (4) *Planning and zoning commission review.* The plat officer, upon review of the preliminary plat for completeness, shall schedule a review by the planning and zoning commission. A copy of the plat will be sent to each member for their review prior to their meeting. In their review, the planning and zoning commission shall:
    - a. Hear comments from any affected property owners regarding the proposed subdivision and take such comments into consideration in their recommendations.
    - b. Review the L.E.S.A. report taking into consideration the possible loss of prime farm land versus the need for the proposed subdivision.
    - c. Consider any requests by the developer for variances from the requirements of this chapter as allowed under article III of this chapter.
    - d. Make recommendations to the plat officer concerning items which they feel are needed on the plat to protect future owners of the proposed lots.



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- e. Make a recommendation to the plat officer regarding the final disposition of the preliminary plat including approval, approval with other requirements, or disapproval with recommended changes, if any, to make it approvable.
- (5) *Final approval of preliminary plat.*
- a. The plat officer will have 60 days, from the date that a preliminary plat is accepted for review, to approve, approve with modifications or disapprove the plat.
  - b. Formal notification, in the form of a letter, will be made to the developer when modifications are required or in the case of disapproval and will explain the reasons for said modifications or disapproval. A copy of that letter will be sent to the county engineer, the health administrator, the soil and water conservation district and the administrator.
  - c. If a review has been conducted by a municipality or by IDOT, a copy will also be sent to them.
- (f) *Approval criteria.* A preliminary plat shall comply with all applicable requirements of this chapter.
- (g) *Appeals.* An applicant or any party with standing may appeal a final decision on a preliminary plat as provided by state law.
- (h) *Scope of approval.*
- (1) *Improvements/security instrument.* The subdivider, after approval of the preliminary plat, may secure from the plat officer the necessary permits to proceed with the street and sanitary improvements after approval of final construction drawings.
  - (2) *Security instrument.* Minimum improvements shall be installed, unless the developer posts a good and sufficient security instrument with the county highway and public works department, in the penal sum sufficient to cover the estimate of expenditures prepared and certified by the developer's engineer. The security instrument shall be conditioned upon faithful adherence to such rules and regulations promulgated by the county board. And in such cases, no such map, plat or subdivision shall be entitled to record in the proper county or have any validity until it has been so approved.
- (i) *Recordkeeping.* A preliminary plat application is not recorded. The planning official will maintain a record of approved preliminary plats. The applicant must maintain a copy of the approved preliminary plat, including any attachments.

(Compiled Ords. 2013, § 19-4.14)

Editor's note(s)—Based on directions from the Illinois Department of Public Health, the Whiteside County Health Department may or may not issue septic permits in areas shown as "A" or "AE" zones on the FEMA flood insurance rate maps.

### **Sec. 39-172. Final plat.**

- (a) *Applicability.* Final plat approval is required before a subdivider records a subdivision.
- (b) *Initiation.*
  - (1) The subdivider, upon completion of all improvements required by this chapter, or upon posting of a sufficient security instrument to construct the improvements, and upon posting of a maintenance bond as per section 39-75(e)(1)—(3), may file the final or record plat for approval.
  - (2) The subdivider shall submit the final plat not later than one year after approval of the preliminary plat. The final or record plat may be a portion of a larger subdivision for which a preliminary plat had been previously approved. However, improvements shall be made for all parts of the subdivision submitted for final approval.

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- (3) The applicant shall file an application with the information required by article IX of this chapter.
- (c) *Completeness.* The administrator will review the application for completeness.
- (d) *Notice.* Not applicable.
- (e) *Decision.*
- (1) The plat officer and county engineer will check the final plat, the plans and specifications for improvements. If found satisfactory, the original tracing shall be certified by each showing that the technical details of the plat itself have been checked and found satisfactory, all required improvements have been satisfactorily completed, or that a security instrument has been posted, assuring their installation.
- (2) After certifying that improvements are in order and that the final plat conforms with the approved preliminary plat and this chapter, the plat officer shall approve and certify the final plat within seven days.
- (f) *Approval criteria.* The plat must conform in every respect with the requirements specified in article III of this chapter, and any conditions of preliminary plat approval.
- (g) *Appeals.* A party with standing may pursue any action to challenge a final decision relating to a final plat authorized by state law.
- (h) *Scope of approval.*
- (1) The applicant may record an approved final plat.
- (2) After the applicant provides public improvements assurances and records the final plat, the applicant may seek any additional zoning approvals or building permits required for development.
- (i) *Recordkeeping.*
- (1) A final plat is recorded with the county recorder.
- (2) The plat officer shall transmit copies of the approved plat to the county engineer, the county health administrator, the administrator, the appropriate road authority and the E911 coordinator. The original tracing shall be made available to the subdivider for recording.

(Compiled Ords. 2013, § 19-4.15)

### **Sec. 39-173. Modifications.**

- (a) *Applicability.* The general principles of design and minimum requirements for the laying out of subdivisions, set forth in article III of this chapter, may be varied by the planning and zoning commission in the case of a subdivision large enough to constitute a more or less self-contained neighborhood which is to be developed in accordance with a comprehensive plan safeguarded by appropriate restrictions.
- (b) *Initiation.* The applicant shall file an application with the information required by article IX of this chapter.
- (c) *Completeness.* The administrator will review the application for completeness.
- (d) *Notice.* Not applicable.
- (e) *Decision.* The planning and zoning commission may approve, approve with conditions, or deny the modification as part of the plat application.
- (f) *Approval criteria.*
- (1) The application shall adequately provide for all essential community requirements.

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- (2) No modification shall be granted by the planning and zoning commission which would conflict with the proposals of the transportation plan, the community facilities plan, or with the intent and purposes of the general principles of design and minimum requirements or where such modifications would conflict with the requirements of any county municipality, having its own comprehensive plan for development, when the proposed subdivision is within 1½ miles of that municipality.
  - (3) In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirements of this chapter could cause practical difficulty or exceptional and undue hardship, the planning and zoning commission may relax such requirement to the extent deemed just and proper, so as to relieve such difficulty or hardship; provided such relief may be granted without detriment to the public good and without impairing the intent and purposes of this chapter or the desirable general development of the county. Any modification thus granted shall be entered in the minutes of the planning and zoning commission setting forth the reasons which, in the opinion of the commission, justified the modification.
  - (4) In the case of a request for a private road or street, the planning and zoning commission may grant such request, provided that the required minimum right-of-way as per article III of this chapter is adhered to. The final plat will also show that the street or road is private and will contain a statement indicating that the subdivision residents are responsible for road maintenance and the cost of bringing the road to required standards in the event that the residents wish to dedicate the street or road to public use in the future.

(Compiled Ords. 2013, § 19-4.16)

### **Sec. 39-174. Resubdivision.**

(a) *Applicability.*

- (1) This section applies to the re-subdivision of an already approved final subdivision plat.
- (2) Re-subdivision includes:
  - a. Any change in any street layout or any other public improvement;
  - b. Any change in any lot lines except sales to adjoining owners;
  - c. Any change in the amount of land reserved for public use or the common use of lot owners;
  - d. Any change in any easements shown on the approved plat;
  - e. In all cases where re-subdividing lots is being requested, every effort should be made to avoid creating sub-standard lots under the county zoning regulations.

(b) *Initiation.*

- (1) The developer shall first submit a sketch plan to the plat officer.
- (2) The applicant shall file the information required by article IX of this chapter.

(c) *Completeness.* The administrator will review the application for completeness.

(d) *Notice.* Not applicable.

(e) *Decision.* The plat officer will determine the proper procedure needed to obtain approval for the re-subdivision. This may be by using the mini-subdivision procedures or by the same procedures prescribed for a final plat, depending on the number of lots involved.

(f) *Approval criteria.* The criteria are the same as required for the appropriate re-subdivision process (see subsection (d) of this section).

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(Compiled Ords. 2013, § 19-4.17)

**Sec. 39-175. Plat vacation.**

(a) *Applicability.*

- (1) Any plat, or part thereof, may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument to which a copy of the plat is attached, declaring it to be vacated.
- (2) Any part of a plat may be vacated in the manner provided in this section.

(b) *Initiation.* The applicant shall file an application with the information required by article IX of this chapter.

(c) *Completeness.* The administrator will review the application for completeness.

(d) *Notice.* Not applicable.

(e) *Decision.*

- (1) The instrument of plat vacation shall be approved by the county's plat officer in the same manner as subdivision plats.
- (2) The instrument shall also be submitted for approval, as applicable, to the appropriate township road commissioner, to the county engineer and to the district engineer of the state department of transportation. It shall also be submitted to the public utility or utilities involved. The county plat officer, township road commissioner, county engineer or district engineer of the state department of transportation, as the case may be, may reject any instrument that abridges or destroys any public rights in any of its streets and/or alleys.

(f) *Approval criteria.*

- (1) If there are public service facilities in the highways, streets, alleys and other public ways and in easements shown on the plat, the instrument shall reserve to the applicable governmental unit or public utility owning such facilities, the property, rights of way and easements necessary for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction of the same.
- (2) Any partial plat vacation shall not abridge or destroy any of the rights or privileges of other property owners in said plat.
- (3) Nothing contained in this subsection shall authorize the closing or obstructing of any public highway or road laid out according to law. Such instances shall fall under the proper procedures for vacating a public road.

(g) *Scope of approval.* Once recorded or filed the instrument operates to destroy the effect of the recording of the plat vacated and to divest all public rights in the streets, alleys and public grounds and all dedications laid out or described in the plat.

(h) *Recordkeeping.* The instrument of plat vacation shall be executed, acknowledged or proved and recorded or filed in the same manner as subdivision plats.

(Compiled Ords. 2013, § 19-4.18; Ord. No. 3.5, 4-20-2010)

**Sec. 39-176. Mini-subdivision.**

(a) *Applicability.*

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- (1) Generally. This article reduces the normal platting requirements when dealing with a mini-subdivision.
  - (2) In laying out a mini-subdivision, the subdivider shall comply with the general principles and requirements of this chapter. Subsequent subdivisions of one or two lots, created from the same parent parcel as an existing subdivision or mini-subdivision, are considered a regular subdivision and are not governed by the regulations in this section.
- (b) *Initiation.* The applicant shall file an application with the information required by article IX of this chapter.
  - (c) *Completeness.* The administrator will review the application for completeness.
  - (d) *Notice.* Not applicable.
  - (e) *Decision.*
    - (1) Sketch plan and conference. The subdivider or his engineer/surveyor shall only have to submit a sketch plan and attend a sketch plan conference if the plat officer determines that a sketch plan is necessary.
    - (2) LESA report. The subdivider or his engineer/surveyor will have to complete a land evaluation and site assessment (LESA) report only if a sketch plan is required by the plat officer. The subdivider will then follow the requirements found in article III of this chapter.
    - (3) Municipal/IDOT approval. The rules and standards governing plats and subdivisions of land contained in this chapter shall apply to all land not within an incorporated municipality. However, no plat purporting to lay out land within 1½ miles of a municipality having a duly adopted plan and subdivision regulations shall be approved until it has first been approved by the governing body of the municipality under whose jurisdiction the proposed subdivision falls. In the event of overlapping municipal jurisdictions, the extent of jurisdiction hereunder shall be a line equidistant between the incorporated municipalities.
    - (4) Where the proposed subdivision lies outside the corporate limits of a zoned municipality but within 1½ miles of the corporate limits of said jurisdiction, a copy of the preliminary plat shall be transmitted to the city or village clerk for the review and approval by that jurisdiction. The county will not officially accept the preliminary plat or begin its formal review of same until said municipal review has been concluded and their findings or recommendations have been forwarded in writing to the county.
    - (5) Where the proposed subdivision is bounded on one or more sides by a state or federal highway, the preliminary plat will be forwarded to the state department of transportation, district 2 offices for their review and comment. The county will not officially accept the preliminary plat or begin its formal review of same until said department of transportation review has been concluded and their findings or recommendations have been forwarded in writing to the county.
    - (6) Planning and zoning commission review. The plat officer, upon review of the preliminary plat for completeness, shall only schedule a review by the planning and zoning commission when he feels that the plat warrants such review. Section 39-171(e)(4) will apply in such cases.
    - (7) Final approval requirements. The subdivider shall file with the plat officer a formal request for approval along with six black line or blue line prints, the original tracing, six copies of all covenants or restrictions pertaining to the plat. The plat officer shall transmit copies of the approved plat to the county engineer, the county health administrator, the administrator, the appropriate road authority and the E911 coordinator. The original tracing shall be made available to the subdivider for recording.
    - (8) Modifications and exceptions. All modifications and/or exceptions shall be handled as prescribed in this article IV.
  - (f) *Approval criteria.* The approval criteria are the same as that required for a preliminary and final plat.
  - (g) *Appeals.* A mini-subdivision is appealed in the same manner as a final plat.
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(h) *Scope of approval.* Approval of a mini-subdivision has the same effect as approval of a final plat.

(i) *Recordkeeping.* A mini-subdivision is recorded with the county recorder.

(Compiled Ords. 2013, § 19-4.19)

**Secs. 39-177—39-205. Reserved.**

***DIVISION 4. ENFORCEMENT***

**Sec. 39-206. Violation remedies.**

Remedial action on violations of the zoning regulations will be based on the type of violation as follows:

- (1) *Land use violations.* When any building, structure or parcel of land is used in violation of the provisions of this division, and upon a complaint being filed by the administrator, the state's attorney is hereby authorized to institute such action or proceeding, under state law, to bring said violation into compliance with the zoning regulations.
- (2) *Revocation of zoning certificates.* The administrator may revoke any zoning certificate if the facts were misrepresented on the application or where the applicant violates the terms or conditions of the certificate or this chapter.
  - a. The zoning officer will prepare a notice of revocation detailing the reasons for the revocation and forward it to the permit holder.
  - b. The permit holder may appeal the revocation to the planning and zoning commission.
- (3) *Certificate violations.* When any building or structure is being constructed, either without a zoning certificate or in violation of a properly issued zoning certificate, the administrator is hereby empowered to issue and post a stop work order on the premises where the violation is taking place.
  - a. The stop work order shall cite the violated section of the zoning regulations and shall be presented to the owner of the property, the owner's agent or to the person doing the work.
  - b. Compliance with the order shall be the responsibility of the owner of record, the current occupant and the person performing the work upon the property in question.
  - c. Within five working days of issuing a stop work order, the action shall be approved in writing by the state's attorney or the order shall be lifted.
  - d. After a stop work order has been posted pursuant to this subsection by the county zoning officer or his designated representative, it shall be unlawful for any person to remove or deface the posted stop work order. Removal or defacement of the stop work order shall be punishable as a petty offense as set forth in 55 ILCS 5/5-12017.
  - e. Any person who shall continue any work in, on or about the building or structure shall be considered as having violated this provision and subject to section 39-207.

(Compiled Ords. 2013, § 19-4.20)

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**Sec. 39-207. Penalties.**

Penalties for violations of the provisions of the county zoning regulations will be based on the type of violation as follows:

- (1) *Violation where permit can be issued.* In the event where work is begun on construction of a building or structure or where a change in land or building use is commenced, and such construction or use change meets the requirements of the zoning regulations with the exception of a required permit having been issued by the administrator, an additional charge as prescribed by the fee schedule in appendix A, shall be added to the fee charged for the permit. It will be deemed that construction has begun if the builder has formed up and poured the foundation.
- (2) *Violations requiring court action.* Any persons, firms or corporations, or agents, employees or contractors of same who violate, disobey, omit, neglect or refuse to comply with any of the provisions of this division shall be charged with a petty offense and subject to a fine of not more than \$500.00 and each week a violation continues shall constitute a separate offense.
- (3) *Violations and penalties.* Any person, firm or corporation who violates or fails to comply with any of the provisions of this division shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than \$25.00 or more than \$1,000.00 and up to six months in the county jail. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(Compiled Ords. 2013, § 19-4.21)

**Secs. 39-208—39-237. Reserved.****ARTICLE V. SUPPLEMENTAL USE REGULATIONS****Sec. 39-238. Generally.**

- (a) This article establishes standards for individual uses or activities that supplement the other requirements of this chapter. This article addresses requirements that are unique to those uses.
- (b) In some situations, replacing discretionary review (such as special use permits) with clear predictable standards, which avoids the need for additional permit review, and for some uses, establishing additional permissions or options for location or design that meet the unique needs of the use.
  - (1) This article establishes standards for particular uses. These standards apply to a use that is subject to this chapter in addition to the standards established in the zoning regulations (article II of this chapter) and any applicable development standards (article III of this chapter).
  - (2) All uses shall comply with all other applicable requirements of this Code.
  - (3) If a requirement of this article conflicts with a requirement established elsewhere in this chapter, the requirement of this article governs.

(Compiled Ords. 2013, § 19-5.1)

**Sec. 39-239. Accessory buildings and uses.**

- (a) *Accessory buildings.* Accessory buildings are those buildings as defined in section 39-3.

- (1) No accessory building shall be erected in any required yard other than a rear yard and shall occupy less than an aggregate of 30 percent of the required rear yard. Accessory buildings shall be limited in height to 20 feet at the peak on lots under 40,000 square feet and a height of 25 feet at the peak on lots of 40,000 square feet and over. Accessory buildings shall be at least five feet from the side and rear lot lines and a minimum of ten feet from an alley right-of-way line. Accessory buildings built in the buildable area shall conform to all other yard requirements. Conveyances/structures constructed for purposes of the transportation of people or goods, including, but not limited to, truck trailers, railroad cars, rail piggy-back container units, travel trailers, mobile or manufactured homes and other similar units, shall not be placed on any lot or parcel of land as an accessory, on-site storage structure. Intermodal shipping containers, as defined in section 39-3, may be allowed to be placed on non-residential sites, as well as residential sites, as an accessory building for the purposes of an accessory on-site storage use only. A maximum of three intermodal shipping containers may be allowed on a non-residential site as accessory buildings for the purposes of accessory on-site storage use only. No more than two intermodal shipping containers may be located on a residential property site as accessory buildings for the purposes of an accessory on-site storage use only. No intermodal shipping container shall be stacked or abutting another intermodal shipping container. No intermodal shipping container shall be modified in any manner including, but not limited to, adding plumbing or electrical service, creating any openings such as windows, doors, removing sides to allow for connections to one another, etc., nor shall any intermodal shipping container that has been previously modified in any manner be used as an accessory on-site storage building/use.
- (2) Where the natural grade of a lot at the front wall of the principal building is more than eight feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within ten feet of any street line, provided that at least one-half of the height of such private garage shall be below the level of the yard or court.

(b) *Maximum sizes for residential accessory buildings.*

- (1) For purposes of this section, the term "residential lots" shall include any lot in the A-1 district, used for residential purposes, and any lot in the A-R, R-1 and R-2 districts. It shall not include farms in any district. This section augments subsection (a) of this section (accessory buildings).
- (2) The following maximums shall apply to accessory buildings by zoning district. Larger structures can be placed on these lots when granted a variance by the planning and zoning commission. In certain instances, the applicant may be required to obtain a sign-off from the health department. The maximum sizes for accessory buildings on residential lots shall be as follows:

District	Lot Size	Maximum Accessory Building Size
A-1	Five AC or more	5,000 square feet
	Under five AC	3,600 square feet
A-R	Under 1.5 AC	2,000 square feet
	1.5 AC to 2 AC	2,400 square feet
	More than two AC	3,600 square feet
R-1 and R-2	0.5 AC and under	1,500 square feet
	0.5 AC to 0.76 AC	1,800 square feet

- (3) In any A-1, A-R, R-1 or R-2 zoning district, where no primary use or structure exists on a non-farm lot, the largest accessory structure allowed will be 600 square feet



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(c) *Pre-residence, accessory building requirements.*

- (1) For purposes of this section, residential lots shall again include any lot in the A-1 District, used for residential purposes, and any lot in the A-R, R-1 and R-2 Districts. It shall not include farms in any district. This section augments subsection (a) of this section (accessory buildings).
- (2) As per subsection (b)(3) of this section, a 600 square foot accessory building would be the maximum allowed on vacant, non-farm property. A larger accessory building will be allowed either through a variance or when the following conditions are met:
  - a. A permit for a residence, to be built within two years, must be obtained at the same time as the permit for the accessory building.
  - b. A well and septic permit must be obtained for the residential structure.
  - c. The permit fee for the residence must be paid in advance in the form of a cashier's check or money order. This fee will be held by the development office until construction has begun on the residence and the setback has been checked. At that time, the fee will be corrected, if necessary, and deposited in the county's general fund.
  - d. The permit fee for the residence will be based on a minimum 1,150 square foot residence.

(Compiled Ords. 2013, § 19-5.2; Ord. No. 11-2019-7 , 11-19-2019)

**Sec. 39-240. Adult uses.**

- (a) *Applicability.* This section applies to any adult use, as defined in section 39-3.
- (b) *Standards.* Adult uses shall be no closer than:
  - (1) 600 feet to any "R" district or residential subdivision; or
  - (2) 1,000 feet to any schools, parks or churches.

(Compiled Ords. 2013, § 19-5.3)

**Sec. 39-241. Animal related uses.**

- (a) *Applicability.* This section applies to the following uses, as defined in the Use matrix (section 39-41):
  - (1) Veterinary clinics; and
  - (2) Animal boarding kennels.
- (b) Open air confinement of animals shall be at least 1,320 feet from any "R" district.

(Compiled Ords. 2013, § 19-5.4)

**Sec. 39-242. Buffered subdivisions.**

- (a) *Intent.*
  - (1) The intent of buffered subdivisions is to allow for residential development which will enhance living environments by preserving a sense of agriculture, the natural environment and rural landscapes. These provisions should encourage innovative and livable housing environments which include both permanent dedication of open space and a planned reduction of individual lot area requirements.

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- Buffered subdivisions will be allowed in an "A-1" Zone, without requiring a rezoning to "A-R," provided that the entire buffered subdivision is surrounded by open space.
- (2) Use of the provisions that follow should result in residential developments which are consistent with zoning regulations standards and these regulations, yet allow for modifications from the general standards to ensure appropriate, fair and consistent decision making.
- (b) *Objectives.* The following objectives shall be considered in conducting the review of any application for a buffered subdivision:
- (1) Provision of more environmentally sensitive, residential developments through preservation of the natural character of the landscape including open fields, stands of trees, ponds, streams, wetlands, hills and similar natural features.
  - (2) Preservation of the rural landscape of the county and protection of environmentally sensitive lands from the disruptive effects of conventional subdivision designs.
  - (3) Provision of more efficient and aesthetic use of open space by allowing developers to reduce lot sizes without sacrificing the public health, morals and general welfare, while maintaining the residential density required within the zoning district.
  - (4) Allowance of a more flexible and economical residential layout and street design that encourages diversity and originality in lot layout and dwelling placement to achieve the best possible relationship between development and the land.
  - (5) Encouragement of design creativity in all aspects of the development, including lot layout, street design and sewage disposal methods.
  - (6) Assurance of permanent preservation of open space, rural lands and natural resources.
- (c) *Principles for site location.* The following general principles shall be utilized to evaluate the proposed location of any buffered subdivision. These principles shall be applied by the planning and zoning commission as a general guideline to help assess the impact of the proposed development.
- (1) *Natural features protected.* Buffered subdivisions should maintain the rural, natural and scenic qualities of the county. Toward this end, all buffered subdivisions shall be designed to promote the preservation of natural features. Significant wildlife habitats, sensitive environmental lands and scenic vistas are to be protected.
  - (2) *Single ownership control.* The proposed development shall be under single ownership or control, such that a single person or entity has proprietary responsibility for the completion of the development.
  - (3) *Access to public roadway.* Buffered subdivisions shall have not less than one property line abutting a public roadway. All entrances and exits shall be directly onto or from said roadway.
- (d) *Development requirements.* The following development requirements are to be applied to buffered subdivisions:
- (1) *Density standards.* Applicants for a buffered subdivision shall be entitled to develop the land remaining after the required dedication of open space to its maximum potential subject to the lot size requirements established herein.
  - (2) *Lot size requirements.* Lot sizes may vary; however, all lots shall comply with the following standards:
    - a. Lots not served by public or common sanitary sewer and public or community water shall be at least eight-tenths of one acre (35,000 square feet) in area with a minimum lot width of not less than 155 feet measured at the approved building setback line. Additionally, lots shall be sized and designed to accommodate an area, or not more than two areas, of contiguous, suitable soil reserved for the installation of a primary subsurface absorption system and a secondary

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(replacement) subsurface absorption system. Said areas shall be clearly delineated and labeled on the preliminary plat. Suitable soils are those soils classified as Category 1 or 2 pursuant to section 39-84(f). Those soils with moderate, severe or very severe limitations for subsurface absorption systems (Category 3 and 4, pursuant to this Code) shall not be included in the reserved areas for conventional subsurface absorption systems. Category 1 soil types require a total reserved area of at least 6,500 square feet. Category 2 soil types require a total reserved area of at least 10,500 square feet. At least one of the two reserved areas must be on each lot.

- b. Lots served by public sewer and sewerage treatment facilities and public water shall be at least 10,000 square feet in area with a minimum lot width of not less than 80 feet measured at the approved building setback line.
  - c. Lots served only by a public or community water system shall be at least 22,000 square feet in area with a minimum lot width of not less than 120 feet measured at the approved building setback line. Additionally, lots shall be sized and designed to accommodate an area, or not more than two areas, of contiguous, suitable soil reserved for the installation of a primary subsurface absorption system and a secondary (replacement) subsurface absorption system pursuant to subsection (d)(b)1 of this section.
  - d. Lots served only by public or community sewers (sewage treatment facilities) shall be at least 18,000 square feet with a minimum lot width of not less than 95 feet measured at the building line.
  - e. Lots served by on-site wells shall be sized and designed to accommodate a private well located not less than 75 feet from the subsurface absorption system in Category 1 and 2 soils, or less than 100 feet in Category 3 and 4 soils. Any variation from this requirement will require a sign-off from the county health department.
  - f. Lots served by off-site subsurface absorption systems or other approved off-site sewage treatment methods shall be treated, for the purposes of lot size requirements, as being served by public or community sewers (sewage treatment facilities).
- (3) *Setback and yard area requirements.*
- a. Building setback and yard area requirements. The building setback and yard area requirements of the zoning district in which the buffered subdivision is located shall apply. However, when reduced building envelopes are utilized, the required building setback may be reduced up to, but not more than, 25 percent.
  - b. Reduced zoning envelopes (RZE). The use of RZE's is strongly encouraged in order to minimize site disturbance, reserve on-site areas for subsurface sewage disposal, and create a better overall subdivision design. The RZE shall be clearly delineated as such on the subdivision plat, shall be binding upon the owner/developer of each lot, and shall be enforceable by the county. The following design standards shall apply to RZE's:
    - 1. RZE's shall be selected that do not include the tops of ridge lines.
    - 2. RZE's shall not be located in areas reserved for the installation of a primary subsurface absorption system and a secondary (replacement) subsurface absorption system as required in subsection (d)(c)2 of this section.
    - 3. RZE's should avoid open fields where feasible.
    - 4. RZE's should be located on the edges of fields and in wooded areas to minimize the visual impact of development.

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5. Front, rear and side yard setbacks may be staggered to provide for maximum variety in the size of such yards; however, the yard area requirements of the zoning district in which the buffered subdivision is located shall apply and the required building setback may be reduced up to, but not more than, 25 percent. This building setback reduction will not apply to county highways.
  6. Maximum possible rear yards onto open space shall be provided.
  7. RZE placement should be as far as possible from open space.

(e) *Open space standards.*

- (1) *Areas not considered open space.* Areas devoted to public or private streets or rights-of-way or any land that has been or is to be conveyed to a public agency for purposes other than conservation of open space shall not be calculated as dedicated open space.
- (2) *Areas that may be included as open space.* Except as noted above, any undeveloped land area within the boundaries of the designated development parcel may be included as required open space, including land designated "Zone A" or "Zone AE" (special flood hazard areas inundated by the 100-year flood) as shown on the county flood insurance rate maps prepared by the Federal Emergency Management Agency (FEMA).
- (3) *Use of open space.* All land within a buffered subdivision that is not devoted to a residential unit, an accessory use, vehicular access, vehicular parking, a roadway, an approved land improvement, or is not considered open space as defined above shall be considered dedicated open space, preserved in an undeveloped state. Further subdivision of open space lands, or their use for other than recreation, conservation or agriculture shall be prohibited.
- (4) *Location of open space.* Open space shall be comprised of two types of land: primary hold-harmless areas and secondary hold-harmless areas. All lands within both primary and secondary hold-harmless areas shall be protected by a permanent conservation easement prohibiting further development, and setting other standards safe-guarding the site's special resources from negative changes. In an A-1 Agricultural District, at least 50 percent of the total site area designated for development shall be designated as open space and permanently protected; in an R-1 Single-Family Residence District, at least 33.33 percent of the total site area designated for development shall be designated as open space and permanently protected.
  - a. *Primary hold-harmless areas.* This category consists of wetlands, lands that are generally inundated (under ponds, lakes, creeks, rivers, etc.), land within the 100-year floodplain, and slopes exceeding 25 percent.
  - b. *Secondary hold-harmless areas.*
    1. In addition to the primary hold-harmless areas, additional land shall be designated as open space and permanently protected to total the required percentage of the total site area designated for development.
    2. Although the locations of primary hold-harmless areas are predetermined by the locations of floodplains, wetlands, and steep slopes, greater latitude exists in the designation of secondary hold-harmless areas (except that they shall include a 100-foot deep greenway buffer along all water bodies and watercourses, and a 50-foot greenway buffer alongside wetlands soils classified as very poorly drained in the detailed soil report).
    3. The location of secondary hold-harmless areas shall typically contain all or part of the following kinds of resources: mature woodlands, aquifer recharge areas, areas with highly permeable (excessively drained) soils, significant wildlife habitat areas, sites listed on the state natural areas inventory, prime farmland, historic, archaeological or cultural features

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listed (or eligible to be listed) on national, state or county registers or inventories, and scenic views into the property from existing public roads. Secondary hold-harmless areas therefore typically consist of upland forest, meadows, pastures, and farm fields, part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection, and other reasons.

(5) *General locational standards.*

- a. Buffered subdivisions shall be designed around both the primary and secondary hold-harmless areas, which together constitute the total required open space. The design process should therefore commence with the delineation of all potential open space, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step.
- b. Both primary and secondary hold-harmless areas shall be placed in undivided preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the development. Undivided open space shall be directly accessible to the largest practicable number of lots within a buffered subdivision. To achieve this, the majority of house-lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage of human disturbance). Where the undivided open space is designated as separate, non-contiguous parcels, no parcel shall consist of less than three acres in area nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as athletic fields, upland buffers to wetlands, water bodies or watercourses, or trail links.

(6) *Preservation of open space.* Open space shall be set aside by the developer through an irrevocable conveyance that is acceptable to the county. Forms of dedicating open space may include:

- a. A recorded deed restriction;
- b. Covenants that run perpetually with the land; or
- c. A conservation easement. Such conveyance shall ensure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use except for public highway purposes. Such conveyance shall:
  1. Indicate the proposed allowable uses of the dedicated open space.
  2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  3. Provide standards for scheduled maintenance of the open space.

(7) *Structures built in open space areas.* Any structures or buildings accessory to recreation, conservation or agriculture may be erected within the dedicated open space, subject to the approved open space plan. These accessory structures or buildings shall not exceed, in the aggregate, one percent of the required open space area. County zoning permits will be required for such structures, to be paid for by the owners in the subdivision.

(8) *Access to open space.* Open space intended for recreation or use by the residents shall be easily accessible to pedestrians. Accessibility should meet the needs of the physically challenged and senior citizens.

(9) *Ownership and maintenance of open space.* Different ownership and management options apply to the permanently protected open space created through the buffered subdivision development process.

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The open space shall remain undivided and may be owned and managed by a homeowners' association, a recognized land trust or conservancy, or a public agency such as a park district or forest preserve district. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

- (10) *Ownership standards.* Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination.
- a. Homeowners' association. The undivided open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:
    1. The developer shall provide a description of the association, including its bylaws and methods for maintaining the open space.
    2. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.
    3. Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
    4. The association shall be responsible for maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or house-lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
    5. The members of the association shall share equitably the costs of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.
    6. The association shall have or hire adequate staff to administer common facilities and properly and continually maintain the undivided open space.
  - b. Condominiums. The undivided open space and associated facilities may be controlled through the use of condominium agreements, approved by the county. Such agreements shall be in conformance with the state's uniform condominium act. All undivided open space land shall be held as a common element.
  - c. Transfer of conservation easements to a private conservation organization or public agency. With the permission of the county, an owner may transfer easements to a private, nonprofit organization or ownership to a public agency, among whose purposes it is to conserve open space and/or natural resources, provided that:
    1. The organization is a bona fide conservation organization with perpetual existence;
    2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable; and
    3. A maintenance agreement acceptable to the county is entered into by the developer and the organization.
- (11) *Maintenance standards.*
- a. The ultimate owner of the open space (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The homeowners' association shall be

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authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

- b. In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the county may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.
  - c. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of these regulations. The county is hereby authorized to give written notice to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within 15 days.
- (f) *Evaluation criteria/design standards.* In evaluating the layout of lots and open space, the following criteria will be considered by the county as appropriate to the site's natural, historic, and cultural features, and meeting the purpose and objectives of buffered subdivisions. Diversity and originality in lot layout shall be encouraged to achieve relationship between development and conservation areas. Accordingly, the county shall to determine whether the proposed sketch or preliminary plat:
- (1) Protects and serves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or excavation (except as may be approved by the county for essential infrastructure or active or recreation amenities).
  - (2) Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and sufficient buffer areas to minimize conflicts between residential and agricultural uses. For locating house-lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant preservation concern. The second involves predominantly agricultural areas, where remnant tree groups provide the natural areas for wildlife habitat.
  - (3) If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen of a variety of indigenous native trees, shrubs and wildflowers.
  - (4) Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, rivers, springs, lakes and ponds.
  - (5) Designs around existing hedgerows and tree lines between fields or meadows, and minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. Also, woodlands of any size on highly credible soils with slopes greater than ten percent should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, subsurface septic absorption systems, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
  - (6) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roads. For example, in open agrarian landscapes, a deep "no-build, no-plant" buffer is recommended along the public road where those views or vistas are prominent or locally significant. The concept of foreground meadows with homes facing the public road across a broad grassy expanse (as illustrated in Fig. 5-5 of Open space for Subdivisions: A Practical Guide to Creating Open Space Networks, Arendt, Randall G., 1996) is strongly preferred to mere buffer strips, with or without berms or vegetative screening. In

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wooded areas where the sense of enclosure is a feature that should be maintained, a deep no-build, no-cut buffer should be respected, to preserve existing vegetation.

- (7) Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
  - (8) Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the state natural areas inventory.
  - (9) Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including barns, barn foundations, and burial grounds.
  - (10) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, hedgerows, and so on.
  - (11) Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house-lots.
  - (12) Includes a pedestrian circulation system designed to ensure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
  - (13) Provides open space that is reasonably contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks/preserves, or properties owned by or eased to private land conservation organizations). Such subdivision open space shall be designed as part of larger contiguous and integrated greenway systems.
- (g) *Submission requirements.* All submissions for buffered subdivisions shall comply with articles II, III and IV of this chapter.
- (h) *Improvement requirements.* Any improvements will comply with article III of this chapter.
- (i) *Stormwater management plan.* A stormwater management plan will be required under the county stormwater management regulations. Secondary hold-harmless areas may be used as a part of that plan. Primary hold-harmless areas will not be used as a part of the stormwater management plan.
- (j) *Requirements set by other offices or agencies.* The provisions of this article do not negate any requirements set by any other county office or department or by any agency that regulates development in the county.

(Compiled Ords. 2013, § 19-5.5)

### **Sec. 39-243. Burial grounds.**

- (a) No lot may be used for the interment of human dead except for any lot legally recognized as a public, private, fraternal, municipal, or religious cemetery or family burying ground as recognized under 760 ILCS 100/2.
- (b) This prohibition does not apply to the burial of human remains in the form of cremated ashes.



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(Compiled Ords. 2013, § 19-5.6)

**Sec. 39-244. Campers; campgrounds.**

Travel trailers, campers, recreational vehicles and motor homes. The following restrictions shall apply to use of all units intended for travel, vacation or recreational purposes:

- (1) Use of any of the above, or unlisted units constructed with a similar intent, as permanent housing outside of a legal campground is prohibited.
- (2) Use of any of the above, or unlisted units constructed with a similar intent, as temporary housing units on developed or undeveloped private property will be allowed for a period not to exceed 90 days in any calendar year with the following restrictions and exception:
  - a. A temporary zoning certificate will be required;
  - b. The unit may be hooked to electricity and water but not permanently to a well and septic system;
  - c. No more than two units may be on a single parcel at one time; and
  - d. An exception to the 90-day rule will be units placed, for recreational purposes, in a floodplain. Such units will comply with the requirements of the county flood prevention and protection regulations.
- (3) In the event of a manmade or natural disaster, in which a permanent residence is destroyed by 50 percent or more, use of these type of temporary living units may be allowed by the administrator for up to 180 days, provided that:
  - a. A temporary zoning certificate is obtained for the unit;
  - b. Provisions are made to replace the unit, on a temporary basis, with a manufactured home at the end of 180 days; and
  - c. A zoning certificate is obtained for the replacement of the original home that has been destroyed.
- (4) An extension, in the form of a temporary special use, may be granted by the planning and zoning commission after a public hearing.

(Compiled Ords. 2013, § 19-5.7)

**Sec. 39-245. Duplexes (split-lot).**

- (a) *Generally.* It is the intent of this article to provide a means of splitting a lot which houses a duplex structure so that each side of the duplex may be sold with its own parcel. Each half of a split-lot duplex will be considered a unit for purposes of this article.
- (b) *New subdivisions.* Split-lot duplexes will be allowed only as a part of a subdivision and not as a subdivision unto its own. Such lots can make up no more than ten percent of the lots in the subdivision and should be grouped together as much as possible. All lots to be used for split-lot duplexes will be rezoned to R-2 with a special use.
- (c) *Existing subdivision.* Split-lot duplexes will be allowed only as a part of an existing subdivision. Such lots can make up no more than five percent of the lots in the subdivision and should also be grouped together as much as possible. All lots to be used for split-lot duplexes will be rezoned to R-2 with a special use. In an existing subdivision, split-lot duplexes shall not be allowed adjacent to:

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- (1) Already developed lots zoned A-1, A-R or R-1.
  - (2) Residential lots zoned A-1, A-R or R-1 in another, existing subdivision.
- (d) *Lot sizes.* Lot size for split-lot duplexes will be based on the soil categories shown in section 39-84(f). The following lot sizes will apply based on the soil category that makes up the majority of the lot:

Soil Category	Lot Size
Category 1	33,000 square feet
Category 2	40,000 square feet
Category 3 and 4	50,000 square feet

- (e) *Wells and septic.* For split-lot duplexes, wells may be shared between the duplex units or each unit may have individual wells. This will be determined between the developer and the county health department. Septic systems will not be shared. Each unit will have an individual tank, septic field and reserve septic field. Field sizes are required as follows:

Soil Category	Required Septic Field Size	Septic Field Size Per Unit*	Maximum Bedrooms Per Duplex**
Category 1	6,500 square feet	3,250 square feet	Four
Category 2	10,500 square feet	5,250 square feet	Four
Category 3 and 4	10,500 square feet	5,250 square feet	Four

\*Half of the square footage will be used initially; half will be held in reserve. To be shown on plat.

\*\*Bedrooms can be split two-two or three-one by units.

(Compiled Ords. 2013, § 19-5.8)

**Sec. 39-246. Government uses and buildings.**

- (a) *Where permitted.* Any facility where county services are provided, as approved by the county board, is considered a permitted use in every zoning district.
- (b) *Government offices.*
  - (1) *Applicability.* This section applies to any government office/ public building as defined in the Use matrix (section 39-41).
  - (2) *Setback.* Any building associated with a government office/public building must be located at least 20 feet from any lot in any "R" district.

(Compiled Ords. 2013, § 19-5.9)

**Sec. 39-247. Home occupations and small rural businesses.**

- (a) *Applicability.*
  - (1) The terms and phrases specific to this section are defined below:

Home occupation	An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes.
Small rural business	A commercial use that is subordinate to the established agricultural and/or residential uses, and is owned and operated by a land owner who resides on the premises where the business is conducted. A small rural business shall 1) employ two or fewer persons, other than members of the immediate family residing on the premises; 2) provide a service to the area or an attraction for tourists or travelers; and 3) supplement the county tax base. A small rural business will require a land use permit in order to operate.
Telecommuting	Work outside of an office that involves no deliveries, storage, customer visits, or similar activities. This includes any home office where work is conducted on computers or similar office-type settings.

(2) This section applies to home occupations or small rural businesses.

(3) This section does not apply to telecommuting. Telecommuting is considered a permitted use in any dwelling unit.

(b) *Generally.*

(1) If a home occupation or small rural business grows to become the dominant use on the premises and is no longer subordinate to the established residential and/or agricultural uses, the owner/operator shall either:

- a. Re-zone the site to the appropriate zoning classification (see sections 39-29—39-39); or
- b. Re-locate the business to an area that is properly zoned for the use conducted.

(c) *Uses.*

(1) The following uses are allowed as a home occupation or small rural business, as indicated below.

Use. A check mark (✓) indicates that the use is permitted. A blank cell means that the use is not permitted. Refer to section 39-41 (Use matrix) for definitions.	Home occupation	Small rural business
Commercial		
Bakery, retail		✓
Boat sales and repair		✓
Business support services (e.g., print/copy shop)	✓	✓
Catering/food preparation	✓	✓
Day care home, child	✓	✓
Delivery, dispatch, courier services	✓	✓
Drug store/pharmacy		✓

Farm feed stores		✓
Farm implement sales, wholesale and repair		✓
Food and beverage stores		✓
Non-store retailers	✓	✓
Office	✓	✓
Personal services	✓	✓
Photography or photofinishing	✓	✓
Plumbing and heating shop		✓
Rental and leasing	✓	✓
Repair services, appliance/consumer	✓	✓
Restaurant, small/cafe;		✓
Retail, generally	✓	✓
Roadside stand	✓	✓
Services to buildings and dwellings	✓	✓
Used merchandise sales (e.g., antique store/flea market)	✓	✓
Veterinarian/animal hospital	✓	✓
Manufacturing/industrial		
Bakery		✓
Data processing, hosting, and related services	✓	✓
Machine shop		✓
Media production	✓	✓
Medical research facility, including biological and genetic	✓	✓
Printing, publishing and related trades	✓	✓
Production, artisan	✓	✓
Research and development	✓	✓
Welding/primary metal manufacturing	✓	✓
Wholesale/storage		
Wholesale distribution and sales (indoor operations and indoor storage)	✓	✓
Wholesale sales office/sample room	✓	✓
Institutional/civic		
Medical office/outpatient care	✓	✓
Religious assembly (e.g., church)	✓	✓
School (trade and miscellaneous)	✓	✓
Construction		
Construction	✓	✓
Temporary construction building	✓	✓

Special trade contractors (no outside storage)	✓	✓
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(2) The administrator may approve additional uses not listed below if the applicant demonstrates that the use complies with all of the standards listed in subsections (d) through (h) of this section.

(d) *Location.*

- (1) A home occupation shall be carried on wholly within a principal building or accessory building.
- (2) A small rural business is allowed only in an accessory structure. It is not allowed on a lot that is part of an existing subdivision.

(e) *Scale and space requirements.*

(1) The following scale and space requirements apply:

Standard	Home Occupation	Small Rural Business
Dwelling unit (principal structure); a home occupation may occupy up to this amount of gross floor area, of the floor where the home occupation is conducted.	1/3 (33 percent)	Not allowed
Accessory building; maximum square feet gross floor area.	600	5,000

(2) Applicants must provide a site plan indicating where the home occupation or small rural business and any necessary, off-street parking will be located.

(f) *Signs.* Signs identifying a home occupation or small rural business are limited to those allowed in article III of this chapter.

(g) *Operations.*

Standard	Home Occupation	Small Rural Business
Employees.	No person outside the family shall be employed in the home occupation.	
Exterior displays and sign.	See sign regulations (section 39-80).	See sign regulations (section 39-80).
Exterior storage.	None.	Located in rear yard and completely screened from view at the street and any property line adjoining a residential zoning district.

Exterior appearance.	No other exterior indication of the home occupation or variation from the residential character of the principal building is allowed.	
Impacts.	No noise, vibration, smoke, dust, heat or glare beyond that produced by a single-family dwelling unit shall be produced.	

(h) *Zoning certificates.*

- (1) A zoning certificate is required before any home occupation or small rural business is established. The applicant must obtain a zoning certificate before applying for any permit required by the health department.
- (2) The administrator may set reasonable conditions on zoning certificates including, but not limited to, hours of operation, off-street parking and delivery/storage of raw materials.
- (3) If the applicant feels that the conditions set by the zoning officer are too restrictive, the applicant may appeal the conditions to the planning and zoning commission (see section 39-148).

(Compiled Ords. 2013, § 19-5.10; Ord. No. 2, 2-19-2008)

**Sec. 39-248. Hospitals/nursing homes.**

- (a) *Applicability.* This section applies to any hospital or nursing home, as defined in the Use matrix (section 39-41).
- (b) *Standards.* Facilities subject to this section shall be:
  - (1) At least 50 feet from any lot in any "R" district; and
  - (2) Located on lots of at least five acres.

(Compiled Ords. 2013, § 19-5.11)

**Sec. 39-249. Junkyards, salvage and wrecking yards.**

- (a) *Applicability.* This section applies to the following uses, as defined in the Use matrix (section 39-41):
  - (1) Automobile wrecking yard; and
  - (2) Junkyards.
- (b) *Permit requirements.* The following requirements apply to the establishment and/or operation of the uses referenced in subsection (a) of this section:
  - (1) A zoning certificate is required before the use is established (see section 39-149).
  - (2) The application shall be accompanied by a location map of the proposed site showing:
    - a. The relationship of the site to existing roads.

- b. The dimensions of the site.
  - c. The area to be used for storage, salvage or wrecking of materials shown in crosshatching.
  - d. The dimensions of the storage, salvage or wrecking area.
- (3) After the initial application requirements are met, an annual permit is required. This may be obtained from the planning and zoning office. Permits must be renewed by January 1 of each year. The permit fee shall be as established by resolution by the county board. Failure to obtain the permit by January 1 will result in a penalty fee, also set by resolution of the county board.
- (c) *Screening.*
- (1) The applicant shall provide a plan for screening the storage, salvage or wrecking area including location on the above map and construction details. Screening shall be in the form of a fence and shall:
    - a. Be located totally on the proposed site;
    - b. Be in place prior to the issuance of the permit;
    - c. At no time have materials piled such that said material is higher than the screening;
    - d. Be maintained in good condition through repair or replacement.
  - (2) Subject to the approval of the planning and zoning office, acceptable fencing shall include:
    - a. Chain-link type with aluminum, steel, plastic or wood slat inserts;
    - b. Solid metal sheeting supported by wood or metal posts;
    - c. Wooden fences which cannot be viewed through;
    - d. Masonry.

(Compiled Ords. 2013, § 19-5.13)

**Sec. 39-250. Livestock operations.**

- (a) Setbacks from existing livestock operations. All livestock management facilities, approved by the state department of agriculture, require certain setbacks as follows:

Animal Units	Occupied Residence	Populated Area
Less than 1000 AU's	One-fourth mile	One-half mile
1,000 to 6,999 AU's	One-fourth mile plus 220 feet/1,000 AU's over 1.000	One-half mile plus 440 feet/1,000 AU's over 1.000
7,000 or more AU's	One-half mile	One mile

- (b) Animal units occupied residence populated area.
- (1) When any new home construction is applied for or any A-R, R-1, R-2 or R-3 rezonings are proposed for the purpose of subdividing or new home construction, consideration will be given to the above requirements.
  - (2) When any proposed development does not meet the minimum requirements above, a sign-off will be required indicating that the home owner/builder or subdivision developer is aware of the proximity to the nearby livestock management facility. The proximity of a livestock management facility will also be noted on the final subdivision plat.

(Compiled Ords. 2013, § 19-5.13)

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## **Sec. 39-251. Lodging.**

Motels or motor hotels shall have the following requirements applied to them:

- (1) No vehicular entrances to or exits from any motel or motor hotel whatsoever shall be located within 200 feet along the street from any school, public playground, church, hospital, library or institution for dependents or children, except where such property is in another block or on another street, which premises in question do not abut.
- (2) The following regulations shall also be complied with:
  - a. Any lot to be used for a motel or motor hotel shall be not less than 20,000 square feet in area and shall contain not less than 1,200 square feet of lot area per sleeping unit. All buildings and structures on the lot shall occupy, in the aggregate, not more than 25 percent of the area of the lot.
  - b. All areas used for automobile access or parking shall comply with the provisions of section 39-79(e)(6).
  - c. All areas not used for access, parking, circulation, buildings and services shall be completely grass covered or equivalent and maintained in good condition.
  - d. No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such establishment.

(Compiled Ords. 2013, § 19-5.14)

## **Sec. 39-252. Manufactured/modular homes/mobile homes.**

The placement of manufactured/modular homes in the A-1 and A-R districts must comply with the following:

- (1) A manufactured home shall be:
  - a. Used for residential purposes only. Connection to any public or private utility, water system or sewer system will constitute occupancy for purposes of this chapter.
  - b. HUD approved and no more than ten years old. Proof, in the form of a title, is required when applying for a zoning permit. Manufactured homes older than ten years are permitted as seasonal dwellings only in areas along the Mississippi or Rock Rivers when properly permitted.
- (2) All modular homes will be placed on a permanent foundation or basement, with footings below the frost line. If a basement is not used, the permanent foundation will be of poured concrete or mortared concrete block. Any slabs will be poured inside and independent to the foundation walls. All modular homes will have a perimeter framing system to allow support by the permanent foundation. Wheels and tongues must be removed.
- (3) The requirements listed above do not apply to:
  - a. Homes which are allowed by the planning and zoning commission as a second dwelling on a parcel.
  - b. Homes to be used for a period not to exceed three years while another home is being constructed.
  - c. Homes used on a farm to house full-time farm workers.



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- (4) Special uses for manufactured/modular homes. The purpose of this section is to set standards for granting a special use for a manufactured/modular home. Such special uses will be required when dealing with manufactured/modular homes over ten years old, homes on parcels already occupied by another dwelling unit or manufactured/modular homes of any age which are not to be placed on a perimeter foundation. The standards to be followed in such cases are as follows:
- a. That the establishment, maintenance or placement of the manufactured/modular home under this special use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - b. That the placement of the manufactured/modular home under this special use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish and impair values within the neighborhood.
  - c. That the placement of the manufactured/modular home under this special use shall not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  - d. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.
  - e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - f. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the county board pursuant to the recommendations of the planning and zoning commission.
- (5) Manufactured home land lease community. A manufactured home land lease community ("community") shall comply with the following:
- a. The community shall be located on a parcel at least five acres in size.
  - b. The applicant shall provide a site plan designating the community's boundaries, including all spaces for lease, internal roads, and amenities. The site plan boundary line shall be at least 100 feet from any residential structure located outside the community unless separated by a natural or artificial barrier that obscures views or access into the community, such as a highway, river, stream, or significant change in elevation.

(Compiled Ords. 2013, § 19-5.15)

### **Sec. 39-253. Medical cannabis cultivation and distribution centers.**

- (a) *Cultivation centers.*
- (1) *Minimum distance from protected uses.* No medical cannabis cultivation center shall be established, maintained or operated on any lot that has a property line within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.
  - (2) *Measurement.* For the purposes of subsection (a)(1) of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on an applicable cultivation center is located to the nearest point on a property line of any protected use (as defined in subsection (a)(1) of this section).

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- (3) *Compliance with state regulations and rules.* Each cultivation center shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto.
  - (4) *Single use site.* No cultivation center may be established in multiple use or tenant property or on a site that shares parking with other uses.
  - (5) *Setbacks.* Each cultivation center shall be a minimum of 50 feet from its surrounding property lines.
  - (6) *Parking.* Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by cultivation center staff and are continually recorded in a tamper proof format.
  - (7) *Signage.*
    - a. All commercial signage for a cultivation center shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign, not to exceed two square feet in area, which may only include the cultivation center address. Such signs shall not be directly illuminated.
    - b. Electronic message boards and temporary signs are not permitted in connection with a cultivation center.
    - c. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.
  - (8) *Age and access limitations.* Each cultivation center shall prohibit any person who is not at least 18 years of age from entering the cultivation center property. Cultivation centers shall not employ anyone under the age of 18 years. Access to the cultivation center site shall be limited exclusively to cultivation center staff, local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).
  - (9) *Security and video surveillance.*
    - a. All cultivation, production and related operations at a medical cannabis cultivation center shall occur in an enclosed locked facility ("facility"). Each cultivation center shall provide and maintain adequate security on the entire site on which the cultivation center sits, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the site from theft. The facility shall be enclosed by high security fence. The fence must be adequately secure to prevent unauthorized entry and include gates tied into an access control system.
    - b. The medical cannabis cultivation center parking area, cultivation, production, warehousing areas and shipping bays and entrance shall be monitored by video surveillance equipment whose live images can be viewed by cultivation center staff and continually recorded in a tamper proof format.
    - c. A sign shall be posted in a prominent location which includes the following language "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility."
    - d. The sheriff's department shall review the adequacy of lighting, security and video surveillance installations with assistance from state law enforcement officials. The sheriff has the discretion to conduct periodic review of security features as appropriate.
    - e. Loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the facility.

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- (10) *Noxious odors.* All cultivation centers shall operate in a manner that prevents odor impacts on neighboring premises or properties and, if necessary, the facility shall be ventilated with a system for odor control.
- (11) *Conduct on site.*
- a. It shall be prohibited to conduct retail sales of medical cannabis or medical cannabis infused products at medical cannabis cultivation centers. A cultivation center may not sell or distribute any cannabis to any individual or entity other than a dispensary organization registered under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).
  - b. It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products, at a cultivation center.
  - c. It shall be prohibited to consume cannabis products in a cultivation center or anywhere on the site occupied by the cultivation center. A sign, at least 8.5 by 11 inches, shall be posted inside a cultivation center building in a conspicuous place and visible to staff and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on cultivation center property."
- (b) *Medical cannabis dispensary.*
- (1) *Minimum distance from protected uses.*
    - a. No medical cannabis dispensing organization shall be established, maintained or operated on any lot that has a property line within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.
    - b. No medical cannabis dispensary shall be established, maintained or operated on any lot that has a property line within 500 feet of the property line of a pre-existing residential zoning district, place of worship, or park.
  - (2) *Measurement.* For the purposes of subsection (b)(1) of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which an applicable dispensary is located to the nearest point on any property line of any protected use (as identified in subsection (b)(1) of this section).
  - (3) *Compliance with state regulations and rules.* All dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq., and all rules and regulations adopted in accordance thereto.
  - (4) *Single use site.* No dispensary shall be established in multiple use or tenant property or on a site that shares parking with other uses.
  - (5) *Setbacks.* Each medical cannabis dispensary shall be a minimum of 30 feet from its surrounding property lines.
  - (6) *Buffering from other medical cannabis dispensaries.* Each dispensary shall be a minimum of 1,000 feet from all other dispensaries, as measured from the applicable property lines.
  - (7) *Parking.*
    - a. Parking shall be located in an area which is visible from a public road or a private road that is accessible to the public. It cannot be screened from the roadway with vegetation, fencing or other obstructions.
    - b. Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by dispensary staff and are continually recorded in a tamper proof format.

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- (8) *Exterior display.* No dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights or any similar lighting system.
- (9) *Signage and advertising.*
- a. All commercial signage for a dispensary shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign, not to exceed two square feet in area, which may only include the dispensary address; such signs shall not be directly illuminated. Exterior signs on the dispensary building shall not obstruct the entrance or windows on the dispensary.
  - b. Electronic message boards and temporary signs are not permitted in connection with a dispensary.
  - c. Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing cannabis.
  - d. A sign shall be posted in a conspicuous place at or near all dispensary entrances and shall include the following language: "Only cardholders, designated caregivers, and staff may enter these premises. Persons under the age of 18 are prohibited from entering." The required text shall be no larger than one inch in height.
  - e. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque without text or graphics advertising or identifying the contents of the products contained within.
- (10) *Drug paraphernalia sales.* Dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act, 720 ILCS 600/1 et seq., and the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq.
- (11) *Age and access limitations.* Each dispensary shall prohibit any person who is not at least 18 years of age from entering the dispensary facility. Dispensaries shall not employ anyone under the age of 18. Access to the dispensary facility shall be limited exclusively to dispensary staff, cardholders, designated caregivers, local and state officials, and those specifically authorized under Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq.
- (12) *Hours of operation.* Dispensaries shall operate only between 8:00 a.m. and 6:00 p.m.
- (13) *Drive-thru windows.* Dispensaries may not have a drive-through service.
- (14) *Security and video surveillance.*
- a. Each dispensary shall be an enclosed, locked facility. Each dispensary shall provide and maintain adequate security on the entire property on which the dispensary exists, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the site from theft.
  - b. The dispensary parking area, client entrance, sales area, back room, storage areas and delivery bay and entrance shall be monitored by video surveillance equipment whose live images can be viewed by dispensary staff and continually recorded in a tamper proof format.
  - c. A sign shall be posted in a prominent location which includes the following language "This area is under live/recorded video surveillance to aid in the prosecution of any crimes committed against this facility or its patrons."

- d. The sheriff's department shall review the adequacy of lighting, security and video surveillance installations with assistance from state law enforcement officials. The sheriff has the discretion to conduct periodic review of security features as appropriate.
- e. Each dispensary shall report all criminal activities occurring on the property to the applicable law enforcement agency immediately upon discovery.
- f. Deliveries shall occur during normal business hours within a secure enclosed delivery bay and shall not be visible from the exterior of the facility.

(15) *Conduct on site.*

- a. Loitering is prohibited on the dispensary property.
- b. It shall be prohibited to consume cannabis products in the medical cannabis dispensary or anywhere on the site occupied by the dispensary. A sign, at least 8.5 by 11 inches, shall be posted inside the dispensary building in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on dispensary property."

(Compiled Ords. 2013, § 19-5.16; Ord. No. 4, 5-20-2014)

**Sec. 39-254. Mini-rental storage.**

Mini-rental storage facilities will meet the following requirements:

- (1) Maximum height will be one story.
- (2) There will be a minimum of 32 feet between buildings.
- (3) There will be electric service for lighting only and no water service to any rental unit.
- (4) There will be no outside storage except when such outside storage is separately fenced and lighted. Outside storage will not include business fleet vehicles and/or equipment or inoperable/un-licensed vehicles. Outside storage areas will be kept neat and orderly.

(Compiled Ords. 2013, § 19-5.17)

**Sec. 39-255. Mining/quarrying.**

All equipment, buildings or structures for screening, crushing, mixing, washing and storage associated with mining or quarrying shall be located at least 500 feet from any scenic highway designated in the comprehensive plan.

(Compiled Ords. 2013, § 19-5.18)

**Sec. 39-256. Outdoor display.**

(a) *Applicability.*

- (1) This subsection applies to the following:

Use	Definition
Flea market/swap meet	See Use matrix (section 39-41).

Outdoor display	The display of merchandise associated within an indoor retail use beyond the confines of a building, or in any location that does not have a roof or walls on all sides.
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(2) This section does not apply to roadside stands.

(b) *Standards.*

(1) Outdoor display is allowed only for the uses designated below. The area occupied by an outdoor display may not occupy an area of more than the following percent of the ground floor area of the building housing the principal use:

Principal Use (see Use Matrix (section 39-41))	Maximum Outdoor Display Area (percent of principal building)
Retail, generally	Ten percent
Automotive parts sales	Ten percent
Automotive, sales or rental	No limit
Bakery, retail	Ten percent
Convenience store (with vehicle repair)	Ten percent
Convenience store (without vehicle repair)	Ten percent
Drug store/pharmacy	Ten percent
Farm feed stores	50 percent
Farm implement sales, wholesale and repair	No limit
Flea market/swap meet	No limit
Food and beverage stores	Ten percent (no limit for farmers' markets)
Fuel dealers	No limit
Gas stations	Ten percent
Hardware/building material/lawn and garden stores	50 percent
Lumberyard/building materials (including outdoor display and storage)	No limit
Manufactured home/modular building and components sales and service	No limit
Retail, nursery/greenhouse products	No limit
Landscape contractor	No limit
Shopping center	Ten percent
Small rural business	Ten percent
Truck stop/travel plaza	Ten percent
Used merchandise sales (e.g., antique store)	Ten percent

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- (2) The applicant shall provide a site plan as part of any rezoning, special use, or zoning certification application that designates the location, area, and boundaries of outdoor display areas.
  - (3) The outdoor display must be customarily incidental to the principal use that occupies the lot, and only if that principal use is allowed in the district in which the outdoor display is permitted.
  - (4) Only the business or entity occupying the principal use or structure shall sell merchandise in the outdoor display areas.
  - (5) All outdoor displays must be located on the same lot as the principal use.
  - (6) The outdoor display is permitted in any yard, subject to a minimum setback of 20 feet from an adjoining property line.
  - (7) Outdoor display shall be screened from view along any property line abutting a residential zoning district by a landscaped buffer, an existing wooded area, or an opaque wall at least six feet in height. The buffer shall be at least ten feet in width. To the extent that buildings on the premises are located so as to screen views from adjacent streets and properties, those buildings may be considered part of the required screening in lieu of landscaping, wooded areas, or walls.
  - (8) The maximum height of displayed merchandise is limited to the height of any fence or wall along the lot's boundaries, or six feet, whichever is less.
  - (9) Areas used for such display shall be furnished with an all weather hard surface of a material such as bituminous or concrete.
  - (10) Merchandise shall not be placed or located so as to interfere with pedestrian or building access or egress, required vehicular parking and handicap parking, aisles, access or egress, loading space parking or access, public or private utilities, services or drainage systems, fire lanes, alarms, hydrants, standpipes, or other fire protection equipment, or emergency access or egress.
  - (11) Outdoor display areas shall not be located on any parking spaces needed to comply with the minimum parking ratios of article III, section 39-79. Outdoor display areas are considered part of the floor area of the principal use or structure for purposes of computing the minimum number of parking spaces required.
  - (12) The display shall not violate applicable federal, state, or local laws specific to the use of solid, liquid and gaseous chemicals, materials or products.

(Compiled Ords. 2013, § 19-5.19)

### **Sec. 39-257. Pollution control facility.**

- (a) *Applicability.* As defined in 415 ILCS 5/3.330. Examples include waste storage sites, sanitary landfill, waste disposal sites, waste transfer stations, waste treatment facilities, waste incinerators, sewers, and sewage treatment plants.
- (b) *Standards.* Pollution control facilities shall:
  - (1) Comply with county and state regulations; and
  - (2) Be operated at least 1,320 feet away from any "R" district.

(Compiled Ords. 2013, § 19-5.20)

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**Sec. 39-258. Railroad freight stations.**

- (a) *Setback.* Service yards or docks shall be at least 100 feet from any lot in any "R" district.
  - (b) *Applicability.* This section applies to any railroad freight station, as defined in the use matrix.
- (Compiled Ords. 2013, § 19-5.21)

**Sec. 39-259. Recreational uses.**

- (a) *Generally.* Any principal or accessory building in connection with any resort, lake (used for recreational purposes), or outdoor recreation use shall be located:
  - (1) Above flood hazard elevation; and
  - (2) At least 200 feet from any lot in an "R" district.
- (b) *Recreational dwellings.*
  - (1) The term "recreational dwelling" means a dwelling, including any mobile home, of at least 500 square feet of livable space, permanently placed with adequate sewer and water facilities and used strictly for recreational purposes but not used as a year-round dwelling.
  - (2) Where applicable, recreational dwellings will conform to the regulations found in chapter 16. Owners of property leased for recreational dwellings are responsible for complying with chapter 16.
- (c) *Outdoor recreation.*
  - (1) Outdoor recreation is defined as large, generally outdoor facilities primarily used for recreational or sports activities. Examples include: commercial sports (as defined in this section), sports stadiums and arenas, amusement and theme parks, racetracks, driving ranges, swimming or wave pools, riding stables or academies, campgrounds, recreational vehicle parks, miniature golf, golf courses and country clubs, batting cages, driving ranges, go cart tracks, public or commercial swimming pools (meaning those intended for the use of members and their guests of a nonprofit club or organization), commercial tennis courts, or similar recreational uses.
  - (2) Any accessory building in connection with outdoor recreation shall be located at least 200 feet from any lot in an "R" district.
- (d) *Sports.*
  - (1) This subsection applies to any:
    - a. Commercial sport, defined as a sports activity for which a fee is charged to participate, a fee is charged to spectate or both, and for which a prize, either monetary, material or both may be awarded to various winners involved in the activity.
    - b. Membership sports and recreation club, defined as any public or private club that promotes some form of sports or recreation activities, whether active or passive, and uses a paid membership or solicits donations or free will offerings to support the activities of the club.
  - (2) Commercial sports. Commercial sports shall be located no closer than 1,320 feet to any pre-existing confinement operation, "A-R" or "R" district, or platted subdivision.
  - (3) Membership sports and recreation club. If the planning and zoning commission determines that the proposed activities create conditions detrimental to surrounding properties, they may require that a



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buffer be placed between the proposed use and any pre-existing confinement operation, "A-R" or "R-" district or platted subdivision.

(e) *Amusement parks.*

- (1) The term "amusement park" is defined as a commercially operated outdoor facility with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and similar devices or activities. An amusement park may include booths for the sale of food and drink. For purposes of this subsection, the term "motorized ride" is a mechanical, aquatic, or other device or attraction that carries passengers over a fixed or restricted area, primarily for the passengers' amusement.
- (2) Amusement parks shall be located no closer than 1,320 feet to any pre-existing confinement operation, "A-R" or "R" district, or platted subdivision.

(Compiled Ords. 2013, § 19-5.23; Ord. No. 2 , 3-21-2018)

**Sec. 39-260. Residential uses.**

(a) *Conversions.* The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, is permitted only if:

- (1) The applicable zoning district allows a new building for similar occupancy;
- (2) The resulting occupancy will comply with the requirements governing new construction in that district with respect to minimum lot size, density, dimensions of yards and other open spaces, and off-street parking; and
- (3) The conversion complies with all applicable requirements of the district.

(b) *Underground/earth sheltered dwelling.*

- (1) The term "underground/earth sheltered dwelling" means a home having up to three of its sides covered with earth.
- (2) Such homes shall have one side exposed to the outside and shall have two separate means of ingress and egress.

(Compiled Ords. 2013, § 19-5.23)

**Sec. 39-261. Swimming pools; outdoor, residential.**

(a) *Applicability.*

- (1) This section applies to any swimming pool for household use.
- (2) For purposes of this section, the term "swimming pool" means a receptacle for water, or an artificial pool of water, that:
  - a. Has a depth at any point of more than two feet;
  - b. Is intended for immersion or partial immersion of human beings; and
  - c. Is constructed, installed and maintained in or above the ground outside of a building used as a single or two-family dwelling unit.

(b) *Generally.* A swimming pool shall be maintained by an individual primarily for the sole use of his household and guests and not for the purpose of profit or in connection with any business operated for profit.

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- (c) *Barrier/cover.* In order to protect against the potential for drowning and near drowning, any newly constructed or installed outdoor residential swimming pool shall include a barrier and protective cover as follows:
- (1) The barrier shall consist of a permanent fence, wall, building wall, or combination thereof that completely obstructs access to the swimming pool. For purposes of this subsection, the term "permanent" means not being able to be removed, lifted, or relocated without the use of a tool.
  - (2) The top of the barrier shall be at least four feet above grade where measured on the side of the barrier that faces away from the swimming pool.
  - (3) The vertical distance between grade and the bottom of the barrier shall not exceed two inches, measured on the side of the barrier that faces away from the vessel.
  - (4) Gates shall be self-closing and have a self-latching device.
- (d) *No liability.* This section does not create any liability on behalf of the county. Property owners are advised that it is their legal responsibility to maintain swimming pools in a safe condition at all times.

(Compiled Ords. 2013, § 19-5.24)

### **Sec. 39-262. Telecommunications carriers/AM broadcast stations.**

- (a) *Purpose.* This section is designed to protect public safety and community character, while reasonably accommodating the needs of wireless carriers and AM broadcast stations and complying with state and federal law.
- (b) *Applicability.* This section applies to telecommunications carriers/AM broadcast stations as defined by 55 ILCS 5/5-12001.1 and the use matrix. The term "facility" refers to any telecommunications carriers/AM broadcast station, Type 1 or telecommunications carriers/AM broadcast stations, Type 2, as defined in the use matrix.
- (c) *Standards.* A facility shall comply with all applicable standards established by 55 ILCS 5/5-12001.1.
- (1) A facility shall comply with all applicable standards of 55 ILCS 5/5-12001.1.
  - (2) A Type 2 facility is only permitted in the zoning districts identified in the use matrix.
  - (3) To the extent that a standard in 55 ILCS 5/5-12001.1 conflicts with a standard established in this section, the requirements of state law govern.
- (d) *Procedures.*
- (1) Where the use matrix requires special use permit approval, section 39-146 applies and the planning and zoning commission and county board shall comply with all procedural requirements of 55 ILCS 5/5-12001.1.
  - (2) Where the use matrix allows a facility by right, section 39-149 applies and the administrator shall comply with all procedural requirements of 55 ILCS 5/5-12001.1.

(Compiled Ords. 2013, § 19-5.25)

### **Sec. 39-263. Temporary uses.**

- (a) Temporary use permit. The administrator is authorized to issue a permit for a temporary use provided it meets the requirements of this section. The permit shall be issued for a specified period of time and may contain health, safety and traffic restrictions, and may require such assurances or guarantees of compliance

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with conditions as is reasonable and appropriate under the circumstances. The fee to be charged for a temporary use permit will be that of a temporary use permit as listed in the planning and zoning fee schedule. This shall apply to the following temporary uses:

- (1) Christmas tree sales. Christmas tree sales for a period not to exceed 60 days. This will not include sales on properties that raise and harvest said trees. Display of Christmas trees need not comply with the applicable yard setback provided that no display will encroach within the required setback for any district by more than 50 percent and no display or equipment shall block any sight requirements along a road or at an intersection. This shall also apply to any temporary signs associated with the Christmas tree sales.
- (2) Temporary mobile home placements. Temporary mobile home placements, of up to two years, may be issued in instances where a permanent home is going to be constructed. This will include instances where a home has been destroyed by fire or natural disaster. At the end of the two-year period, or after the permanent home has been completed, the temporary mobile home will be removed from the site.
- (3) Contractor's offices. Temporary buildings or trailers may be used as construction offices, field offices or for storage of materials to be use in connection with the development of said tract, provided that said temporary structures are removed from said tract within 30 days after completion of the project development. Temporary buildings or trailers must also be removed from said tract within 30 days after voluntary suspension of work on the project or development or after revocation of building permits, or on order by the administrator upon finding by him that said temporary structure is deemed hazardous to the public health and welfare. Temporary buildings or trailers will not be used for storage of materials on individual building lots by private individuals, whether the property owner or his contractor.
- (4) Pursuant to 55 ILCS 5/5-12001, the temporary use of land for the installation, maintenance and operation of facilities used by contractors in the ordinary course of construction activities is permitted in all zoning districts, subject to the following:
  - a. The facilities shall be located at least 1,000 feet from any building used for residential purposes; and
  - b. The period of the temporary use shall not exceed the duration of the construction contract.
- (5) Amusement activities.
  - a. The administrator is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within the A-1 zoning district. The administrator may request that a report be submitted with respect to any traffic or public safety aspect of the proposal if appropriate. For the purpose of this section, the term "amusement activity" includes a circus, carnival, fair, craft show, trade or animal show, concert, dance, rally, parade, athletic competition, haunted house/barn, corn maze, petting zoo and any similar activity not involving the erection of any permanent structure or facility. The permit shall be issued for a specific period of time not exceeding ten days with the exception of a haunted house/barn and/or corn maze and attending uses or activities, which shall be issued for a specific period of time not exceeding 60 days. The permit shall contain such conditions as are necessary for the protection of public health, safety and traffic. These may require coordination with the county health department and the county sheriff. The administrator may require such assurance or guarantee of compliance with said conditions as is reasonable and appropriate under the circumstances.
  - b. This permit is in addition to any zoning certificate, construction or operating permit, or other permits or licenses required by law for any proposed activity or facility. No more than two temporary amusement activity permits shall be issued in any calendar year with regard to any

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particular property; provided, however, that this limitation with respect to temporary amusement activity permits shall not apply to any public property, nor to property not held for private corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, for agricultural and horticultural societies.

- (6) Real estate offices. Temporary real estate offices or sales offices may be established in a display dwelling unit. Said dwelling unit must be of the same type as the units being sold.
- (b) In instances where a temporary use permit is applied for, said temporary use permit may be granted by the administrator, provided that the following conditions are met:
  - (1) A notice of intent to grant said temporary use permit shall be sent by certified mail to all adjoining property owners; and
  - (2) No adjoining owner files, with the zoning office, a written objection to said temporary use permit request within 15 days of receipt of the notice of intent. Filing of a written objection within 15 days shall then require that a special use request be filed for a public hearing by the planning and zoning commission as per section 39-146 (f).
- (c) Subsequent temporary use permits can be obtained each year, without notification to adjoining owners, as long as the temporary use does not change. This will not apply to temporary mobile homes placed under these provisions. The administrator shall have the right to revoke a temporary use permit if the terms of the zoning regulations are not being adhered to or activities beyond the scope of the temporary use permit are being conducted. In such cases, the administrator shall provide the operator of the temporary use permit the reasons for the revocation in writing. If the operator and administrator cannot agree on a solution, the operator can appeal to the planning and zoning commission for a ruling, or request a hearing for a special use.

(Compiled Ords. 2013, § 19-5.26)

### **Sec. 39-264. Transitional uses.**

Transitional uses in "R" districts. In any "R-1" or "R-2" district a transitional use shall be permitted on a lot, the side lot line adjoining, either directly or across an alley, any "B" or district. The permitted transitional uses for any such lot in an "R-1" district shall be any use permitted in the "R-2" district and for any such lot in an "R-2" district any use permitted in the "R-3" district. In the case of any such lot in an "R-1" or "R-2" district, the requirements governing lot area per dwelling unit, off-street parking, yards and other open spaces shall be the same as for the district respectively next listed in chapter 6. A transitional use authorized under this section shall not extend more than 100 feet from the side lot line of the lot abutting the zoning district boundary line.

(Compiled Ords. 2013, § 19-5.27)

### **Sec. 39-265. Utilities.**

Essential services shall be permitted as authorized and regulated by law and other regulations of the county, it being the intention hereon to exempt such essential services from the application of the regulations with the exception of the construction of buildings.

(Compiled Ords. 2013, § 19-5.28)

### **Sec. 39-266. Vehicle repair.**

Garages, motor fuel stations and car washes shall have the following requirements applied to them:

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- (1) No building, structure or premises shall be used, erected or altered which is intended or designed to be used as a public garage, automobile repair shop, motor fuel station or car wash having an entrance or exit for vehicles in the same block front and within 200 feet of any school, public playground, church, hospital, public library or institution for dependents or for children and no such entrance or exit shall be located within the same block front and within 20 feet of any "R" district; nor shall any part of such public garage, automobile repair shop, motor fuel station or car wash be located within 100 feet of any building or grounds of any of the aforesaid public or institutional uses.
  - (2) All activities incidental to the sale of gasoline or oil such as battery and tire repair, car washing and greasing shall be conducted within the building and there shall be no storage or accumulation of miscellaneous equipment, machinery or motor vehicles, disabled or otherwise, outside of the principal structure except when enclosed by an eight-foot-high opaque fence.

(Compiled Ords. 2013, § 19-5.29)

### **Sec. 39-267. Wind power.**

(a) *Applicability.*

- (1) This section applies to any wind energy conversion systems (WECS) defined as follows:

*Wind energy conversion system (WECS)*—All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower to the substations. The term "WECS" shall also be considered the plural.

- (2) This section governs the siting of WECS and substations that generate electricity to be sold to wholesale or retail markets, except that owners of a WECS with an aggregate generating capacity of 3MW or less who locates the WECS on their own property are not subject to subsections (b) and (d) through (k) of this section, but are subject to subsections (c) and (l) of this section.

- (b) *Prohibition.* No WECS or substation governed by this section of the article shall be constructed, erected, installed, or located within the county, unless prior siting approval has been obtained for each individual WECS and substation pursuant to this article.

(c) *Siting approval application.*

- (1) To obtain siting approval, the applicant must first submit a siting approval application to the county. The siting approval application shall contain or be accompanied by the information required by article IX of this chapter. The applicant shall notify the county of any changes to the information provided pursuant to this subsection (1) and article IX of this chapter that occur while the siting approval application is pending.
- (2) There shall be at least one public hearing not more than 30 days prior to a siting decision by the county board. Notice of the hearing shall be published in a newspaper of general circulation in the county.

(d) *Design and installation.*

(1) *Design safety certification.*

- a. WECS shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

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- b. Following the granting of siting approval under this section, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- (2) *Controls and brakes.* All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (3) *Electrical components.* All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).
- (4) *Color.* Towers and blades shall be painted white or gray or another nonreflective, unobtrusive color.
- (5) *Compliance with the Federal Aviation Administration.* The applicant for the WECS shall comply with all applicable FAA requirements.
- (6) *Warnings.*
- a. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
- (7) *Climb prevention.* All WECS towers must be un-climbable by design or protected by anti-climbing devices such as:
- a. Fences with locking portals at least six feet high; or
- b. Anti-climbing devices 12 feet vertically from the base of the WECS tower.
- (8) *Setbacks.*
- a. *Towers.* All WECS towers shall be set back at least the following distance, whichever is greater:
1. 1,400 feet from any primary structure; or
2. 3½ times the WECS tower height.
- b. *Measurement.* The distance for the above setback shall be measured from the point of the primary structure foundation closest to the WECS tower to the center of the WECS tower foundation. The owner of the primary structure may waive this setback requirement; but in no case shall a WECS tower be located closer to a primary structure than 1 1/10 times the WECS tower height. A waiver may also be granted to the owner of a Primary structure, to be built after the installation of a WECS tower. Such a primary structure shall be located no closer than 1 1/10 times the WECS tower height. Any time a setback distance waiver is involved, the owner of the primary structure shall provide a notarized letter requesting said waiver.
- c. *Public roads.* All WECS towers shall be set back a distance of at least 1 1/10 times the WECS tower height from public roads, third party transmission lines, and communication towers. The county may waive this setback requirement.
- d. *Property line setback.* All WECS towers shall be set back a distance of at least 1 1/10 times the WECS tower height from adjacent property lines, except that;
1. The affected adjacent property owner may waive this setback requirement; and

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2. If the wind tower is used exclusively by an end user, the maximum required setback is 1 1/10 times the height of the wind tower from the end user's property line. This supersedes any requirement of this section that would exceed this setback, as required by 55 ILCS 5/5-12020).
  - e. *No variance required for waiver.* The applicant does not need to obtain a variance from the county upon waiver by either the county or property owner of any of the above setback requirements. Any waiver of any of the above setback requirements runs with the land and is recorded as part of the chain of title in the deed of the subject property.
- (9) *Compliance with additional regulations.* Nothing in this article is intended to preempt other applicable state and federal laws and regulations.
- (10) *Use of public roads.*
- a. An applicant, owner, or operator proposing to use any county or township roads, for the purpose of transporting WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECS or substations shall:
    1. Identify all such public roads; and
    2. Obtain applicable weight and size permits from relevant government agencies prior to construction.
  - b. To the extent an applicant, owner, or operator must obtain a weight or size permit from the county or township, the applicant, owner, or operator shall:
    1. Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
    2. Secure financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS.
- (e) *Operation.*
- (1) *Maintenance.*
    - a. The owner or operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the county. In addition to the above annual summary, the owner or operator must furnish such operation and maintenance reports as the county reasonably requests.
    - b. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under this section of the article. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third-party certifying entity identified in this section of the article to determine whether the physical modification requires re-certification.
  - (2) *Interference.*
    - a. The applicant shall provide the applicable microwave transmission providers and local emergency service providers (911 operators) copies of the project summary and site plan, as set forth in this section of the article. To the extent that the above providers demonstrate a likelihood of interference with its communications resulting from the WECS, the applicant shall take reasonable measures to mitigate such anticipated interference.

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- b. If, after construction of the WECS, the owner or operator receives a written complaint related to interference with local broadcast residential television, the owner or operator shall take reasonable steps to respond to the complaint.
- (3) *Coordination with local fire department.*
- a. The applicant, owner or operator shall submit to the local fire department a copy of the site plan.
  - b. Upon request by the local fire department, the owner or operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
  - c. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
- (4) *Materials handling, storage and disposal.*
- a. All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
  - b. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.
- (f) *Noise levels.* Noise levels from each WECS or WECS project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations. The applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements.
- (g) *Birds.* A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the siting approval application process, to determine if the installation of WECS will have a substantial adverse impact on birds.
- (h) *Public participation.* Nothing in this article is meant to augment or diminish existing opportunities for public participation.
- (i) *Liability insurance.* The owner or operator of the WECS shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1,000,000.00 per occurrence and \$1,000,000.00 in the aggregate.
- (j) *Decommissioning plan.* Prior to receiving siting approval under this article, the county/municipality and the applicant, owner, and/or operator must formulate a decommissioning plan to ensure that the WECS project is properly decommissioned. The decommissioning plan shall include:
- (1) Provisions describing the triggering events for decommissioning the WECS project;
  - (2) Provisions for the removal of structures, debris and cabling, including those below the soil surface;
  - (3) Turbine foundations and tower bases shall be completely removed;
  - (4) Other provisions for the restoration of the soil and vegetation, as needed;
  - (5) An estimate of the decommissioning costs certified by a professional engineer;
  - (6) Financial assurance, secured by the owner or operator, for the purpose of adequately performing decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning costs;
  - (7) Identification of and procedures for county access to financial assurances;



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- (8) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs; and
- (9) A provision that the county shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning.
- (k) *Remedies.*
- (1) The applicant's, owner's, or operator's failure to materially comply with any of the above provisions shall constitute a default under this article.
- (2) Prior to implementation of the existing county procedures for the resolution of such defaults, the appropriate county body shall first provide written notice to the owner and operator, setting forth the alleged defaults. Such written notice shall provide the owner and operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged defaults.
- (3) If the county determines, in its discretion, that the parties cannot resolve the alleged defaults within the good faith negotiation period, the existing county ordinance provisions addressing the resolution of such defaults shall govern.
- (l) *Noncommercial, private WECS.* This section governs the siting of noncommercial, private wind energy conversion systems (WECS) that generate electricity primarily to be used on site. Such units shall have an aggregate generating capacity of 3MW or less.
- (1) *How permitted.*
- a. These units require a special use when not being placed on a working farm, and are allowed as special uses in any zoning classification.
- b. In the "B-1" district, these units require written approval of any zoned city 1½ miles of the proposed facility, measured from the exterior boundaries of the lot or parcel where the facility is placed.
- (2) *Setbacks.*
- a. All WECS towers shall be set back at least 500 feet from any primary structure on adjoining properties. The distance for the above setback shall be measured from the point of the primary structure foundation closest to the WECS tower to the center of the WECS tower foundation. The owner of the primary structure on an adjoining property may waive this setback requirement; but in no case shall a WECS tower be located closer to a primary structure than 1 1/10times the WECS tower height. A waiver may also be granted to the owner of a primary structure, to be built after the installation of a WECS tower. Such a primary structure shall be located no closer than 1 1/10times the WECS tower height. Any time a setback distance waiver is involved, the owner of the primary structure shall provide a notarized letter requesting said waiver.
- b. All WECS towers shall be set back a distance of at least 1 1/10times the WECS tower height from public road right-of-way lines, third party transmission lines, and communication towers. The county may waive this setback requirement through the variance process.
- c. All WECS towers shall be set back a distance of at least 1 1/10times the WECS tower height from adjacent property lines. The affected, adjacent property owner may waive this setback requirement.
- d. The applicant does not need to obtain a variance from the county side or rear yard setbacks upon waiver by the appropriate, adjoining property owner of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

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- (3) *Sale of excess power.* Excess power generated by a private WECS may be sold to an energy company, provided the WECS in question is already providing all of the power needed for the private property on which it is located. Such units will not be constructed solely for the sale of the power generated.
  - (4) *Noise.* The small wind energy system shall not exceed a noise level of 60 decibels as measured at the closest property line. The noise level may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - (5) *Drawings.* Building permit applications shall be accompanied by standard drawings of the system structure, including the tower, base, footings, and guy cables certified by a licensed professional engineer. This certification may be supplied by the manufacturer.
  - (6) *Notifications regarding aircraft.* Small wind energy systems shall comply with all applicable regulations of the FAA, including any necessary approvals for installations closer than two miles to an airport. .
  - (7) *Local utility company notification.* Grid-tie wind energy systems must be installed to utility company specifications. It is the responsibility of the installer to contact the local utility company for details, regulations and file appropriate applications/documents; as this may vary from power provider. Copies of all applications/documents; shall be submitted upon acceptance to the county zoning to be held on record.
  - (8) *Minimum distances.* The distance between any protruding blades utilized on a small wind energy system and the ground shall be a minimum of 15 feet as measured at the lowest point of the arc of the blades.
  - (9) *Radio and television signals.* The small wind energy system shall not cause any radio, television, microwave, or navigation interference. If a signal disturbance problem is identified, the applicant shall correct the problem within 90 days of the notification of the problem.
  - (10) *Appearance.* The small wind energy system shall maintain a galvanized neutral finish or be painted to conform the system color to the surrounding environment to minimize adverse visual effects. No small wind energy system shall have any signage, writing, pictures, or decorations placed on it at any time other than warning, equipment, and ownership information. No small wind energy system shall have any flags, streamers, banners, and other decorative items that extend from any part of the system placed on it at any time.
  - (11) *Removal upon end of useful life.* When a system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within 120 days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal.
  - (12) *Fencing.* The tower shall be enclosed with a fence of a least six feet in height or the base of the tower shall not be climbable for a distance of eight feet measured from the ground.
  - (13) *Required safety features.* The small wind energy system shall have an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed and a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.
  - (14) *Tower.* The upright portion of a small wind energy system to which the primary generator devices are attached.
  - (15) *System height.* System height shall be measured from height above grade of the highest point of the arc of the blades and shall be limited as follows:

A-1, B-1 THRU I-2 DISTRICTS A-R, R-1 THRU R-3 DISTRICTS

Acreage	Height	Height
0.99 or less acres	50 feet	50 feet
One to 1.99 acres	65 feet	65 feet
Two to 4.99 acres	80 feet	80 feet
Five or more acres	150 feet	80 feet

(Compiled Ords. 2013, § 19-5.30; Ord. No. 10, 12-16-2003; Ord. No. 4, 5-20-2014; Ord. No. 2, 3-21-2018)

**Sec. 39-268. Solar power.**

(a) *Scope.*

(1) This article applies to all solar energy installations in unincorporated Whiteside County.

(b) *Purpose.*

(1) Whiteside County has adopted this regulation to meet the goals of the comprehensive plan and preserve the health, safety, and welfare of the county's citizens by promoting the safe, effective, and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy.

(c) *Definitions.*

*Active solar energy system.* A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

*Building-integrated solar energy systems.* An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

*Grid-intertie solar energy system.* A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

*Ground-mount.* A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

*Off-grid solar energy system.* A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

*Passive solar energy system.* A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

*Photovoltaic system.* An active solar energy system that converts solar energy directly into electricity.

*Renewable energy easement, solar energy easement.* An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

*Renewable energy system.* A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

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*Roof-mount.* A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

*Roof pitch.* The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

*Solar access.* Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

*Solar farm.* A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

*Solar garden.* A commercial solar-electric (photovoltaic) array, of no more than five acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

*Solar resource.* A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 a.m. and 3:00 p.m. standard time on all days of the year.

*Solar collector.* A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

*Solar collector surface.* Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

*Solar daylighting.* A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

*Solar energy.* Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

*Solar energy system.* A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

*Solar heat exchanger.* A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

*Solar hot air system.* An active solar energy system (also referred to as solar air heat or solar furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

*Solar hot water system.* A system (also referred to as solar thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

*Solar mounting devices.* Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

*Solar storage unit.* A component of a solar energy device that is used to store solar generated electricity or heat for later use.

(d) *Permitted accessory use.* Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below.

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Active solar energy systems that do not meet the visibility standards in (3) below will require a special use permit, except as provided in subsection (f) Special Accessory Uses.

- (1) *Height:* Active solar energy systems must meet the following height requirements:
  - a. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
  - b. Ground or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
- (2) *Set-back:* Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
  - a. *Roof or building-mounted solar energy systems.* In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
  - b. *Ground-mounted solar energy systems.* Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
- (3) *Visibility:* Active solar energy systems shall be designed to conform to the county comprehensive plan and to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys provide that screening shall not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.
  - a. *Building integrated photovoltaic systems.* Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
  - b. *Solar energy systems with mounting devices.* Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley.
  - c. *Reflectors.* All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
  - d. *Aviation protection.* For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the solar glare hazard analysis tool (SGHAT) for the airport traffic control tower cab and final approach paths, consistent with the interim policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- (4) *Coverage:* Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the

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- panels are mounted. Ground-mount systems shall not exceed half the building footprint of the principal structure, and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
- (5) *Historic buildings:* Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must be consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.
- (6) *Plan approval required:* All solar energy systems shall require administrative plan approval by the county zoning official via the review of the application for a building permit.
- a. *Plan applications.* Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
- (i) *Pitched roof mounted solar energy systems.* For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
- (ii) *Flat roof mounted solar energy systems.* For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
- (iii) *Plan schematics.* Plan schematics will accompany each application. That schematic will point out, in the wiring diagram, where a separate shut off has been included for fire safety. Said schematic will also be made available to the appropriate fire department or district.
- b. *Plan approvals.* Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the building and zoning official and shall not require planning and zoning commission review. Plan approval does not indicate compliance with the 2015 International Building Codes, as adopted.
- (7) *Approved solar components:* Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.
- (8) *Compliance with building code:* All active solar energy systems shall meet approval of county building code officials, consistent with the 2015 International Building Codes, as adopted. All photovoltaic systems and solar thermal systems shall comply with the requirements of the Illinois Conservation Energy Code. Any county adopted building codes will apply and take precedence where applicable.
- (9) *Compliance with state electric code:* All photovoltaic systems shall comply with the Illinois State Electric Code.
- (10) *Compliance with state plumbing code:* Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.
- (11) *Compliance with state energy code:* All photovoltaic systems and solar thermal systems shall comply with the Illinois State Energy Code.
- (12) *Utility notification:* All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

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- (e) *Principal uses.* Whiteside County encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the development lot or lots are special uses in selected districts.
- (1) *Solar gardens:* Whiteside County permits the development of unincorporated county solar gardens, subject to the following standards and requirements:
- a. *Rooftop gardens permitted.* Rooftop community systems are permitted in all zoning districts where buildings are permitted.
  - b. *Ground-mount gardens special use.* Ground-mount community solar energy systems must be less than five acres in total size, and are a special use in all districts except the I-2 heavy industrial district. Ground-mount solar developments covering more than five acres shall be considered solar farms.
  - c. *Interconnection.* An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
  - d. *Dimensional standards.*
    - 1. All solar garden related structures in newly platted subdivisions must comply with setback, height, and coverage limitations for the district in which the system is located, with the exception of rear and side yard requirements. The setback from rear property lines will be two feet and side property line setbacks in the garden may be ignored.
    - 2. All solar garden related structures in existing platted subdivisions must comply with setback, height, and coverage limitations for the district in which the system is located, with the exception of rear and side yard requirements.
  - e. *Aviation protection.* For solar gardens located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the solar glare hazard analysis tool (SGHAT) for the airport traffic control tower cab and final approach paths, consistent with the interim policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
  - f. *Other standards.* Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the 2015 International Building Codes, as adopted and the Illinois Conservation Energy Code. Also, health department requirements for wells and septic systems must be met.
- (2) *Solar farms:* Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:
- a. *Special use permit.* Solar farms are special uses in agricultural districts. They are a permitted use in the I-2 industrial district, in airport safety zones subject to h. below, and at the landfill.
  - b. *Stormwater and NPDES.* Solar farms are subject to the county's Stormwater Management regulations, erosion and sediment control provisions if adopted and NPDES permit requirements.
  - c. *Ground cover and buffer areas.* Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)) it is required that any crops planted be in

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compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees.

- d. *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
  - e. *Other standards and codes.* All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the 2015 International Building Codes, as adopted.
  - f. *Power and communication lines.* Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the county in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.
  - g. *Site plan required.* A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the county. The site plan should also show all zoning districts, and overlay districts.
  - h. *Setbacks.* A minimum setback of 50 feet must be maintained on all property lines. Solar panels will be kept at least 500 feet from a residence that is not a part of the special use.
  - i. *Aviation protection.* For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the solar glare hazard analysis tool (SGHAT) for the airport traffic control tower cab and final approach paths, consistent with the interim policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
  - j. *Agricultural protection.* Solar farms must comply with site assessment or soil identification standards (LESA) that are intended to protect agricultural soils.
  - k. *Decommissioning.* A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the the county Solid Waste Ordinance. The county may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning. In the event that the State of Illinois enacts a law with regard to the decommissioning of solar farms, the strictest requirements shall prevail.
  - l. *Endangered species and wetlands.* Solar farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online, EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer.
- (f) *Special accessory uses.* Whiteside County encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the applicant demonstrates that the standards in section(d)(1), (2), or (3) cannot be met without diminishing, as defined below, the minimum reasonable performance of the solar energy system, the applicant may request a special use permit. A special use permit shall be granted if the following standards are met.



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- (1) *Minimum performance, defined:* The following design thresholds are necessary for efficient operation of a solar energy system:
    - a. *Fixed-mount active solar energy systems.* Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).
    - b. *Solar electric (photovoltaic) systems.* Solar collectors must have a pitch of between 20 and 65 degrees.
    - c. *Solar hot water systems.* Solar collectors need to be mounted at a pitch between 40 and 60 degrees.
    - d. *System location.* The system must be located where the lot or building has a solar resource, as defined in this section.
  - (2) *Standards for a SUP:* A special use permit shall be granted if the applicant meets the following safety, performance and aesthetic conditions:
    - a. *Aesthetic conditions.* The solar energy system shall be designed to conform to the county's comprehensive plan and to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.
    - b. *Safety conditions.* All applicable health and safety standards are met.
    - c. *Non-tracking ground-mounted systems.* Pole-mounted or ground-mounted active solar energy systems must be set back from the property line by one foot.
  - (g) *Restrictions on solar energy systems limited.* Consistent with 765 ILCS 165/, no homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of unincorporated the county shall prohibit or restrict homeowners from installing solar energy systems. No energy policy statement enacted by a common interest community shall be more restrictive than the county's solar energy standards.

(Ord. No. 1-2017(2) , 4-18-2017; Ord. No. 2 , 3-21-2018)

### **Sec. 39-269. Recreational cannabis.**

- (a) *Cannabis craft grower.* In those zoning districts in which a cannabis craft grower may be located, the proposed facility must comply with the following:
  - (1) A craft grower facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
  - (2) A facility may not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
  - (3) A facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
  - (4) For purposes of determining required parking, a cannabis craft grower shall be classified as "greenhouse, nursery and floriculture" per section 39-79, table 3-5 of the Whiteside County Code.
  - (5) An applicant shall file an affidavit with the county building and zoning office affirming compliance with section 39-269 as provided herein and all other requirements of the Cannabis Regulation and Tax Act.

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- (b) *Cannabis cultivation center.* In those zoning districts in which a cannabis cultivation center may be located, the proposed facility must comply with the following:
- (1) A cultivation center facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
  - (2) A facility may not be located within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
  - (3) A facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
  - (4) For purposes of determining required parking, a cannabis cultivation center shall be classified as "production, general" per section 39-79, table 3-5 of the County Code.
  - (5) An applicant shall file an affidavit with the county building and zoning office affirming compliance with section 39-269 as provided herein and all other requirements of the Act.
- (c) *Cannabis dispensing organization.* In those zoning districts in which a cannabis dispensing organization may be located, the proposed facility must comply with the following:
- (1) A dispensing organization facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
  - (2) A facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
  - (3) At least 75 percent of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall sell food for consumption other than as authorized by the Act in the same tenant space.
  - (4) A facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
  - (5) For purposes of determining required parking, a cannabis dispensing organization shall be classified as "alcohol sales: retail package liquor" per section 39-79, table 3-5 of the County Code.
  - (6) An applicant shall file an affidavit with the county building and zoning office affirming compliance with section 39-269 as provided herein and all other requirements of the Act.
- (d) *Cannabis infusing organization.* In those zoning districts in which a cannabis infuser organization may be located, the proposed facility must comply with the following:
- (1) An infuser organization facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
  - (2) A facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
  - (3) At least 75 percent of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

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- (4) For purposes of determining required parking, a cannabis infuser organization shall be classified as "production, general" per section 39-79, table 3-5 of the Whiteside County Code.
  - (5) An applicant shall file an affidavit with the county building and zoning office affirming compliance with section 39-269 as provided herein and all other requirements of the Act.
  - (e) *Cannabis processing organization*. In those zoning districts in which a cannabis processing organization may be located, the proposed facility must comply with the following:
    - (1) A processing organization facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
    - (2) A facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
    - (3) At least 75 percent of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
    - (4) For purposes of determining required parking, a cannabis processing organization shall be classified as "production, general" per section 39-79, table 3-5 of the Whiteside County Code.
    - (5) An applicant shall file an affidavit with the county building and zoning office affirming compliance with section 39-269 as provided herein and all other requirements of the Act.
  - (f) *Cannabis transportation organization*. In those zoning districts in which a cannabis transporting organization may be located, the proposed facility must comply with the following:
    - (1) A transporting organization facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, park, playground or religious assembly. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.
    - (2) A facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned or used for residential purposes.
    - (3) The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
    - (4) For purposes of determining required parking, a cannabis transporting organization shall be classified as "truck transportation" per section 39-79, table 3-5 of the Whiteside County Code.
    - (5) An applicant shall file an affidavit with the county building and zoning office affirming compliance with section 39-269 as provided herein and all other requirements of the Act.
  - (g) *On-site consumption of cannabis*. On-site consumption of cannabis is prohibited in the unincorporated areas of the county.
  - (h) *Measurements to property lines*. For the purposes of section 39-269 of the Whiteside County Code, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot/parcel on which an applicable cannabis business establishment facility is located to the nearest point on the property line of the lot/parcel of any protected use as identified in section 39-269.

(Ord. No. 11-2019-3, 12-17-2019)

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**Secs. 39-270—39-297. Reserved.**

## ***ARTICLE VI. NONCONFORMITIES***

### **Sec. 39-298. Continuing existing uses.**

Any building, structure or use lawfully existing at the time of the enactment of these regulations may be continued, except certain nonconforming uses as provided in section 39-299. Nothing in these regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the zoning officer.

(Compiled Ords. 2013, § 19-6.1)

### **Sec. 39-299. Nonconforming uses.**

Except as hereinafter provided under subsection (3) of this section:

- (1) Any nonconforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or act of God may be reconstructed and used as before if it is done within 12 months of such calamity, unless damaged more than 50 percent of either of the following at the time of the damage:
  - a. Its assessed value as determined by the county assessor's records; or
  - b. Its fair market value from an appraisal prepared by a certified appraiser, presented to the administrator.
- (2) If the damage thresholds in subsection (1) of this section apply, reconstruction shall comply with this chapter.
- (3) No building, structure or premises where a nonconforming use has been or may be discontinued for more than one year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
- (4) The foregoing provisions in this section, insofar as these limit reconstruction or require certain uses to cease or buildings or structures to be removed or changed, shall not be applicable where any such building, structure or use would be conforming under the land use plan as defined in section 39-3.

(Compiled Ords. 2013, § 19-6.2)

### **Sec. 39-300. Street frontage.**

The minimum required frontage for any newly created lot to be used for building purposes (except on a cul-de-sac) shall be no less than 90 percent of the minimum lot width required in the district in which it is located. Lots requiring a permanent easement for the purpose of access will be considered buildable only if the permanent easement is on record in the county recorder's office prior to January 1, 1984.

(Compiled Ords. 2013, § 19-6.3)

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### **Sec. 39-301. Lot area requirements.**

Lot area requirements are found under the various use districts listed in article II of this chapter. Exceptions may occur based on lots created prior to the adoption of the ordinance from which this article is derived or due to requirements of the county health department.

- (1) On existing lots of record in any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of these regulations, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located or requirements as may be modified as set forth under section 39-147 (Variances). However, no lot of any size may be built upon unless the county health department approves the method of sewage disposal and source of water supply.
- (2) For lots, in any district, where on-site sewage disposal systems are utilized, the otherwise specified lot area and width requirements may be increased as necessary to satisfy all applicable requirements of the county health department and the state department of public health concerning water supply and disposal of sanitary wastes.
- (3) Any lot which may be created with a building already existing shall comply with the minimum lot standards for the zoning district in which it is located.

(Compiled Ords. 2013, § 19-6.4)

### **Sec. 39-302. Validity of existing building permits.**

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been granted before the enactment of these regulations, the construction of which, conforming with such plans, shall have been started prior to the effective date of these regulations and completion thereof carried on in a normal manner within the subsequent six-month period and not discontinued until completion, except for reasons beyond the builder's control.

(Compiled Ords. 2013, § 19-6.5)

### **Sec. 39-303. Existing special uses allowed.**

Where a use lawfully exists on the date of the adoption of the ordinance from which this article is derived and it would be classified as a special use in the district in which it is located, such use shall be considered to be a legal special use and may be continued subject to all of the provisions of this ordinance. No expansion of legal special use, whether by additions or alterations to existing buildings or land improvements or otherwise, shall extend beyond the area actually devoted to the use at the time of adoption of the ordinance from which this article is derived; any such additions or alterations within such area shall be subject to front, rear and side yard requirements set forth in this article for permitted uses in the district in which the legal special use is located.

(Compiled Ords. 2013, § 19-6.6)

### **Secs. 39-304—39-324. Reserved.**

## ***ARTICLE VII. AGENCIES***

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## Sec. 39-325. Zoning hearing officer; establishment, powers and duties.

- (a) *Establishment of the office of zoning hearing officer.* The position of the Whiteside County Zoning Hearing Officer is hereby created in accordance with 55 ILCS 5/5-12015 and other applicable authority. The zoning hearing officer ("hearing officer") shall be appointed by the county board chairman, with the advice and consent of the county board. Alternate hearing officers may serve when the hearing officer is not available and may be appointed in the same manner as the hearing officer. Hearing officers shall be appointed on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with 55 ILCS 5/12-12015.
- (b) *Powers and duties.* The hearing officer shall have all the powers and duties prescribed by law and by this section, including the following:
- (1) *Appeals.* Upon an appeal from a decision by any administrative official, including, but not limited to, the building and zoning administrator, to decide a question involving the interpretation of any provision or term of chapter 39 of the County Code: Zoning, Planning and Development Code ("Code"), as applicable, including the determination of the exact location of any district boundary if there is uncertainty with respect thereto, or other claimed error in the decision or determination made by the administrative official in the enforcement of the Code; provided that such decision shall be bound by and consistent with the language of the Code, ordinance or regulation at issue;
  - (2) *Variations; special use.* The hearing officer may, after a hearing, vary the application of the requirements of the Code, and allow for a special use. However, the county board may reverse, by ordinance, or as may otherwise be required by law, any class of variance or special use for approval only by the county board. In such cases where the county board has reversed decision making authority, or decision making authority has been otherwise required of the county board by law, the hearing officer shall still conduct a hearing and provide notice in compliance with 55 ILCS 5/12-12015. The hearing officer shall forward a written report containing findings of fact and a separate conclusion and recommendation thereon to the county board. The county board may by ordinance, without further public hearing; adopt any proposed variance or special use, refer it back to the hearing officer for further consideration, or deny the variance request or special use as a final action. Any proposed variance which fails to receive the approval of the Hearing Officer shall not be approved except by the favorable vote of three-fourths of all members of the county board. No variance shall be granted that shall authorize a use that may be granted by special use or planned use procedures. Use variances are not favored and shall be granted only when failure to authorize the use denies all economically viable use of the property or similar extreme hardship is demonstrated by the evidence presented. For the purposes of this section, "use variances" shall be any variance that authorizes any use or classification of use to continue or commence in a zoning district in which that use is not a permitted use by right. Any variance granted by the hearing officer, not substantially undertaken within six months from the date of approval, or a time identified by the hearing officer, is subject to revocation. Any variance granted by the hearing officer not fully exercised (project completed) within 12 months from the date of approval, or a time identified by the hearing officer, shall be deemed expired and may be revoked by the building and zoning administrator.
  - (3) *Other authority.* To hear and decide all other matters referred to the hearing officer by the county board, or upon which the hearing officer is required to hear and decide under applicable law.
- (c) *Appeals.* An appeal may be taken to the hearing officer by any person, firm or corporation aggrieved by the determination or decision of any administrative official charged with enforcement of any provision of or regulation adopted pursuant to the Code, or by any officer, department, board, or bureau of the county relating to such decision. The appeal shall be taken within 45 days of the action complained of by filing, with

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the Building and zoning administrator, a notice of appeal, specifying the grounds thereof. The building and zoning administrator shall thereupon transmit to the hearing officer and the official from whom the appeal is taken all papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings and activities furtherance of the action appealed from, useless the official appealed from certifies to the hearing officer after the notice of appeal has been filed with them that by reason of facts stated in the certificate, the stay would, in their opinion, cause eminent peril to life or property, in which case the proceedings shall not be stayed except by restraining order, which may be granted by the hearing officer or by a court, on application, and notice to the official appealed from and on due cause shown. If the official appealed from files such a certificate with the hearing officer, notice and a copy of the certificate shall be provided to the applicant. The hearing officer may reverse or affirm wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the hearing officer may decide to be fitting and proper to the premises. No challenge to any decision subject to this section shall be filed in any court until or unless a timely appeal has been filed and prosecuted to completion by the applicant as provided for in this section so as to establish a final appealable decision.

- (d) *Variances.* A variance may be sought by filing a written application and a payment of applicable fee to the building and zoning administrator specifying the specific provision to be varied, to the extent of the variation, and the basis therefore and including such requirements as are set forth in the Code. The hearing officer may grant a variance only if it is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties or hardship to the applicant. No variance may be granted to any condition or term of a special use permit or planned zoning procedure. The hearing officer may impose such conditions, safeguards and restrictions upon the premises, benefited by the variance as may be necessary to reduce or minimize any potentially injuries effect of such variance upon other property in the neighborhood, and carry out the general purpose and intent of these regulations. A request for a variance may be granted upon a finding and determination on the record by the hearing officer that the requirements of this Code have been met, and that all conditions are satisfied and upon such reasonable conditions as the hearing officer may establish.
- (e) *Procedure.*
- (1) *General.* The hearing officer shall act in accordance with the procedure specified by law and by the Code. All appeals and applications to the hearing officer shall be in writing. Every appeal or application shall refer to the specific provisions of the Code involved, and shall exactly set forth the interpretation that is claimed, the use for which the variance or special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. The county may appear by any designated official of the county and be heard as a party in interest in any hearing before the hearing officer, and the county may appeal any decision of the hearing officer to a court of competent jurisdiction.
  - (2) *Notice of hearing.* No action of the hearing officer shall be taken on any petition for variance until after notice has been given of the hearing. The hearing officer shall commence the public hearing within 60 days after the application is submitted, unless good cause exists for delay. The building and zoning administrator shall provide notice of the time, date, and location of such hearing and a brief summary or explanation of the subject matter of the hearing by publishing at least one notice thereof in a newspaper of general circulation in the county, such publication to be made at least 15 day before the public hearing but not more than 30 days before the hearing. The building and zoning administrator shall also send notice of the hearing concerning the variance by certified mail to property owners or persons residing on land adjacent to the property in question, and the owners of the property in question at the time the public notice is published. The cost of the publication and mailing must be paid by the applicant prior to the building and zoning administrator undertaking said publication and mailing. The hearing officer shall fix a reasonable time for the hearing of the appeal or application and shall give due notice thereof to the parties and decide the matter within reasonable time.

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- (3) *Hearing procedure.* All hearings conducted by the hearing officer shall be open to the public, held at the call of the hearing officer and at such times as he or she may determine. At hearings conducted by the hearing officer, the building and zoning administrator, or designee, shall provide the hearing officer with the factual background of the application, the request sought by the applicant, and the relevant sections of the Code. At hearings conducted by the hearing officer, any interested person may appear in person or by duly authorized agent or attorney. All testimony before the hearing officer shall be given on the record and under oath. The hearing officer shall administer oaths and may compel attendance of witnesses. The hearing officer shall keep minutes of his or her proceedings and other official actions. The hearing officer may adopt his or her own rules and procedures, not in conflict or inconsistent with this section or applicable Illinois law.
- (4) *Decision and finding of fact.* Every decision shall be accompanied by findings of fact and shall refer to any exhibits containing plans and specifications for the proposed use or variation. All documents, material, items received as exhibits by the hearing officer, as well as the recording of the proceedings, shall remain a part of the permanent records of the building and zoning administrator. The findings of fact shall specify the reason or reasons for allowing or denying the use or variation. The terms of any relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact. Property for which relief has been granted shall not be used in violation of the specific terms of the relief, as the case may be, unless its authorized use is changed by subsequent variance or ordinance. Every rule, regulation, decision, determination of the hearing officer shall be immediately file with the building and zoning administrator, but in no case more than ten business days following a hearing, and shall be public record. The hearing officer shall provide a complete copy of the findings of fact and decision to the applicant at the same time, and in the same manner, as provided to the building and zoning administrator, unless the applicant indicates a preferred method of notice.
- (5) *Cost.* For any application to the hearing officer, a fee shall be established and charged by the building and zoning administrator for the proceeding, plus all costs associated with the appeal, in the amount necessary to off-set said costs.
- (f) *Judicial review of final decision.* Any officer, department, board or bureau of the county or any person whose legal rights, duties, or privileges have been affected by any final decision of the hearing officer, or any party affected by the decision of the board where such decision has been reserved or referred to the board, may present to the circuit court having jurisdiction in the county, a complaint, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and otherwise proceeding pursuant to the Administrative Review Law, which shall govern such appeals. Such complaint shall be presented to the court within 35 days after the filing of the final decision made by the zoning hearing officer with the building and zoning administrator. The costs of preparing and certifying the record of proceedings for filing with the circuit court in an administrative review proceeding shall be paid by the appellant, in the amount established by the building and zoning administrator, prior to the filing of such records with the court. To the full extent permitted by law, unless review is sought of an administrative decision within the time and in the manner herein provided, the parties to the proceeding before the administrative agency shall be barred from obtaining judicial review of such administrative decision.

(Ord. No. 12-2020-19 , § 2, 12-22-2020)

Editor's note(s)—Ord. No. 12-2020-19 , § 2, adopted Dec. 22, 2020, repealed the former § 39-325, and enacted a new § 39-325 as set out herein. The former § 39-325 pertained to planning and zoning commission and derived from Compiled Ords. 2013, § 19-7.1; Ord. No. 2 , adopted March 21, 2018.

### **Sec. 39-326. Building and zoning administrator.**

- (a) *Appointment.* The building and zoning administrator (the "administrator") is appointed by the county board.



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- (b) *Powers and duties.* The administrator shall enforce this chapter. In addition, and in furtherance of this authority, the administrator shall:
- (1) Issue all zoning certificates and occupancy permits and make and maintain records thereof;
  - (2) Conduct inspection of buildings, structures, and uses of land to determine compliance with the terms of the regulations. The administrator or his authorized representatives are hereby given authority, when in performance of their function, to enter upon any land in the unincorporated area of the county for the purpose of conducting said inspection of buildings, structures and uses of land, making examinations and surveys, or to place and maintain thereon monuments, markers, notices, signs or placards to effectuate the purpose and provisions of this article. The above authorized persons shall be required to present proper credentials, upon demand, when entering upon any land or structure for the purpose of this section;
  - (3) Maintain permanent and current records of the regulations, including, but not limited to, all maps, amendments, uses on review, variances, appeals and applications thereof;
  - (4) Provide and maintain a public information service to all matters arising out of the regulations;
  - (5) Forward to the planning and zoning commission all applications for amendments to these regulations, special uses, applications for appeals, variances, uses on review, or other matters on which the planning and zoning commission is required to pass under the regulations;
  - (6) Issue zoning certificates regulating the temporary use of land for periods not to exceed ten days for specific purposes such as temporary circuses, carnivals, church charities and revival meetings, fund raisers or other mass gatherings which are not detrimental to the public health, safety, morals, comfort or general welfare; provided, however, that said use or operation and any incidental temporary structures or tents are in conformance with all other regulations and codes of the county;
  - (7) Initiate or direct, from time to time, a review or study of the provisions of the regulations and make reports or recommendations to the road and bridge committee and to the county board;
  - (8) Provide such clerical and technical assistance as may be required by the planning and zoning commission in the exercise of its duties;
  - (9) Revoke zoning or occupancy permits when terms or conditions required by such permits are not met by the applicant.

(Compiled Ords. 2013, § 19-7.2; Ord. No. 4-2017 , § 6, 10-17-2017)

### **Sec. 39-327. Plat officer.**

- (a) *Plat officer created.* There is hereby created the position of plat officer, who shall be appointed by the county board, and who shall administer this article.
- (b) *Plat officer duties.* The plat officer shall have the authority and responsibilities provided for herein and in furtherance of this article, the plat officer shall:
  - (1) Maintain permanent and current records of this article, including amendments thereto.
  - (2) Receive and file all sketch plans, preliminary plats and final plats and amendments or changes to those plans and plats.
  - (3) Serve on and schedule the meetings of the sketch plan review committee and keep records of their meetings.
  - (4) Review preliminary plats for compliance and forward copies of the preliminary plats to other appropriate agencies for their review and comments.

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- (5) Schedule a meeting of the planning and zoning commission to review all preliminary plats as deemed necessary.
  - (6) Ensure that construction drawings and cost estimate of improvements are completed and forwarded to the county engineer for review.
  - (7) Review the final plat for completeness and see that a security instrument is filed with the county treasurer before final approval for recording.
  - (8) Approve final plats on behalf of the county board.

(Compiled Ords. 2013, § 19-7.3)

**Sec. 39-328. Sketch plan review committee.**

- (a) *Sketch plan review committee created.* There is hereby created a sketch plan review committee which shall be comprised of the plat officer, the administrator, the administrator of the health department, the county engineer and the district conservationist. The sketch plan review committee may also call on any county or municipal department to aid in its work.
- (b) *Sketch plan review committee duties.* The sketch plan review committee will meet as necessary to review any sketch plans submitted by developers prior to their submission of preliminary subdivision plats. The committee will examine such sketch plans and will make suggestions to the developer so that a preliminary plat may be drawn up.

(Compiled Ords. 2013, § 19-7.4)

**Secs. 39-329—39-359. Reserved.**

**ARTICLE VIII. DEFINITIONS AND RULES OF INTERPRETATION**

**Sec. 39-360. Rules.**

For the purpose of these regulations, certain terms or words are used in a limited or special sense, as defined in this chapter.

(Compiled Ords. 2013, § 19-8.1)

**Sec. 39-361. Zoning district boundary lines.**

- (a) *Generally.* District boundary lines on the zoning map follow lot lines and the centerlines and limit lines of roads, as they existed at the time these regulations were enacted. However, a district boundary line that does not clearly coincide with a lot line is determined by scaling.
- (b) *Division of a lot by a boundary line.*
  - (1) Where a district boundary line divides a lot which was in single ownership and of record when these regulations were enacted, the district regulations applying to the less restricted portion of the lot extends to the entire lot.
  - (2) Where the more restricted portion of a lot is more than 50 feet beyond the dividing district boundary line, the less restricted use is limited to the portion of the lot lying within 50 feet of the boundary line.

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- (c) *Exact location of boundary lines.* Questions about the exact location of district boundary lines are determined by the planning and zoning commission according to rules and regulations adopted by the county board.

(Compiled Ords. 2013, § 19-8.3)

**Secs. 39-362—39-380. Reserved.**

## ***ARTICLE IX. SUBMITTAL REQUIREMENTS***

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**Sec. 39-381. Generally.**

- (a) This chapter establishes the information that must accompany applications required by this chapter. Applications are not considered complete unless the information required in this article is provided.
- (b) The table below indicates the information required for any rezoning, text amendment, special use permit, zoning certificate, preliminary plat, final plat, or mini-subdivision preliminary plat:

✓ = required • = if requested by administrator A number indicates the number of printed copies required		Rezoning	Text Amendment	Special Use Permit	Variance	Appeal	Zoning Certificate	Temporary Use Permit	Sketch Plan	Preliminary Plat	Final Plat
	<b>General</b>										
1	Number of copies (administrator may waive if digital submittal provides adequate information).	3		3	3	3				12	
2	Reproducible (black line or blue line) prints, prepared by a registered land surveyor. (* reduced to 6 for mini-subdivisions).									12 *	1
3	Record drawings.										4
4	Construction drawings.									2	
5	Plot plans drawn to approximate scale in ink or blue print.						2				
6	The name and post office address of the applicant. If the applicant is a corporation, partnership or other association of individuals, the names and post office addresses of any affiliate of the applicant.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
7	The names and addresses of the owners of record, the subdivider, and the registered surveyor who prepared the application.									✓	✓
8	If the applicant will not operate the use, the names and post office addresses of the individual or organization who or which will be the operator. If the operator will be a corporation, partnership or other association of individuals, include the required information for any affiliate of the operator.	✓	✓	✓	✓	✓	✓	✓			

9	The names of any other persons having a proprietary interest in the property.			✓							
10	The proposed name of the subdivision (not to duplicate or closely approximate the name of any other subdivision in the county). Include the name or number of the largest subdivision or tract of which the tract being subdivided forms a part.									✓	✓
11	North-point, scale and date.									✓	✓
12	Notation stating "preliminary plat; not for record."									✓	
13	Any other information required by the administrator or decision maker needed to determine whether the application complies with the applicable requirements of this chapter.			✓			✓				
14	All certificates, required by law, including certificate of title showing ownership of the tract of land included in the subdivision, a certificate of acceptance from the county engineer, a certificate of approval from the health department regarding well and septic provisions, and a certificate showing that all taxes have been paid.										✓
	<b>Legal</b>										
15	An accurate legal description of the property, including reference to the section, township and range;									✓	✓

	section lines and corners; and quarter-section lines.										
16	Covenants or restrictions pertaining to the application. For private restrictions, if any, show (1) boundaries of each type of use restrictions; and (2) other private restrictions for each restricted section of the subdivision.									✓	4
17	All plat boundary lines with lengths of courses to hundredths of a foot and bearings or angles based on an accurate survey in the field;										✓
18	Bearings and distances to nearest established street or road bounds, other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them.										✓
19	The accurate location of all permanent reference monuments.										✓
20	Certification by the registered land surveyor who prepared the plat to the effect that the plat represents a survey made by him, that all monuments indicated actually exist and that their location, size, and material are correctly shown.										✓

21	The lengths of all arcs; radii, points of curvature and tangent bearings or angles.										✓
22	All easements or rights-of-way, when provided for or owned by public services (with the limitation of easement rights definitely stated on the plat).										✓
23	All lot lines with dimensions in feet and hundredths, and bearings or angles if other than right-angles to the street and alley lines.										✓
<b>Permitting</b>											
24	Whether any permit or license from any federal, state or local government agency or any other governmental unit is required for the use. If so, the applicant shall submit with the application a copy of the other permit or license.			✓							
25	Whether any applications of the same category have previously been granted or denied by the county to the applicant or any affiliate of the applicant, and if so, the date on which those permits were granted or denied.	✓		✓	✓						
<b>Site information including:</b>											
26	Vicinity sketch at a scale of no more than 2,500 feet to the inch showing all adjacent existing subdivisions and their names, the tract lines of acreage parcels of land with the names of record owners of those parcels, and all street and alley lines									✓	



	immediately adjoining the proposed subdivision and between it and the nearest existing highways or thoroughfares.										
27	A site plan showing the use, height and location of any building or other structures located on or which the applicant proposes to locate on the property.			✓			✓				
28	Contours, with intervals of two feet referenced to United States Geological North American Mean Sea Level Elevation Datum, where possible. If a subdivision of less than five lots, and is adequately served by an existing road, the plat officer may exempt the subdivider from total compliance with this requirement. Contours may not be required on the total acreage, but will be required on road rights-of-way and spot elevations may be required on high and low spots on the site. For a mini-subdivision, contours need only be shown for drainage ditches along existing roads and where there are marked differences of topography on the lots and spot elevations may suffice in showing topographic changes where possible.									✓	
29	The layout, and approximate dimensions of proposed lots.									✓	

30	The names of adjoining subdivisions and the names of record owners of adjoining parcels of unplatted land.									✓	✓
31	The actual shape and dimensions of the lot to be built upon.			✓			✓				
32	Wetlands, woodlands or native prairie based on geographic information system (GIS) data provided by the county.										✓
33	Lots numbered in consecutive order. Blocks may be numbered.										✓
34	The boundary lines, accurate in scale, of the tract to be subdivided.								✓		
35	Proposed front yard setback or other setback lines.								✓		
36	Front yard setback lines.										✓
37	The location, widths and names of all existing or platted streets or other public ways and easements within or immediately adjacent to the tract, corporation lines, section and quarter-section lines, and other important features such as existing permanent buildings, watercourses, railroad lines, etc.								✓		
38	The number of off-street parking spaces the applicant proposes.			✓							
39	Soils overlay map, where required by section 39-385.								✓		
40	Building information including:										
41	Wetlands, woodlands or native prairie based on geographic information systems (GIS) data provided by the county.								✓		

42	The exact location, size and height of the building or structure to be erected or altered.						✓				
43	The existing and intended use of each building or part.						✓				
	<b>Infrastructure/public facilities</b>										
44	Construction plans (see section 39-383).								2		
45	Certification by the subdivider's engineer that the required improvements have been installed according to the plans and specifications accepted by the plat officer.								✓		
46	The exact locations and the widths along the property lines of all existing or recorded streets or roads intersecting or paralleling the boundaries of the tract.										✓
47	Street and alley lines to be recorded, including their names, bearing, angles of intersection and widths (including widths along the line of any obliquely-intersecting street).										✓
48	Lines of future streets or roads as shown on the adopted transportation plan.										✓
49	Sanitation plan (see contents in section 39-388).								✓		
50	Existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades indicated.								✓		

51	The source of water supply for the proposed use.			✓							
52	The type of sanitary facilities available or which will be provided.			✓							
53	Depict the sewage absorption areas (see section 39-84) on each lot as reserved areas either by shading or a dashed line. The final plat's legend (key) shall define these as reserved sewage absorption areas and state that heavy equipment traffic and/or the placement of fill over these reserved absorption areas is prohibited.										✓
54	The layout, proposed names and widths of proposed streets, alleys, and easements.								✓		
55	The location and approximate sizes of proposed catch basins, culverts, and other drainage structures.								✓		
56	The width and approximate dimensions of all parcels of land intended to be dedicated or reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, conditions, or limitations of such dedication or reservation indicated.								✓		
57	The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the										✓

	property owners in the subdivision, with the purpose indicated.										
58	Stormwater management plan (basic or advanced drainage plan) consistent with chapter 16, article II and approved by the county engineer prior to submitting the preliminary plat to the plat officer. The plat officer may waive the contents for a mini-subdivision.									✓	
	<b>Operations</b>										
59	The hours during which the applicant proposes to operate the use.			✓							
60	The number of persons the applicant or the operator will employ.			✓							
61	The number and type of vehicles which will be used in connection with the use.			✓							
62	Whether any flammable or explosive materials will be used or stored on the property.			✓							
63	Proposed number of families or housekeeping units.			✓	✓		✓				
	<b>Floodplain information</b>										
64	Location of any flood hazard area on the site.									✓	
65	Floodplain designation (see section 39-385).										✓

(Compiled Ords. 2013, § 19-10.1; Ord. No. 4, 8-19-2014)

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**Sec. 39-382. Fees.**

- (a) All applications shall include a fee in the amount set by the county board toward the cost of processing the application.
- (b) If the application is withdrawn prior to publication of any required legal notice, the fee will be returned upon written request of the applicant.

(Compiled Ords. 2013, § 19-10.2)

**Sec. 39-383. Construction plans.**

- (a) At the preliminary plat stage, the applicant's engineer shall prepare tentative plans for all proposed improvements in a form that enables the plat officer to determine that sewers, water and streets will comply with article III of this chapter.
- (b) Construction plans for improvements to be installed shall be prepared by a registered professional engineer, whose seal shall appear on the plans.
- (c) The applicant shall provide two prints.
- (d) Plans shall be revised as necessary and receive approval of the county engineer and other agencies having jurisdiction before improvements are installed.
- (e) Construction plans shall include the following information:
  - (1) Plan and profile of each street, referenced to United States Geological Survey datum, where possible, at a horizontal scale of 20 feet or less to the inch, and a vertical scale of five feet or less to the inch, with tentative grades indicated.
  - (2) Plans and profiles of proposed sanitary sewers, with grades and sizes indicated.
  - (3) Plans and profiles of stormwater sewers (if required), with grades and sizes indicated.
  - (4) Typical cross-section of each proposed street, at a horizontal and vertical scale of five feet or less to the inch, showing the width of pavement, the location and width of any sidewalks and the location of utility mains.
  - (5) Complete grading plan.
  - (6) Plan of the proposed water distribution system, showing pipe sizes and location of valves and fire hydrants.

(Compiled Ords. 2013, § 19-10.3)

**Sec. 39-384. Final plat.**

The final plat shall be drawn on a sheet size not exceeding 22 inches by 33 inches at the scale of 100 feet or less to the inch.

(Compiled Ords. 2013, § 19-10.4)

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### **Sec. 39-385. Floodplain designation.**

- (a) All final plats will show the Federal Emergency Management Agency's one percent (aka 100-year) and 0.2 percent (aka 500-year) floodplain limits found in the subdivision.
- (b) Flood limits data will be taken from the 2011 flood insurance rate maps for the county.

(Compiled Ords. 2013, § 19-10.5; Ord. No. 2 , 3-21-2018)

### **Sec. 39-386. Special use permit.**

- (a) If the planning and zoning commission determines that information is required in addition to the information which the applicant has furnished with his application, it may request additional information from the applicant and any other public or private agency, organization or individual.
- (b) Any information received from any source other than the applicant shall, at the request of the applicant, be made available to the applicant prior to or at the public hearing on the application.

(Compiled Ords. 2013, § 19-10.6)

### **Sec. 39-387. Preliminary plat.**

- (a) *Scale.* The horizontal scale of the preliminary plat shall be 100 feet or less to the inch.
- (b) *Public utilities.* All public utilities shall be supplied with copies of the preliminary plat by the developers.
- (c) *Soils overlay map.*
  - (1) This subsection applies to lots within a proposed subdivision that:
    - a. Do not have access to public sewage disposal facilities;
    - b. Are less than 40,000 square feet in size; and
    - c. Are located in critical soils.
  - (2) The health department may require a soil overlay map.
  - (3) If a soil overlay map is required, it will:
    - a. Use the county soil survey for its base;
    - b. Have a sufficient number of soil borings of at least five feet deep; and
    - c. Be prepared and certified by either an individual with an undergraduate degree in soil science or by a state registered professional engineer.
  - (4) The number of borings required will be determined by the health department administrator and the developer or his engineer/surveyor. If an agreement as to the number of borings required cannot be reached, the final determination will be made by the planning and zoning commission.

(Compiled Ords. 2013, § 19-10.7; Ord. No. 2 , 3-21-2018)

### **Sec. 39-388. Sanitation plans.**

- (a) *Applicability.*

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- (1) A sanitation plan is required for a preliminary plat if it has not already been prepared at the sketch plan phase.
  - (2) For a mini-subdivision, a sanitation plan is required only if requested by the county health department.
- (b) *Contents.*
- (1) The sanitation plan will be prepared on a separate drawing sheet from the preliminary plat and will include the information required by section 39-79.
  - (2) For a mini-subdivision, the plan will be prepared in accordance with section 39-79, or as modified by the administrator of environmental health.

(Compiled Ords. 2013, § 19-10.8)

### **Sec. 39-389. Wind energy conversion system (WECS) siting approval application.**

A WECS siting approval application required by section 39-267 shall include the following information:

- (1) A WECS project summary, including, to the extent available:
  - a. A general description of the project, including its approximate name plate generating capacity;
  - b. The potential equipment manufacturers, types of WECS, number of WECS, and name plate generating capacity of each WECS;
  - c. The maximum height of the WECS towers and maximum diameter of the WECS rotors;
  - d. The general location of the project; and
  - e. A description of the applicant, owner and operator, including their respective business structures;
- (2) The names, address, and phone numbers of the applicants, owner and operator, and all property owners, if known;
- (3) A site plan for the installation of WECS showing the planned location of each WECS tower, guy lines and anchor bases (if any), primary structures, property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, substations, electrical cabling from the WECS tower to the substations, ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback;
- (4) All required studies, reports, certifications, and approvals demonstrating compliance with this chapter; and
- (5) Any other information normally required by the county zoning regulations.

(Compiled Ords. 2013, § 19-10.9)

### **Sec. 39-390. Certificates and forms.**

Forms associated with this chapter are on file in the office of the county administrator.